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President: Mr. Hernán SANTA CRUZ (Chile).

Présent: The 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.

The representatives of the following specialized agencies:

International Labour Organisation, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, International Telecommunication Union, World Health Organization.

Address by the President

1. The PRESIDENT announced a change in the agenda of the meeting: since document E/1922 had been circulated, the proposal by the representative of Poland regarding that document would be examined first.

2. He stated that the Council Committee on Non-Governmental Organizations would meet the following day at 9.45 a.m. The Council would not take any decisions on the items examined at the current meeting, so that the organizations which had to be heard on those items could submit their views.

3. He expressed his gratification that the Secretary-General was collaborating in person in the Council's work; that would certainly expedite its work.

4. The twelfth session of the Economic and Social Council had opened at a crucial phase in the existence of the United Nations. Their ability and their will to give the world collective security had been subjected to a severe test by the aggression in Korea. The Council had completed its fifth year of activity and the current session should mark a new stage in its work. It had been assigned the great task of making a reality of the new idea that economic progress, social justice and respect for human rights were essential for the maintenance of

peace and one of the fundamental purposes of the United Nations.

5. Despite the difficulties encountered in the accomplishment of its task, the Council had been able to organize international co-operation on a large scale. It had studied and was still studying the chief problems which could be dealt with by international action in the economic and social fields, and it had initiated and directed measures for the solution of those problems. It had undertaken those tasks with the assistance of its functional commissions, the regional economic commissions and the specialized agencies. The fundamental achievements of the Council far surpassed anything accomplished by international co-operation before its creation.

6. In the economic field, the Council's work was directed to the problem of the reconstruction and rehabilitation of war-devastated areas and to long-term measures to maintain economic stability and transform and modernize the economic systems of the under-developed areas. He instanced the work accomplished in that field by the Economic Commission for Europe and the calling, in November 1947, of the United Nations Conference on Trade and Employment, which had drafted the Havana Charter. Although that charter had not yet come into force, an Interim Commission had already been functioning for the past two years and the General Agreement on Tariffs and Trade made it possible to conduct customs negotiations in which nearly forty countries were participating and had resulted in reductions in the rates on over sixty thousand items, affecting more than half the total of world trade.

7. During the past two years, the Council's chief preoccupation had been the promotion of economic development in under-developed countries and regions, a task which lay at the very centre of the international policy of the United Nations in that field. The Council had initiated two programmes of technical assistance for economic development. The implementation of the first was entrusted to the Secretary-General. The second, which was on a much larger scale, involved the participation of the various specialized agencies. Both had been based upon the principle of respect for national sovereignty

and directed towards the raising of standards of living and the promotion of social progress. Those programmes were already showing positive results in Asia, Africa and Latin America.

8. He then recalled the work done by the Council with the assistance of its Commission on Human Rights, in particular the drawing up of the Universal Declaration of Human Rights and the studies being carried out on the covenant on human rights, as well as the many other important achievements in the social field.

9. The work of the Council had therefore been very substantial, particularly if the difficulties it had encountered were taken into account. But the task assigned to the Council was a far greater one, specially in so far as it related to the raising of the standards of living of under-developed countries. It could be seen from the figures given in the *World Economic Report, 1949-50*, published by the Secretary-General, that the difference in *per caput* national income between industrialized and under-developed countries had increased instead of diminished in the past ten years. It was essential to reduce considerably that gap between standards of living both for humanitarian and for essentially political reasons. Just as inside a country economic inequality was bound to lead to social disturbances, so the inequalities between the various nations and regions led directly to international conflicts.

10. In order successfully to complete that work, which was of immense scope, all efforts must be concentrated on the most important aspects, which might have a decisive effect on the solution of the most vital problems. At its twelfth session the Council would have to deal with one of those aspects, the financing of programmes of economic development.

11. In that field, the end of one stage had been reached and the time had come to begin another. As the debates at the fifth session of the General Assembly had shown, the peoples of almost all the under-developed countries in every continent were demanding that more concrete action should be undertaken. It was therefore essential to begin working on the new stage and to consider very carefully whether or not existing international machinery was adequate and appropriate for the work and whether what that machinery achieved was in accordance with its potentialities. Once that analysis had been made, the Council would be able to show the ways in which such obvious needs might be met with the boldness and speed the situation required. In the field of economic and social affairs, the United Nations had no more urgent task at the current time. The peoples of Latin America had their eyes turned towards the Council, and they were waiting for results. Studies undertaken on the national and international plane and the United Nations debates must result in new international action to finance basic plans for the economic development of backward countries.

