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OFFICIAL RECORDS



THIRTEENTH SESSION, 524th
MEETING
TUESDAY, 28 AUGUST 1951, at 3 p.m.
PALAIS DES NATIONS, GENEVA

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President: Mr. Hernán SANTA CRUZ (Chile).

Present: Representatives of the following countries:
Belgium, Canada, Chile, China, Czechoslovakia, France, India, Iran, Mexico, Pakistan, Peru, Philippines, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Representatives of the following specialized agencies:

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization.

Full employment (*concluded*)

1. The PRESIDENT drew the attention of the Council to the revised text (E/L.216/Rev.1) of the joint Pakistani and Philippines draft resolution incorporating the amendments of the United States delegation (E/L.226) to paragraphs 2, 3 and 6, and those of the Swedish, French and United Kingdom delegations (E/L.230) to paragraph 5, and the addendum moved by the authors of the draft resolution to paragraph 6. In accordance with the decision taken at the 521st meeting he would put that text to the vote.

The resolution was adopted by 14 votes to none, with 3 abstentions.

Report of the Commission on Human Rights (seventh session) E/1992 and Add.1, E/2044, E/2057 and Add.1 to 5, E/2059 and Add.1 to 8, E/2085) (*continued*)

2. The PRESIDENT invited the Council to resume the discussion on the draft resolutions (E/L.231 and E/L.233), relating to the report of the Commission on Human Rights.

3. In conformity with Article 69 of the Charter and with rule 74 of the Council's rules of procedure, he suggested that the observer representing the Egyptian Government, who had requested authorization to participate in the discussion, should be permitted to do so, but without the right to vote.

It was so agreed.

At the invitation of the President, Azmi Bey, representative of the Egyptian Government, took a seat at the Council table.

4. The PRESIDENT drew attention to the report (E/2064) of the Council Committee on Non-Governmental Organizations which recommended that a number of non-governmental organizations should be heard on item 18, should the Council or its committees consider the substance of those parts of the report of the Commission on Human Rights on which those organizations requested hearings. He pointed out that certain organizations felt that the discussion was touching on matters of substance and had therefore asked to be heard. It was, he added, for the Council to decide whether or not it wished at that stage of the discussion to hear the non-governmental organizations concerned.

5. Mr. LESAGE (Canada) observed that, while it was appropriate that certain non-governmental organizations should be heard when the Council was discussing the draft International Covenant on Human Rights as to substance, it seemed pointless to grant them hearings when the discussion was confined to a question of procedure. He therefore formally proposed that the non-governmental organizations should not be heard on the draft resolutions dealing with a procedural question, which were at present before the council.

6. Mr. CORLEY SMITH (United Kingdom) and Mr. QUADROS (Uruguay) supported the Canadian proposal.

7. Mr. KOTSCHNIG (United States of America) also supported it, on condition that the question could be reopened if the substance of the draft Covenant were discussed.

The Canadian representative's proposal was adopted by 14 votes to none, with 3 abstentions.

8. Mr. BERNSTEIN (Chile) said that, even if the Commission on Human Rights had had sufficient time to finish the task set by the General Assembly, the fact would remain, as the voting in the Commission had very plainly shown, that the members of the Council were divided on a certain number of important points. Since their positions were perfectly clear, no useful

purpose would be served by referring the draft Covenant back to the Commission on Human Rights. Moreover, the latter's agenda was already very heavy. The Chilean delegation was therefore unable to support the Czechoslovak draft resolution (E/L.231).

9. On the other hand, it would be useless to reopen in the Council a discussion on the draft Covenant especially as the Council had not time enough to deal with the substance of the problem at the present session. That did not mean that his delegation was completely satisfied with the draft Covenant in the form in which it had emerged from the Commission's discussions; indeed, it had a number of defects. Caution, however, was needed in that matter. The very idea of a covenant on human rights binding upon all the signatory States was quite revolutionary, and a problem of such importance would have to be considered outside the closed circle of the United Nations organs and governments, in the free atmosphere of public opinion.

10. Contrary to the view of certain delegations, he thought that free discussion in the General Assembly might have a beneficial effect on the Commission's subsequent work; furthermore, no one could prevent the General Assembly from putting the question back on its agenda and discussing it afresh.

