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Present:

Chairman: Mr. MALIK (Lebanon)

Members:

Australia	Mr. WHITLAM
Chile	Mr. SANTA CRUZ
China	Mr. YU
Denmark	Mr. SØRENSEN
Egypt	AZKI Bey
France	Mr. CASSIN
Greece	Mr. EUSTATHIADES
Guatemala	Mr. DUPONT-WILLENIN
India	Mrs. KENTA
Pakistan	Mr. WAHEED
Sweden	Mrs. RÖSSEL
Ukrainian Soviet Socialist Republic	Mr. KOVALENKO
Union of Soviet Socialist Republics	Mr. MOROSOV
United Kingdom of Great Britain and Northern Ireland	Miss BOWIE
United States of America	Mrs. ROOSEVELT
Uruguay	Mr. CIASULLO
Yugoslavia	Mr. JEVREMOVIĆ

Representatives of specialized agencies:

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

Representing the High Commissioner  
for Refugees:

Mrs. SIMS

Representatives of non-governmental organisations:

Category A

International Confederation of Free  
Trade Unions

Miss SENDER

Category B and Register

Caritas Internationalis

Mr. PETERKIN

Catholic International Union for  
Social Service

Miss de ROMER  
Mrs. SCHRADER

Commission of the Churches on International  
Affairs

Mr. NOLDE

Consultative Council of Jewish  
Organizations

Mr. MOSKOWITZ

Co-ordinating Board of Jewish  
Organizations

Mr. WARBURG

International Federation of Business  
and Professional Women

Miss TOMLINSON

International Federation of University  
Women

Miss 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

World Jewish Congress

Mr. BIENEFELD

Secretariat:

Mr. Humphrey

Representing the Secretary-General

Mr. Das

Secretary to the Commission

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION  
(item 3 of the agenda):

- (b) Inclusion in the Covenant of provisions concerning economic, social and cultural rights

General Clause relating to Limitations (E/CN.4/610/Add.2) (continued)

The CHAIRMAN invited the Commission to resume its consideration of the question of the inclusion in the Covenant of a general limitation clause relating to economic, social and cultural rights. He recalled the amendment, proposed by the Uruguayan representative at the previous meeting, to the latter part of the United States proposal contained in document E/CN.4/610/Add.2.

Speaking as representative of Lebanon, he agreed that some shortening of the last three lines of that proposal would be desirable, and proposed their replacement by the following clause:

"and solely for the purpose of promoting the general welfare in a democratic society."

Mr. DUPONT-WILLEMIN (Guatemala) gathered from the summary records of the discussion in the Third Committee of the General Assembly on the adoption of Article 29 (2) of the Universal Declaration, that only one member, the New Zealand representative, had objected to the insertion of a reference to "public order". On the other hand, that concept had provoked criticisms from several delegations at the plenary meetings of the General Assembly; subsequently, those criticisms had been dealt with in a Secretariat document (E/CN.4/528), which drew attention to the vagueness of the expression.

His delegation also thought the expression vague, and fully supported the Chairman's suggestion.

Mr. CASSIN (France) said that at first sight it might well be asked why economic, social and cultural rights should be subject to a general limitation clause and not simply to the limitations arising under the law itself, which provided for the corresponding benefits or advantages. But careful consideration led to the conclusion that the text proposed by the United States delegation, without the amendment proposed by the Uruguayan delegation, was, subject to drafting amendments, the best solution for the Commission. It followed the lines of the text of Article 29(2) of the Universal Declaration, which could not easily

be improved on. Of the economic, social and cultural rights already defined by the Commission at the present session, there were some which constituted freedoms and privileges which in practice might cause inconvenience to others if no limitations were placed on them.

For example, in connexion with the right to work, a dispute might arise between two persons claiming to be entitled to the same job. In such circumstances, the judge would have to settle the issue on the basis of "respect for the rights ..... of others". In the same way, in the case of the freedom to form and to join trade unions, if that expression were interpreted in the widest possible sense, it might, if the occasion arose, entail sanctioning tyrannical regulations which professional bodies such as accountants and dentists associations and the like might think fit to impose on their members. In France, the Council of State had on three occasions quashed regulations of that kind. Again, the inclusion of indigent persons not entitled to social security benefits in the lists of those entitled to free medical treatment must be subject to supervision, to prevent misrepresentations.