12. Another study of fundamental importance was that of the economic effects of the current international situation. Rearmament programmes, growing out of the international tension, might have a disastrous effect on the economy of the various countries, and the under-developed countries in particular. The General Assembly

had realized that grave danger and had asked the Council to give particular attention to the problem and to make recommendations to the General Assembly and to governments. The under-developed countries might encounter serious difficulties in obtaining the new equipment and machinery they needed to continue their industrial development programmes and replace worn equipment. That situation would be even more serious if, as during the Second World War, the prices of certain raw materials were pegged at an extremely low level in relation to the market price.

13. The Council could only deal with those questions on the assumption that the war foreseen by so many would not take place. It must thus plan for the situation which would arise in the near future if international tension decreased and the accelerated rate of armament production was slowed down. It would then be necessary to take measures so that the reconversion to a complete peace-time economy would not cause any economic disequilibrium. An increase in purchasing power through the expansion of the economies of under-developed countries would appear to be the most logical and effective of such measures.

14. In conclusion, he recalled that the Economic and Social Council was a principal organ of the United Nations, with its own field of action. However, according to Article 60 of the Charter, it discharged its functions under the authority of the General Assembly and consequently represented all Member States. Hence it was the Council's obligation to base its actions not only on the recommendations of the Assembly but also on the spirit of the latter's decisions and discussions. At the fifth session of the Assembly it had been evident that a large majority of nations wished to follow a line different from that of the Council in order to achieve more positive and effective action, particularly in respect of economic and social problems, economic, technical and social assistance and the struggle against measures of discrimination and other violations of human rights. It was the Council's duty to interpret that majority opinion if it was desirous of continuing to represent the general will.

15. He expressed the hope that the Council's debates would be carried on in the atmosphere of hard work and mutual respect which had distinguished the sessions of recent years and that the differences of opinion dividing members of the Council, which were not only normal but even salutary in the United Nations, would make it possible to achieve a synthesis of views.

16. The SECRETARY-GENERAL thanked the President for his kind remarks. He recalled that at the beginning of his public career he had concentrated on economic and social questions. His interest in those questions had never flagged, and that was why he was at all times interested in the work of the Economic and Social Council, though he could not always find the time to follow that work personally. The success of the Council's work depended on the maintenance of peace and all efforts should therefore be bent to the creation of conditions favourable to peace.

17. In conclusion, he emphasized the great importance of the agenda of the twelfth session of the Council and

expressed the hope that the Council's work would justify the confidence of the peoples of the world and that it would benefit future generations.

18. The PRESIDENT thanked the Secretary-General for his remarks.

Request for the inclusion of an additional item in the agenda (E/1922)

[Agenda item 2]

19. Mr. KATZ-SUCHY (Poland) drew the Council's attention to the communication from the World Federation of Trade Unions (E/1922) and requested that the subject should be included in the agenda so that it could be discussed as a matter of urgency.

20. The World Federation of Trade Unions had consultative status in category A and was therefore entitled to propose items for inclusion in the agenda. The WFTU, which was the largest of the workers' trade-union organizations, having for example two hundred and fifty thousand members in Chile, had on several occasions made an important contribution to the work of the Council. The order prohibiting its activities which had just been promulgated by the French Government was quite unjustified and it was the Council's duty to go into the matter and repeal the decision.

21. He therefore supported the request made by the World Federation of Trade Unions that the item should be included in the agenda.

22. The PRESIDENT asked whether the representative of Poland was proposing the inclusion of the item in the name of his delegation — in which case the request would be discussed immediately — or whether he was simply supporting the request made by the WFTU. If that was the case, the request would have to be referred to the Council Committee on Non-Governmental Organizations, in accordance with the rules of procedure.

23. It would also be possible to include the subject under item 14 of the agenda — "Trade-union rights: allegations regarding infringements of trade-union rights" — and to consider it when that item came up for discussion.

24. Mr. KATZ-SUCHY (Poland) reiterated the conviction he had expressed at the previous meeting that it was of the utmost importance to maintain close relations between the Economic and Social Council and the non-governmental organizations. Consequently, although he supported the substance of the request made by the World Federation of Trade Unions, he would not submit it in the name of his delegation.

25. He appealed to the Council to bear in mind the urgency of the question, to refuse to be swayed by procedural arguments and to take a decision on the subject in a plenary meeting without referring it to the Council NGO Committee. Nevertheless, he would not oppose such a solution if the Council decided to follow that course.

26. The PRESIDENT said that, in accordance with the rules of procedure, the request made by the WFTU would be referred to the Council Committee on Non-Governmental Organizations,

27. Mr. BURINSKY (Union of Soviet Socialist Republics) emphasized that the request made by the World Federation of Trade Unions raised a highly important question. The order prohibiting that organization's activity in the territory of one of the States Members of the United Nations was a violation of trade-union rights, which it was the duty of the United Nations to protect.

28. The WFTU was an important organization which had made a valuable contribution to the work of the Economic and Social Council. The value of its collaboration had been recorded in particular in a report by the Secretary-General on the activities of non-governmental organizations (E/C.2/231), which showed that the WFTU had provided very useful information and had drawn the Council's attention to many important problems, such as that of unemployment and of full employment.