11. His delegation was also unable to accept the draft resolution submitted by the delegations of Belgium, India, United Kingdom, United States and Uruguay (E/L.233); in the first place because in section B the draft resolution called for fresh consultation with governments, which had already had three opportunities of expressing their views on the covenant; secondly and mainly, because, by the terms of section C, discussion would be reopened on the question whether there should be one or more covenants, a question which had already been settled both by the Commission and by the General Assembly.

12. As the Mexican representative had already pointed out, the only feasible course would be to refer the whole problem to the General Assembly, and for that body to adopt whatever solution it considered best in the present international situation.

13. Mr. KOTSCHNIG (United States of America) said that his delegation realized that the inclusion in the Covenant of provisions defining economic, social and cultural rights reflected the aspirations and needs of many countries. However, even those countries most anxious to see such provisions embodied in the Covenant recognized that economic, social and cultural rights differed from civil and political rights in that the former were objectives to be attained rather than rights which could be upheld in a court of law.

14. In order to leave no doubt as to the position of the United States Government in the matter, he wished to make absolutely clear for the record his Government's understanding of the term "rights" as used in the economic, social and cultural provisions in part III of the draft Covenant in contrast to the use of the term "rights" in the provisions on civil and political rights in part II. The civil and political rights were of such a nature as to be given legal effect promptly by the adop-

tion of such legislative or other measures as might be necessary. The economic, social and cultural rights while spoken of as "rights" were, however, to be treated as objectives towards which States adhering to the Covenant would within their resources undertake to strive, by the creation of conditions which would be conducive to the exercise of private as well as public action, for their progressive achievement.

15. The United States delegation wished to reiterate in the Economic and Social Council, as the United States representative had repeatedly stated in the Commission on Human Rights, that understanding of the United States Government that the economic, social and cultural rights in the Covenant were recognized as objectives to be achieved progressively, as provided in article 19.

16. The adoption of such a position by his delegation did not reflect any lack of interest in the responsibility of the United Nations for formulating basic economic, social and cultural rights and taking appropriate steps to ensure the widest possible enjoyment of those rights by the largest number of people. Indeed, the United States, which could speak with pride of the wide application of those rights within its borders, was keenly interested in the problem of securing such rights to other peoples. He fully agreed with the Indian representative's statement that the technical assistance programme was one way of solving the problem of economic, social and cultural rights. The execution of that programme was a practical way of implementing those rights.

17. His delegation was, however, concerned about the difficulty of including in the same instrument both a formulation of political and civil rights as well as of economic, social and cultural rights. The United States representative in the Commission, together with other members of the Commission, had loyally and valiantly striven to follow the directives of the General Assembly, which had asked that both types of rights be included in the same covenant. The result of those efforts, however, had only demonstrated the difficulty of incorporating two such different types of rights in a single draft. The Indian representative had touched on the core of that problem when he had shown the difference between the implementation provisions contained in articles 33 to 59 and those contained in articles 60 to 69. While legislative history showed clearly that the latter set of articles, providing for reporting procedures, was meant to apply to the implementation of economic and social rights, the Commission in the end had not been able to reach any clear-cut decision as to whether both sets of implementation articles should apply to both types of "rights". It was that kind of confusion which made it desirable to embody the economic, social and cultural rights in a separate covenant or convention.

18. Hence, the best policy for the Council would be to submit the matter to the General Assembly for a thorough review, as recommended in section C of the joint draft resolution (E/L.233). It should be made clear that his delegation, in recommending that step and in proposing the possibility of two covenants, in no way intended to suggest that economic and social rights were unimportant or that the formulation of such rights in an international instrument should be delayed.

19. His delegation had no fundamental objection to the Czechoslovak draft resolution (E/L.231), but considered that it might entail undue delay and might not advance matters any further, unless the Commission were given new directives by the General Assembly.

20. The joint draft resolution, on the other hand, represented a logical sequence of steps, recommending, first, that the unfinished business of the Commission should be referred back to the Commission; secondly, that the work it accomplished at its seventh session be referred to the General Assembly; and thirdly that, in view of the difficulties which had arisen, the General Assembly be asked to reconsider the problem of the inclusion in one covenant of economic, social and cultural rights as well as of political and civil rights.