Hence, if respect for the rights of others, for morality and for public order in a democratic society was to be safeguarded, man must be protected from the tyranny of man, as well as from the tyranny of the State.

His delegation would vote for the United States proposal, on the understanding that its vote would not prejudice the point at which that text would be placed in the draft Covenant or its field of application, and that the words "democratic society" which had been felicitously included in it, would not be deleted, as had erroneously been done in the case of the first eighteen articles of the Covenant.

Mr. JEVRELOVIC (Yugoslavia) shared the doubts expressed by the Indian representative at the previous meeting whether a general limitation clause should be included in the part of the Covenant dealing with economic, social and cultural rights. In his view, article 16 of the draft Covenant already provided adequate limitation of trade union rights. Nor could he see any reason for restricting the other rights in respect of which the Commission had already adopted texts. Again, the question of the relationship between the individual's enjoyment of rights and the State's right to limit them was already adequately taken care of by article 16 of the draft Covenant. Consequently, he would oppose the insertion in the draft Covenant of a limitation clause relating specifically to economic, social and

cultural rights, and would formally propose that the debate on the subject be adjourned, and resumed when article 18 of the draft Covenant came up for discussion.

The CHAIRMAN said that under rule 45 of the rules of procedure one representative could speak in favour of, and one against, the Yugoslav motion.

Mr. SANTA CRUZ (Chile), supporting the Yugoslav proposal, saw no point in drafting a limitation clause specifically applicable to economic, social and cultural rights, when article 16 of the draft Covenant already laid down restrictive provisions concerning the right of association.

In his view, the Commission should study the question of possible limitations for each of the rights enunciated in the draft Covenant. For some of those rights could not be limited in any way.

Mrs. ROOSEVELT (United States of America) opposed the motion for the adjournment. She had on several occasions drawn attention to the need for a limitation clause in respect of certain of the specific articles on economic, social and cultural rights recently approved by the Commission. She believed that the best and most orderly course would be to deal with all those limitations in a single general, comprehensive article.

The CHAIRMAN put to the vote the Yugoslav motion that the debate on the general clause relating to limitations be adjourned.

The Yugoslav motion was rejected by 8 votes to 6 with 3 abstentions.

Mr. WHITLAM (Australia) said that one reason why he had opposed the motion for the adjournment was that he felt that the moment was opportune for a full consideration of basic limitations relating to economic, social and cultural rights. The position in connexion with those rights was different from that obtaining under the first eighteen articles of the draft Covenant, in that the important and hampering consideration of national security was absent. In his view, the United States proposal expressed accurately what members of the Commission had in mind. It was taken almost entirely from the Universal Declaration of Human Rights, which itself reflected a general consensus of agreement on the subject.

While it was true that limitative provisions concerning economic, social and cultural rights were not entirely unrelated to similar provisions relating to the first part of the draft Covenant, it was necessary to bear in mind that in the first eighteen articles the important consideration was the freedom of the individual in relation to the State, whereas in the section on economic, social and cultural rights the emphasis had changed, the prime consideration having become the question of making the necessary adjustments in the mutual relationships of organizations within the structure of a democratic society. The question of trade union rights was a case in point, and the French representative had given some indication of the sort of limitations that should be kept in mind.

He sympathized with the Uruguay and Lebanese representatives' approach to the matter, but, since he felt that the Commission was concerned with what limitations consistent with individual freedom should be imposed upon the freedom of organizations, regarded the United States text as appropriate.

The CHAIRMAN reminded the Commission of the terms of paragraphs 4 (1) and 4(ii) in Section B of General Assembly resolution 421 (V), and especially emphasized the General Assembly's request that the Economic and Social Council should take into consideration the view expressed during the discussion on the draft Covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council, namely, that it was desirable to define the rights set forth in the Covenant and the limitations thereto with the greatest possible precision. That request was the result of a prolonged and intensive debate in the General Assembly on the meaning to be placed on such words as "public order".

Mr. MOROSOV (Union of Soviet Socialist Republics) considered that the terms of the General Assembly resolution to which the Chairman had referred did not justify insistence on the inclusion of the United States proposal in the draft Covenant. It was clear that that resolution did not oblige the Commission to include any such article in the Covenant. The Commission's only duty was to thrash out the issue.