29. He therefore supported the Polish proposal that the item should be included in the agenda so that, in the interests of the workers of the world, the matter could be settled without delay.

30. Mr. CORLEY SMITH (United Kingdom) pointed out that the purpose of the Polish proposal was actually to grant to a non-governmental organization a privilege which was reserved for the States Members of the United Nations. He agreed with the President's ruling that the question should be referred to the Council NGO Committee, but he pointed out that, according to the rules of procedure, the Committee could deal only with questions which had been submitted to it at least six weeks before the beginning of the Council's session. On the other hand, any member of the Council was entitled to propose the inclusion of an additional item in the agenda.

31. Mr. KATZ-SUCHY (Poland) denied the assertion that the purpose of his proposal was to place a non-governmental organization in a privileged position. Such a reproach would have been better directed against the United Kingdom delegation, which had started some time earlier to practise discrimination against the World Federation of Trade Unions, an attitude which coincided strangely with that taken by the United Kingdom in its international policy.

32. He emphasized once more that the question raised in the communication from the WFTU was urgent. He did not think that delegations could really use the rules of procedure as a pretext for refusing to consider such an important question. Moreover, if the Council refused to consider the communication, that would amount to postponing the question for six months and a similar situation might well occur in connexion with any non-governmental organization.

33. He could not accept the suggestion that the communication from the World Federation of Trade Unions should be discussed under item 14 of the agenda. In his opinion, the question should be included as a separate item and he felt sure that, if the matter were submitted to the NGO Committee, that Committee would concur on that point.

34. Mr. CORLEY SMITH (United Kingdom) wished to reply to the allegations made by the Polish

representative, which were all the more unjustified since the Polish representative had not been present at the discussions to which his criticism referred. He recalled that, during a meeting of the NGO Committee, when he had been in the chair, two proposals submitted respectively by the World Federation of Trade Unions and the International Confederation of Free Trade Unions had been rejected. The Polish delegation had not requested a reversal of the decision regarding the proposal submitted by the ICFTU at that time. The two proposals to which he had referred had been studied by the NGO Committee in great detail and with complete objectivity. Therefore, on his own behalf as well as on behalf of the Council Committee on Non-Governmental Organizations, he strongly deplored the fact that a representative should have considered it necessary to make remarks of the kind just heard by the Council.

35. Mr. KOTSCHNIG (United States of America) stated that, under rule 10 of the rules of procedure, the Council NGO Committee could recommend the inclusion of items in the provisional agenda, but he wondered what the Committee could do since the Council had already adopted its agenda for the twelfth session.

36. He felt that the Polish proposal was actually aimed at destroying the rules which the Council had drafted so carefully the previous year for the consideration of communications or requests from non-governmental organizations. It was significant that the Polish representative refused to accept any solution which would not violate the established rules of procedure.

37. Mr. KATZ-SUCHY (Poland) recalled that the communication from the World Federation of Trade Unions had been received before the provisional agenda had been adopted. Furthermore, he did not intend to propose the inclusion of that communication in the Council's agenda in his own name since he could not depart from the instructions he had received from his Government.

38. He pointed out that the United States delegation always supported strict adherence to the rules whenever they served its interests. However, everyone knew full well what the attitude of the United States of America had always been towards the World Federation of Trade Unions and towards trade unions in general.

39. He still felt that the Council could not refuse to consider an urgent and important question on the pretext that a rule was sacrosanct.

40. Mr. ABELIN (France) said that if the question was really urgent the Polish representative should request its inclusion in the Council's agenda in the name of his delegation. In that event, he would be quite prepared to make a statement replying to the representative of Poland.

41. He pointed out that those who were proclaiming their interest in the problem seemed to be resorting to procedural manoeuvres in order to avoid a discussion on the question of the inclusion of the new item. When such an important question was raised, there should be no stopping half way.

42. The PRESIDENT stated that the question would be referred to the Council Committee on Non-Governmental Organizations for report.

Draft international covenant on human rights and measures of implementation (E/1880 and Corr.1 and E/1880/Add.1 to 7)

[Agenda item 12]

43. The PRESIDENT called for discussion on item 12 of the agenda, "Draft international covenant on human rights and measures of implementation".

44. He recalled that the Council had considered it advisable for the General Assembly itself to give instructions regarding the preparation and completion of the draft international covenant. The General Assembly had given those instructions in its resolution 421 (V) adopted on 4 December 1950.

45. The Secretary-General's memorandum (E/1880) provided the background material, and the additions to that document contained the communications which the various specialized agencies had thought fit to send to be Secretariat regarding the assistance which they might provide to the Commission on Human Rights in so far as economic, social and cultural rights were concerned.