21. Mr. TSAO (China) said that, in his view, the provisions of the first eighteen articles as drafted by the Commission on Human Rights were, generally speaking, adequate. His delegation felt that any attempt to expand those articles would upset the balance of the draft Covenant. It was, however, quite ready to fall in with the majority view that such expansion was necessary.

22. It would, he believed, be preferable to include articles on political and civil rights in the same covenant with these on economic, social and cultural rights. The difficulties raised by certain delegations in that respect might be satisfied if the provisions concerning the two sets of rights were embodied in separate sections of the same covenant. There was room for improvement both in the wording and the balance of the Commission's draft. For example, it seemed improper to insert clauses concerning adequate housing and yet make no mention of the importance of adequate food and clothing.

23. His delegation agreed to a large extent with the scheme devised by the Commission for the implementation of the Covenant. It also supported the proposal that the Commission should prepare recommendations aimed at securing the maximum extension of the Covenant to the constituent units of federal States and at meeting the constitutional problems of those States.

24. His delegation doubted whether the insertion of another territorial application clause was in harmony with resolution 422 (V) of the General Assembly. His delegation felt there was a distinct difference between such a clause and a federal clause. He would remind the Council that the General Assembly had already taken a definite decision on the matter. That decision should not therefore be discussed again.

25. The Chinese delegation preferred the joint draft resolution to the Czechoslovak resolution for the reasons adduced by previous speakers. Furthermore, it was logical to transmit to the General Assembly the work accomplished by the Commission and to request the latter to carry on with the work it had not been able to complete.

26. When the Commission had discussed the Universal Declaration of Human Rights, it had been decided that it should be succeeded by a covenant on human rights which included provisions for its implementation. The Universal Declaration of Human Rights had been promulgated in 1948 and was one of the most satisfactory

achievements of the United Nations. The spirit which pervaded that declaration should inspire the Council's future work.

27. AZMI Bey (Egypt) speaking as a member of the Commission on Human Rights, said that, as it had been found impossible to extend its session, the Commission on Human Rights had been unable to finish its work, not only on the first eighteen articles of the draft Covenant, but also on other important items, examination of which had had to be deferred.

28. Emphasis had been laid in the Council on the distinction which the Commission itself had made, in connexion with measures of implementation, between economic, social and cultural rights and political rights. The Commission had, however, considered those two sets of rights on an equal footing. The differences between them appeared only when it came to their application. Political rights were to be applied automatically, and they were moreover already applied in the great majority of States. Economic, social and cultural rights, on the other hand, which the Commission was far from regarding as fictitious, were certainly recognized as rights, but their application required time, preparation and financial resources. It had therefore been necessary to prescribe different measures for their implementation.

29. The Commission's inability to complete its work had been due to lack of time and lack of adequate directives. If the Council decided to refer back the draft Covenant to the Commission, the General Assembly should in the meantime indicate its views, for they would be of very great value to the Commission. What the Commission needed was guidance and time. Should the Council decide that the Commission should hold a fresh session, its length must not be unduly restricted.

30. Mr. ZONOV (Union of Soviet Socialist Republics) observed that, of the three proposals concerning the procedure to be followed for dealing with the draft International Covenant on Human Rights, that put forward by the President and supported by the Philippines delegation was the most far-reaching. To suggest that the substance of the draft should be discussed during the present session was, however, impractical as there was insufficient time. His delegation preferred the Czechoslovak proposal to refer the matter back to the Commission on Human Rights.

31. If the General Assembly's resolutions were to be properly implemented, the Council would have to try to improve the first eighteen articles of the draft Covenant. That would entail considerable work, since both the drafting and the substance of those articles could be considerably improved. Again, the Commission had not considered either the question of a federal clause or that of a clause to stipulate that the Covenant should be applied both in metropolitan territories and in Non-Self-Governing Territories alike. It was true that the Commission had formulated provisions for economic, cultural and social rights, but they were not acceptable to all countries and, hence, required searching reconsideration. In other words, the Commission was far from having fulfilled the task entrusted to it by the General Assembly.