He agreed with those delegations which had pointed out that the limitations contained in the first eighteen articles of the draft Covenant were adequate to cover economic, social and cultural rights; general limitations were provided for in article 2, and specific limitations in article 16. Having said that, he none the less reserved his right to make more detailed comments at a later stage on article 16, which he did not find entirely satisfactory.

The United States and French representatives obviously based their arguments on the trade union aspect of the matter. But there again, article 16 of the draft Covenant provided an adequate weapon for dealing with abnormal cases; no other provision was necessary. In justification of its proposal, the United States delegation had argued the necessity of limiting trade union rights - an argument often repeated, and as frequently challenged by his own delegation. The United States representative had also stressed the possible need for limiting certain social security rights, but her case had been so laboriously argued in that respect that its weakness was self-evident. She had asserted that unless such a limitative clause was adopted it would be possible for a State to develop its social security system to the point where unemployment would be encouraged. Now, he asked, in the light of the article on social security adopted by the Commission could such a view be maintained? The fact was that it was impossible to prove that limitative clauses were needed in respect of the right to health, of the right to education or of any other of the economic, social and cultural rights to be included in the Covenant.

One aspect of the matter had not been sufficiently stressed by those who had opposed the United States proposal. That proposal was aimed at the limitation of trade union rights alone. Thus its intention was obviously to weaken the status of the trade unions.

Again, it was true that the United States proposal was based on the Universal Declaration of Human Rights, but it would be noted that while it reproduced in an amended form paragraph 2 of article 16 of the draft Covenant, no mention whatsoever was made of the reservation in paragraph 3 of that same article restricting the



extent of the limitations that could be imposed. He was not defending the text of article 16, but merely referring to it in order to show that the United States delegation was seeking to impose unrestricted limitations on economic, social and cultural rights. Adoption of the United States proposal would have the effect of weakening the already unsatisfactory article 16, and would be tantamount to an admission that economic, social and cultural rights were secondary, and not fundamental, rights.

Acceptance of the United States proposal would nullify the three weeks' work that the Commission had already put in on economic, social and cultural rights. Unsatisfactory as the results of that work had been, his delegation could not condone such an onslaught on them.

Mr. CIASULLO (Uruguay) said that, like the Chilean representative, he would prefer a single Covenant which was not sub-divided into parts, and which contained one general clause prescribing the required limitations for all categories of rights. However, since many delegations had explicitly requested, if not that the two main categories of rights should be entirely divorced and dealt with in two separate Covenants, then at least that economic, social and cultural rights should be dealt with in a different part of the Convention from the others, his delegation would support the United States proposal as a compromise solution, because its primary aim was to secure the accession of the majority of the States Members of the United Nations to the draft Covenant. Moreover, the United States proposal was reasonable, and did not in fact make economic, social and cultural rights subject to the drastic restrictions to which the Soviet Union representative had referred, because those limitations were themselves subject to three conditions. First, they must be compatible with a "democratic society", that was to say, with a society based on respect for the rights and freedoms of others; secondly, they must be "determined by law"; and thirdly, they must meet the just requirements of "morality, public order and the general welfare".

The Soviet Union delegation need therefore have no misgivings about such a text, or consider that it nullified the economic, social and cultural rights already defined by the Commission, but should, on the contrary, realize the difficulties confronting many delegations and the tremendous efforts they were making to overcome them.

It was therefore in an endeavour to be realistic, and in a spirit of compromise that his delegation was supporting the United States proposal, which could, after all, be amended. His delegation would, of course, prefer the solution of a single preamble to all the parts of the draft Covenant, if that commanded the support of a majority of the Commission.

Mr. EUSTATHIADES (Greece) wished to offer some observations of a legal nature. Since an attempt was being made to harmonize the texts adopted in respect of economic, social and cultural rights with those relating to civil, civic and political rights already included in the draft Covenant, it would be useful to consider what had been done in the case of the latter. The draft Covenant contained two general provisions relating to them, articles 2 and 18, which certain representatives felt should be made to apply to economic, social and cultural rights also. In addition to those general provisions, there were limitations to the restrictive clauses in articles 10, 13, 14 and 15 of the draft Covenant, in respect of certain specific rights, and also in article 16, relating to the right of association and the right to organize. Thus the part of the draft Covenant already formulated did not consist solely of general clauses; explicit limitations on the exercise of certain rights had also been included where necessary.