32. One of the problems which had engaged the Commission's attention was that which would arise in cases where certain provisions of the draft Covenant already appeared in the domestic legislation or the Constitutions of certain countries. Some delegations had considered it inexpedient to include such provisions in the Covenant. The Soviet Union delegation disagreed with that view, holding as it did that the existence of certain provisions in the Constitutions of States did not preclude additional mention of them in the draft Covenant.
33. The Commission, moreover, had refused to entertain a number of proposals submitted to it by the Soviet Union representative, proposals designed to ensure, *inter alia*, the inclusion in the draft Covenant of clauses providing for universal and democratic suffrage, the abolition of poll taxes and other electoral restrictions, the prevention of the abuse of the freedom of the Press for war propaganda, the prohibition of racial hatred and the promotion of the independence of Non-Self-Governing Territories and of the rights of minorities.
34. Nor had the Commission carried out the General Assembly's instructions requesting it to draft provisions for the application of economic, social and cultural rights. The articles which it had drafted on that subject merely repeated the language of the Universal Declaration of Human Rights. That, surely, was not enough. Governments had to bear certain responsibilities in that matter and, if the Covenant omitted to stipulate such responsibilities, it would be worthless.
35. The Commission had wasted considerable time debating the question whether it was bound by the General Assembly resolutions. In spite of the fact that it obviously was so bound, a number of delegations had questioned the General Assembly's decisions and involved the Commission in fruitless discussions on points of procedure. That explained partly why the Commission had had to admit that it had not found time to complete its task.
36. His delegation could not support the joint draft resolution, since it regarded it as futile to transmit part of the Commission's work to the General Assembly and part back to the Commission itself. Moreover, the separation of political and civil rights from economic, social and cultural rights was fundamentally unsound. In the modern world, the two sets of rights were indivisibly linked. For example, it was impossible to separate the right of suffrage from the right to work. To postpone consideration of economic, social and cultural rights until provision had been made for political and civil rights would be a retrograde step. The Covenant should, on the contrary, include universal provisions which could be applied in every country of the world. The unsoundness of the policy of adopting sets of provisions piecemeal had already been sufficiently proved in the case of the draft Convention on Freedom of Information.
37. Moreover, there was no need to include in the draft Covenant any provisions for its implementation, since such clauses would constitute an interference in the domestic legislation of States. The mere act of signing the Covenant would commit States to the responsibility for implementing it.
38. For the foregoing reasons the Soviet Union delegation would oppose the joint draft resolution (E/L.233) and support the Czechoslovak resolution (E/L.231).
39. The PRESIDENT said that he had never had any intention of inviting the Council to deal with the substance of the question. He had merely asked members to take into account the obstacles standing in the way of the achievement of a satisfactory draft Covenant.
40. Mr. MEYKADEH (Iran) regretted that, in spite of the praiseworthy efforts of the Commission on Human Rights, there were some imperfections and deficiencies in its work which would need to be remedied.
41. The Czechoslovak draft resolution proposed referring the draft Covenant back to the Commission, while the joint draft resolution proposed submitting it again to the General Assembly. Then, the French representative had suggested that the matter should be left to simmer for a while in the hope that the differences might become less marked. That might, however, last a very long time and any such hope was accordingly somewhat illusory.
42. The Iranian delegation, without pledging support for either of the alternative draft resolutions, was in favour of any solution likely to lead to the desired end. It considered that all sides should adopt as conciliatory an attitude as possible and that other delegations should follow the lead given by the United States delegation, which had already taken a step in that direction.
43. Mr. QUADROS (Uruguay) said that his Government was fully cognizant of the serious obstacles opposing the achievement of a draft covenant on human rights. Nevertheless, it believed that the Commission on Human Rights had succeeded in overcoming the greater part of those obstacles and had submitted a text which gave ground for much satisfaction. His delegation had always stressed the need for effective implementation, without which the freedoms stipulated in the draft Covenant would be purely illusory.
44. It was, however, true that the draft Covenant as it stood presented serious defects. His Government's views on that question were well known and had been expressed at the fifth session of the General Assembly, the twelfth session of the Council and the seventh session of the Commission on Human Rights.
45. His Government believed, in the first place, that the draft Covenant should be couched in as brief, general and flexible terms as possible. As it stood, the draft Covenant contained too many detailed provisions.
46. Secondly, it was a mistake to include clauses dealing with economic, social and cultural matters in the draft Covenant. That, of course, had been done in accordance with the General Assembly's decision and the responsibility therefor could not be ascribed to the Commission on Human Rights. Not only did such provisions call for legislative measures entirely different from those required for civil and political rights, but there was a much wider difference of opinion in that respect than existed with regard to civil and political rights. He believed that to include all those rights in the same instrument might, in the end, invalidate the Covenant, for, in its final form,

it might be a mere declaration which was most unlikely to be ratified. Needless to say, he did not minimize the importance of economic, social and cultural rights, but he would stress the object of his Government's recommendations, which was to simplify the problem, and he pointed out that the Uruguayan Constitution devoted a special chapter to economic, social and cultural rights.

47. Thirdly, he felt that the implementation provisions were technically inadequate and defective, since they would result in a third State becoming involved in differences between individual citizens and their governments. His delegation continued to believe that its proposal for the establishment of an office of a United Nations high commissioner for human rights, described in annex VII to the report on the Commission's seventh session (E/1992), represented the most satisfactory solution, subject to any amendments that might be considered expedient.

48. Referring to the joint draft resolution (E/L.233), he explained that his delegation's aim had been to reach a compromise which would consist of referring part of the draft Covenant to the General Assembly and the remainder to the Commission on Human Rights for further consideration.

49. While his delegation was specially concerned with the question of a single covenant, that did not mean that, if the General Assembly were to reject that view and to decide in favour of a single covenant grouping civil and political rights with economic, social and cultural rights, his Government, in keeping with Uruguay's traditional respect for the dignity and liberty of man, would not be among the first to ratify such an instrument.

50. Mr. CARBONNIER (Sweden) said that his Government had studied the report of the Commission on Human Rights with great interest and had noted with appreciation the progress achieved with regard to the draft Covenant. It felt, however, that the report was rather in the nature of a progress report, since the Commission had only partially completed its task. It therefore considered that the Commission should proceed with its work.

51. With reference to the questions of including economic, social and cultural rights and of implementation measures, he said that the new texts submitted would require careful consideration, since those provisions affected domestic legislation of a very complex nature. He was not, however, able to discuss those matters at the present stage, since his Government had not had an opportunity of giving them sufficient consideration. A cursory study had nevertheless shown that the wording used was as yet somewhat provisional. His delegation was therefore in favour of returning that section of the draft Covenant to the Commission on Human Rights for further consideration in the light of the comments offered by the different governments.

52. His delegation viewed section B of the joint draft resolution (E/L.233) with an open mind at present and would not oppose it. At the moment, it had no strong view on the question whether one or two covenants were to be preferred but wished to reserve the Swedish delegation's position at the General Assembly.

53. Mr. LESAGE (Canada) said that he supported the joint draft resolution (E/L.233).

54. The Chilean delegation had contended that, since the attitudes of the various delegations were already clearly defined, there would be no point in referring the draft Covenant back to the Commission, and considered it preferable to submit the whole issue to the General Assembly. Such an argument was correct so far as concerned that part of its task already accomplished by the Commission, but it did not apply to those of the General Assembly's instructions, with which the Commission had not had time to deal. It was therefore logical, as the joint draft resolution proposed, to invite the Commission to complete its work and, at the same time, to transmit to the General Assembly the Commission's report on the tasks which it had already accomplished.

55. Moreover, his delegation found, in section C of the joint draft resolution, a further reason for supporting that proposal. No one would suspect Canada of failing to attribute sufficient importance to economic and social security and cultural development, but there was a fundamental philosophical difference between, on the one hand, political and civil rights, which were rights inherent in the human person, the free exercise of which it was the duty of the State to ensure, and, on the other hand, economic, social and cultural rights, rights which it was the duty of the State to provide.

56. It was further to be noted that whereas, in the first eighteen articles of the draft Covenant, political and civil rights were regarded as fundamental and sacred rights of the individual, in the third part of the draft the so-called economic, social and cultural rights were treated as objectives to be attained by governments.

57. The very fact that the Commission on Human Rights had been unable to find a uniform implementation procedure for the two categories of rights showed the impossibility of including provisions on political and civil rights and on economic, social and cultural rights in the same instrument. That view had been clearly expressed in a note from the Canadian Government to the Secretary-General dated 14 March 1951.