In studying the provisions contained in the various articles, he had noticed that article 2 made provision for the "case of a state of emergency officially proclaimed by authorities or ... the case of public disaster". Article 18, paragraph 1, subjected the exercise of the rights recognized in the Covenant to only one of the limitations set forth in the United States proposal, a limitation which might be called the recognition of and respect for the rights and freedoms

of others. Nor did article 18, paragraph 2, include all the limitations contained in the United States proposal. Article 16, paragraph 2, relating to the right to organise, embodied an economic and social right. It restricted the exercise of that right, among other things, for reasons of national security, to which there was no reference in the United States proposal. The Commission should therefore study to what extent the recently adopted provisions recognizing trade union rights should be combined with article 16 of the draft Covenant.

Articles 13, 14, 15 and 16 dealt with individual civil and civic rights. Among the reasons prescribed as justifying restrictions of these rights, there was again, among others, that of national security.

None of the articles referred to "democratic society", whereas the United States proposal did, thus setting a limit to the restrictions which could be placed on human rights and so providing an essential guarantee.

Furthermore, the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 11 November 1950 by States members of the Council of Europe (E/CN.4/554), retained the concept both of "national security" and of "democratic society" (articles 8, 9, 10 and 11).

Although, in the United States proposal, which, he would add, was in conformity with the Universal Declaration, the limits placed on the restriction of economic, social and cultural rights seemed somewhat broad, because of a certain vagueness in the phraseology used, they were supposed to apply in a democratic society, which was an important guarantee. His delegation would therefore vote for the United States proposal, the text of which - although intended to be applied somewhat infrequently in respect of economic and social rights - might give psychological satisfaction to States and thus facilitate the ratification of the Covenant, an aim which the Commission should keep in view at all costs.

He reserved the right to request at a later stage the inclusion of a clause similar to that in article 15 of the Rome Convention, containing a limitation referring to times of war or "public emergency threatening the life of the nation".

Mr. SANTA CILIZ (Chile) saw three objections to the United States proposal.

In the first place, as the Chairman had already pointed out, the General Assembly, in its resolution 421 (V), had recommended that the limitations to the rights set forth in the Covenant should be defined "with the greatest possible precision". The text submitted by the United States delegation was anything but precise.

Secondly, while it might be true, as the Uruguayan representative had argued, that the majority of the members of the Commission favoured the inclusion of economic, social and cultural rights in a separate part of the Covenant, it was nevertheless clear that the General Assembly had instructed the Commission to draw up a single instrument. Its instructions called, for example, for "the addition in the draft Covenant of other [economic, social and cultural] rights" (section B, paragraph 4(i)) "in a manner which relates them to the civic and political freedoms proclaimed by the draft Covenant" (Section E, paragraph 7 (b)). The United States representative had argued the need for a general limitation clause applicable to economic, social and cultural rights, as in the case of civil and political rights; but that thesis was based on the desire to draw up two separate instruments, and took no account of the instructions given by the General Assembly, for it had been adopted before those instructions had been formulated.

Thirdly, such a general clause, relating to all economic, social and cultural rights, would incidentally cover rights which should not be subject to any limitations at all. The Greek representative had quite rightly pointed out that the limitations which it was proposed to impose on the exercise of economic, social and cultural rights went much further than those envisaged in article 18 of the draft Covenant in respect of civil and political rights.

The Commission had not seen fit to impose any extensive restriction on political rights; yet now it was proposing more drastic restrictions on economic, social and cultural rights, as if article 18 had been drafted with political and civil rights only in view.

He would ask the United States representative which of the economic, social and cultural rights she considered as requiring more rigorous limitation than

that prescribed in article 18. The only example mentioned so far was that of the right to organize, for which in any case the draft Covenant already stipulated limitations (article 16).

The text proposed by the United States delegation was justified in the Universal Declaration from which it was taken, since the Declaration did not impose any legal obligation on States. But in a Covenant, unless the limitations themselves were rigorously circumscribed, the obligations of States would evaporate.

The amendments proposed by the Uruguayan and Lebanese delegations failed to make the United States proposal any more precise. They would not prevent a State from delaying implementation of such rights as those to education, health and social security in order to concentrate all its resources on economic development, thus sacrificing the interests of the present generation to those of the next. His delegation felt that it should not be made possible for States to put off the implementation of some fundamental rights for such motives.

For those various reasons, his delegation considered that the problem of restrictions, and limits to their scope, should be closely studied in connexion with each of the rights proclaimed in the Covenant. It would therefore vote against the United States proposal, which it would none the less propose should be improved by the insertion of the words "only so far as is compatible with the nature of such rights," after the words "determined by law".

The CHAIRMAN said that a number of representatives had referred to the fact that the majority of the Commission was in favour of drafting the articles on economic, social and cultural rights as a separate instrument with a separate preamble within the draft Covenant as a whole. He would point out that no decision had yet been taken on that point, which would affect the order in which the articles would finally be arranged. The Commission had indeed agreed that that question should be considered only after the work on the substantive articles had been concluded. It was consequently premature to speak either of a decision by the Commission in that sense, or even of an inclination manifested by representatives in the course of discussion. The inter-relationship of the articles within the Covenant had not been dealt with at all. When the time came

to do so, The Commission would have to examine very closely the decisions taken at the eleventh and twelfth sessions of the Economic and Social Council and at the fifth session of the General Assembly. As he had informed the United Kingdom representative, it would be in order for the Commission, while conforming to the wishes of the higher organs of the United Nations, to transmit to the latter any resolutions which it considered appropriate as an accompaniment to its report.

In the light of the foregoing statement, he would ask representatives to refrain from introducing into the discussion any irrelevant issues that might give rise to controversy. The Commission was engaged in drafting substantive texts. The question of the order of the articles might, of course, be prejudged as a result of and in the course of the Commission's work, but any judgments formed or opinions expressed at the present stage must be subject to review when the question itself came under discussion.

Mrs. ROOSEVELT (United States of America) said that her delegation had always acted on the assumption that economic, social and cultural rights would be included in the Covenant, and had supposed that kindred rights would be grouped together. The United States delegation was perfectly aware of the General Assembly's instructions, which had been transmitted to the Commission through the Economic and Social Council. Its proposal for the general clause, as well as that for an article covering limitations, had been submitted on the assumption that the several classes of rights would be grouped together.

In reply to the Chilean representative, she must state that, in her view, certain rights would have to be accompanied by a limitative clause. If, for instance, a government was setting up a social security system, it would have to consider whether certain limitations were required.

She would be prepared to accept the Lebanese amendment to her proposal, as well as the suggestion made in the memorandum by the Secretary-General on the general adequacy of the first eighteen articles of the draft Covenant, document E/CN.4/528, pages 60-62, that the words "prevention of disorder" be

substituted for the words "public order". Finally, she would also be able to accept the Chilean amendment, if it were submitted formally.

Miss BOWIE (United Kingdom) said that her delegation's position on limitations had been defined when the Commission had been engaged in drafting the first eighteen articles of the Covenant. The United Kingdom considered that those articles should be specifically drafted with the limitations included in the articles themselves.

As to the articles dealing with economic, social and cultural rights, her delegation had pointed out that those rights had certain technical aspects which came largely within the sphere of the specialized agencies, and that the Commission was consequently not qualified to undertake the task of drafting complete texts. In the United Kingdom delegation's view, the Commission's work must be confined to the general expression of the rights, the rest of the work being left to the appropriate specialized agencies. For those rights, therefore, a general limitation article would be appropriate.

She agreed with the Chairman's statement that no decision had yet been taken on the appropriate place for the inclusion of the articles relating to economic and social rights. But she would recall that the records of the proceedings of the Third Committee of the General Assembly showed that more than half the speakers there had favoured the inclusion of those rights in a separate protocol. She would vote for a limitation clause at the present time - for the reason that in the later stages it would be possible to delete the text or draft it afresh, and because governments should have an opportunity of seeing the Commission's work as a whole in order to be in a better position to pass judgment on it. The only article among the first eighteen which covered the same field as those the Commission had just drafted was article 16, which related to rights of association. Her delegation proposed, in due course, to

submit an amendment to that article making its application to trade union rights absolutely clear. In her view, nothing in the proposed limitation article should abrogate any part of article 16, and she would suggest that a statement to that effect be added to the United States proposal.

She would vote in favour of that proposal on the understanding that the United Kingdom Government would not be committed thereby, but reserved its final opinion.