58. Of course, if it was not considered necessary to include any implementation clauses, it would be possible to have a single instrument for both categories of rights, but in that case it would not really be a covenant at all. It would only be another declaration.

59. If the question came before the General Assembly again, it was quite possible that several Member States not represented on the Council would change their opinion on the subject, in the light of the Commission's work. That was why section C of the joint draft resolution seemed to the Canadian delegation to contain a particularly opportune suggestion.

60. Mr. NOSEK (Czechoslovakia) thought that the debate so far afforded evidence beyond all doubt of the dissatisfaction felt by all members of the Council with the draft Covenant as it stood at present. The need for supplementing and improving that draft had indeed been clearly recognized and the only difference concerned the

methods whereby that could be achieved. It was, he suggested, essential that the Council take into account the following considerations as the basis of a possible solution which would enable it to discharge its responsibilities to the General Assembly.

61. In the first place, the Council must realize that the final decision rested with the General Assembly. Secondly, it must have a clear understanding of the duties incumbent upon it under the Charter, so that it might be in a position to take such action as would later enable the General Assembly to arrive at a rapid and effective decision. Neither the Council nor the Commission had yet carried out the General Assembly's directives with regard to the draft Covenant and, in the present circumstances, the Council was prevented from giving effect to the recommendation contained in section A, paragraph 2, of General Assembly resolution 421 (V) that a revised draft Covenant on Human Rights should be submitted to the sixth session of the General Assembly.

62. He felt very strongly that the Council would be failing in its duty if it submitted to the General Assembly's sixth session an incomplete and imperfect draft that had failed to receive the unqualified approval of every member of the Council. In that case, the General Assembly would doubtless refer the draft back to the Council, which would in turn refer it to the Commission on Human Rights, thus resulting in at least a delay of six months, whereas, if the proposal contained in his delegation's draft resolution (E/L.231) were accepted, the draft could be submitted immediately to the Commission on Human Rights and a speedier solution achieved in that way. It was clear that the General Assembly would not be in a position to issue new directives, since its previous decisions had not been satisfactorily carried out. Consequently, he considered that a decision to refer the draft to the General Assembly would be incorrect for reasons both of substance and of time and for the sake of the Council's prestige, which would be bound to suffer if it sought to evade its responsibilities in that fashion. His delegation believed that its draft resolution proposed the only logical course and therefore appealed to all members to give it their support.

63. Mr. CORLEY SMITH (United Kingdom) fully supported the statements made by the representatives of the other delegations which, together with his own, had submitted the joint draft resolution.

64. Referring to the economic, social and cultural clauses of the draft Covenant, he said that his Government had long taken a deep interest in problems of that nature. Indeed, the United Kingdom was often spoken of as a "welfare State". It was his Government's earnest desire that favourable economic, social and cultural conditions should be extended in the widest possible measure. As regards the inclusion in the draft Covenant of clauses dealing with such matters, however, his Government believed that more thought and investigation than had hitherto been possible were required. He was prepared to see such an investigation undertaken, but did not at the present stage wish to commit his delegation to an opinion as to whether it was practicable

to formulate those rights satisfactorily in a covenant capable of general application.

65. He believed that the discussion showed the existence of a strong measure of support for section C of the joint draft resolution. He would not enter into the question of whether the dissatisfaction expressed in varying degrees with the Commission's work was to be ascribed to some failure on the part of the Commission or to the impracticability of the General Assembly's instructions. It seemed to him, however, that the General Assembly might welcome the opportunity to reconsider the instructions it had given at its fifth session in the light of the Commission's attempt to clothe its recommendations in concrete form.

66. Mr. VAN DER SCHUEREN (Belgium) observed that the President had explained the difficulty very well when he had pointed out that delay in preparing the draft Covenant was due to substantial differences of opinion on matters of substance. Although the Belgian delegation favoured referring the draft Covenant back to the Commission, its intention was not to evade its obligations by a procedural device.

67. The Belgian delegation considered that the draft Covenant was still imperfect and that a text acceptable to the great majority of the United Nations could be most easily drafted by the Commission, with its membership of eminent experts and lawyers.