Mr. KUVLENKO (Ukrainian Soviet Socialist Republic) considered that the proposed limitation article must be viewed in its relation to all the articles on economic, social and cultural rights, and judged in the light of the general position taken by the United States delegation.

The aim of the United States delegation was to achieve, if not the exclusion of those rights, then at least their relegation to a separate covenant.

Although it was true that paragraph 4(ii) in Section B of General Assembly resolution 421 (V) stated that it was desirable "to define the rights set forth in the Covenant and the limitations thereto with the greatest possible precision" that phrase was not equivalent to an instruction to draft an over-all limitation clause. One of the excuses that had been invoked was that certain limits must be prescribed for trade union rights. Such an attitude was not surprising, since it was the United States of America which had introduced the Taft-Hartley Act as a counter to the trade union movement. It would be preferable for the United States delegation to say openly that it aimed at imposing limitations on all the rights pertaining to education, health and an adequate standard of living, rather than manoeuvre covertly to achieve that purpose. His delegation considered that the United States proposal was unacceptable, and should not be included in the Covenant.



Mr. LAHIDI (Pakistan) considered that the United States proposal was more relevant to civil, civic and political rights than to economic, social and cultural rights. If limitations were considered necessary in order to ensure due respect for the observance of rights as well as to ensure the prevention of abuse, the appropriate safeguards should be mentioned within the articles themselves.

A general limitation clause would, in his delegation's opinion, tend to curtail the enjoyment of those rights, and would therefore militate against the major principle that human rights and human dignity should be allowed to develop freely in a democratic society. Inequalities in the application of economic, social and cultural rights lay at the root of all degradation and frustration. Limitation should therefore be conceived in terms of adjustment, not in those of curtailment.

Mr. CASILLI (France) felt that some representatives were devoting too much attention to the question whether the general limitation clause should be made the same for economic, social and cultural rights as for the others. That was a point which should be settled later. For its part, the French delegation was not opposed in principle to the inclusion of special limitative provisions for certain specific rights, where the need for doing so could be demonstrated.

The Commission had been very rightly reminded of the special nature of the right to organize. The limitations prescribed in article 16 of the draft Covenant, to which formal reference was made in the special article on trade unions, were sufficient in that case.

The other economic, social and cultural rights had nearly always taken the form of something conferred by the State; that something was limited by the law establishing the right, and in most cases by budgetary considerations. Since, however, recourse to legal proceedings was envisaged in the event of deprivation of enjoyment of those rights, limitations must be placed on their exercise. In the case, for example, of a dispute between two men about the right to fill the same post, the judge must be given power to settle the dispute: a right to work

not subject to such limitation would degenerate into the rule of force. Similarly, in the case of free medical services for the needy, misrepresentation could not be tolerated. Thus a general limitation clause must be provided to prevent such abuses, which might well prove numerous.

Some representatives had maintained that article 2 of the draft Covenant would suffice. But the limitations laid down in that article were of an exceptional character. To rely on them would be to encourage the State to take more and more precautionary measures against dangers which would rarely arise.

On the other hand, to state, as had been suggested, that limitations should be in conformity with "the general interest", would be to open the door to arbitrary action and to disregard the need for defending the individual's rights against possible infringements by others.

His delegation still supported the text of Article 29 (2) of the Universal Declaration of Human Rights, as reproduced in the United States proposal. However, provided the United States delegation agreed he would like the words "everyone shall be subject" to be substituted for the words "the State may subject such rights", so as to follow more closely the wording of the Universal Declaration.

Mr. HITLAI (Australia) said that the specific examples mentioned by the French representative could equally well be cited to illustrate the problems which would be encountered in Australia.

Since the United States representative had expressed her willingness to accept the suggestions made by the Lebanese and Uruguayan delegations, he would propose the deletion from her proposal of the words "morality, public order and", as well as the substitution of the word "interest" for the word "welfare". The closing phrase of the United States proposal would then read: "and of meeting the just requirements of the general interest in a democratic society". Such a formula would be acceptable to his delegation.

He supported the United Kingdom representative's suggestion that reference to article 16 of the Covenant be made in the general limitation article. In his

opinion, the Greek proposal would simply accentuate the difficulty which it was intended to obviate. Since, however, he was aware that it had been made with the best intentions, he would merely abstain from voting upon it.