68. With regard to the anxiety expressed by certain delegations regarding the final paragraph of the joint draft resolution (E/L.233), he pointed out that, at the Council's eleventh session, his delegation had supported the principle of including economic, social and cultural rights in the first International Covenant on Human Rights, without committing itself as to the method by which that should be done.

69. In his delegation's opinion, the first covenant should have represented a kind of constitutional law providing a general international legal guarantee of the rights proclaimed in the Universal Declaration of Human Rights. The first covenant would then have provided a complete programme on the basis of which one or more special conventions covering the different rights or groups of rights could have been drafted.

70. Since that idea had not been adopted, the Belgian delegation thought that the different categories of rights should be treated separately, provided, however, that all the instruments were simultaneously submitted to States for signature. That was why it had not hesitated to sponsor the joint draft resolution.

71. Mr. BERNSTEIN (Chile) stressed the importance of the considerations which underlay the joint draft resolution, in that they involved questions of substance as well as questions of procedure.

72. He recalled that, when the work of drafting a covenant on human rights had been first started, it had been thought that such a covenant might be achieved in successive stages. The General Assembly, however, had specifically decided that a single covenant embracing all rights was desirable. Furthermore, the General Assembly had twice expressly rejected proposals for a

series of complementary pacts. He noted, furthermore, that resolution 421 (V) was not limited to instructions but also laid down the principle of the inclusion of economic, social and cultural rights. His delegation considered that, if certain States were not satisfied with the position as it stood in that respect, they should raise the question in the General Assembly itself, but, in his opinion, the Council could not act in a manner contrary to a decision of the General Assembly.

73. His Government took the view that the provision of such rights as well as measures for their application must necessarily be included in the draft Covenant. He agreed that those rights were fundamentally different from civil and political rights and that in those matters conditions changed very rapidly. However, the draft Covenant should be based on the existing situation; it could, if necessary, be modified in the future. It was impossible to overlook the fact that a large proportion of the world's population did not enjoy any adequate measure of the economic, social and cultural rights referred to in the Charter. The methods of implementing such rights would also differ from the implementation of civil and political rights, and specific provisions to that effect would also have to be included in the Covenant.

74. He agreed with the Soviet Union representative that the clauses on economic, social and cultural rights represented the topical features of the draft Covenant, which, if limited to civil and political rights, would merely be an echo of past declarations of fundamental liberties.

75. He asked that a separate vote be taken on section A of the joint draft resolution and also that that section should be voted on paragraph by paragraph, as his delegation was not prepared to support its second and third paragraphs. Furthermore, he would request that section C be voted on separately by roll-call.

76. Mr. DE LACHARRIÈRE (France) said that his delegation would vote in favour of the joint draft resolution (E/L.233). Contrary to the opinion expressed by the representatives of the Soviet Union and Chile, such an attitude did not imply any opposition to the principle of

a single covenant. The French delegation was in favour of a single covenant for the different categories of rights. It did not think that implementation of those different categories by one and the same method had been shown to be impossible. Moreover, there seemed little likelihood of the General Assembly reversing its decision.

77. The French delegation did not, however, think it desirable that a new discussion of the question in the General Assembly should be denied to delegations which requested it on very substantial grounds. Since it was obvious that the Covenant could only come into force through the general agreement of States, it should be the common aim to reach a compromise which would permit of such general agreement. Consequently, the French delegation thought that a new discussion should be agreed to, in the hope of finding common ground. It was in that spirit that it would vote in favour of the joint draft resolution and, in particular, of section C.

78. Mr. CALDERÓN PUIG (Mexico) urged that the Council should take time for further reflexion before reaching a substantive decision on the draft Covenant, more especially as the discussion had originally been directed to procedural considerations and the views of such important bodies as the non-governmental organizations had not been heard. In view of the importance of the General Assembly's decision and of the possible effects which a decision on the joint draft resolution might have on the work of the Commission on Human Rights, his delegation was strongly opposed to a vote being taken at the present stage. He therefore moved that the discussion be suspended until the following day, to give representatives an opportunity for informal conversations with a view to arriving at a compromise which would receive majority support.

79. Mr. HADI HUSAIN (Pakistan) supported the Mexican representative's proposal.

The Mexican representative's proposal was adopted by 7 votes to 6, with 4 abstentions.

The meeting rose at 6.30 p.m.