Mrs. ROOSEVELT (United States of America) asked that all the amendments submitted to the proposal be put to the vote separately. There were so many of them that she could not accept all of them out of hand.

Mr. JÜRGENS (Denmark) could not refrain from voicing certain misgivings. The Commission's task was to draft a realistic covenant which would form a single whole.

It seemed to him that the Commission was now in danger of going back on its earlier decisions. At its fifth session it had, after lengthy discussion, thrown out a general limitation clause, proposed by the United States delegation, to Part II of the Covenant, and had included specific limitations in the articles themselves. At the present meeting a different method was being proposed for a different part of the Covenant. He, for his part, preferred the first procedure. Both article 2 and article 16 of the draft Covenant applied to certain very definite situations and cases. They could not, therefore, be considered as general limitation clauses, and their inclusion in the first part of the Covenant could not be adduced as an argument in favour of the adoption of the much wider United States proposal relating to the articles on economic, social and cultural rights.

If time allowed, he would have been inclined to suggest that the Commission should examine the articles it had adopted and decide which of them required a limitation clause. In view of the pressure of work, however, he would not make a formal proposal to that effect, but would ask that it be taken as an explanation of his abstention from voting on the United States proposal and all the amendments thereto.

The CHAIRMAN said that in his opening statement at the preceding meeting on the proposal submitted by the United States delegation (S/CN.4/610/Add.2) he

had asked whether that delegation had tested the limitation article against the substantive articles and estimated its restrictive effects. The same suggestion had been made by the Chilean representative, and had now been echoed by the Danish representative. Whatever the Commission's decision, he would urge the United States Delegation to make such a study and to give the Commission the benefit of the conclusions it thus reached.

Mr. JUSTIHLADIS (Greece) said that it was true that the United States proposal was wider in scope than article 18 of the draft Covenant, but on the other hand articles 13, 14 and 15 of the draft Covenant contained more restrictive limitations.

The amendment proposed by the Chilean representative had the disadvantage of introducing much wider possibilities of subjective judgments.

He agreed with the French representative that the United States proposal would be improved if it followed the wording of the Universal Declaration more closely.

His Delegation could not support the formula proposed by the Uruguayan representative, since it was more restrictive than the Universal Declaration. In order to avoid the difficulties of legal terminology arising out of the English and French terms for "public order", his delegation was, however, willing to accept another formula, such as "the prevention of disorder", as had been suggested by the Secretary-General.

It had been maintained in the discussion that since the Universal Declaration did not entail a legal undertaking it could include a limitation clause, whereas such a clause was not necessary in the Covenant, which would be binding on Governments. That argument might easily be reversed. But, in any event, it was of vital importance to retain the reference to a "democratic society" in the general clause, since in its absence the texts so far adopted might very well serve the ends of dictatorship.

Mr. JEVAŠOVIĆ (Yugoslavia) emphasized that in his delegation's view

all human rights, including economic, social and cultural rights, formed an indivisible whole. He was therefore led to put the following question. The principle of limitation expressed in Article 29 of the Universal Declaration covered all rights; why then should one group of rights be singled out and made subject to a special limitation clause? So far, he had heard no satisfactory answer to that question. Since Roman times the enjoyment of rights had been subject to a general juridical reservation concerning their misuse, a reservation which was equally applicable to all rights. But he was unable to understand why Article 29 of the Universal Declaration should be used for a special purpose in a special relationship to a certain group of rights, namely, the economic, social and cultural rights. He would vote against the United States proposal, not on the ground that it was unnecessary, but because it was impossible to segregate the various human rights into different categories.

The Charter of the United Nations and the Universal Declaration of Human Rights re-affirmed the fundamental human rights and prescribed the enjoyment thereof as a pre-requisite to peace. That was the sense in which the Commission should direct its labours.

Mr. YU (China) supported the United States proposal, since a general limitation article would dispense with the need of qualifying clauses in the substantive articles. Any duplication could be eliminated in the final revision of the texts. Re-adjustments would undoubtedly be necessary, as, for instance, in the case of the references to the principle of non-discrimination. He agreed that the provisions of the Universal Declaration of Human Rights should be included in the Covenant, although in a more concise form. He consequently supported the Lebanese amendment to the United States proposal, as it was the simplest.

The meeting rose at 1.15 p.m.