46. Mr. BURINSKY (Union of Soviet Socialist Republics) was of the opinion that General Assembly resolution 421 (V) would have very far-reaching effects on the draft international covenant on human rights and measures of implementation, for it contained directives and recommendations the importance of which was obvious to all.

47. In the first place, the General Assembly had admitted that, as it stood, the draft covenant contained serious defects which should be corrected: the list of rights in the first eighteen articles did not contain certain elementary rights; the wording of some of the first eighteen articles was vague and did not properly protect the rights to which those articles referred; in the drafting of the covenant account should be taken of the purposes and principles of the Charter of the United Nations and those purposes and principles should be consistently applied and assiduously protected.

48. Secondly, the General Assembly had been of the opinion that the covenant should include economic, social and cultural rights, the insertion of which had been requested by the delegation of the USSR.¹

49. The delegation of the Soviet Union, however, was of the opinion that the General Assembly resolution did not go far enough, and that the recommendations contained in it were not sufficiently explicit. The Council should not confine itself to noting the General Assembly resolution and transmitting it to the Commission on Human Rights; it was clearly the Council's duty to consider all proposals calculated to improve the draft covenant and to recommend to the Commission on Human Rights the adoption of such proposals. Thus, in the opinion of the USSR delegation, it was incumbent on the Council to present the Commission with concrete recom-

¹ See *Official Records of the General Assembly, Fifth Session, Annexes*, agenda item 63, document A/C.3/L.96.

mendations for the revision of certain articles in the draft covenant and the inclusion of new articles.

50. At the fifth session of the General Assembly, the USSR delegation had pointed out that the draft covenant was still less complete and effective than the Universal Declaration of Human Rights.² As long ago as the third session of the General Assembly, when the Declaration had been adopted, the delegation of the Soviet Union had stated that the principal defect of that document was that it was purely theoretical and contained no provision to ensure its application, no provision, that is to say, to ensure that it would not remain a dead letter.³

51. The USSR delegation had also pointed out that the Universal Declaration of Human Rights did not deal properly with certain very important principles, such as the right of peoples to self-determination, their right to have their national culture respected, the condemnation of anti-democratic activities likely to interfere with the exercise of democratic rights.

52. At the time when the Declaration was being drafted, the USSR delegation had insistently requested that certain rights should not be merely enumerated, but that provision should be made to ensure respect for those rights. Unfortunately, the General Assembly had not seen fit to view the Soviet Union's proposals with favour. The result was that the Universal Declaration of Human Rights had only a very limited practical value.

53. It should be borne in mind that the purpose of the draft covenant was to ensure respect for the rights enunciated in the Declaration. A mere perusal of the first eighteen articles, however, showed that the draft covenant had all the defects inherent in the Declaration, and that, furthermore, it contained no provision relating to such fundamental principles as the right to work, rest, education, housing, etc. Those rights, which affected millions of workers, were expressed very vaguely and superficially in the Declaration; and their omission from the draft covenant rendered that instrument valueless.

54. Similarly, with regard to political rights, the draft covenant contained no clause relating to the right of peoples to self-determination, or to the right of individuals to participate in the organs of government.

55. Most of the articles of the draft covenant were vaguely and obscurely drafted. For example, article 14 relating to freedom of expression did not make clear, though it was essential to do so, that the exercise of freedom of expression should not run counter to democratic principles or serve the purposes of propaganda inciting to war, or to racial or national hatred.

56. Thus, the Universal Declaration of Human Rights and the draft covenant were far from satisfying the hopes that might have been placed in those important documents. The least that could be done for the time being was to attempt to correct the defects in the draft covenant, so as to make the covenant as effective as possible. For that purpose, the USSR delegation was sub-

mitting to the Economic and Social Council a draft resolution (E/L.137), which set forth the steps that should be taken by the Commission on Human Rights to improve the draft covenant.

57. The draft resolution submitted by the delegation of the USSR (E/L.137) proposed that the Commission on Human Rights should be instructed to incorporate in the draft covenant provisions relating to political, economic, social and cultural rights; and also to take into account the principle that the covenant should apply to all States, whether self-governing or non-self-governing, and to all territorial units constituting federal States. Lastly, the draft resolution recommended the deletion from the draft covenant of articles 19 to 41, providing for methods of supervising implementation, which would constitute an attempt at interference in the domestic affairs of States.

58. With regard to political rights, the USSR delegation was of the opinion that all individuals without distinction should be guaranteed the possibility of electing and being elected to all organs of government in accordance with truly democratic procedures. The constitutions of most capitalist countries mentioned such a right, but elections in those countries were so conducted that the rights, while guaranteed in theory by the constitution, were quite illusory. It was to remedy that situation that the USSR delegation proposed the inclusion in the draft covenant of provisions such as those set forth in paragraph 1 of its amendments relating to political rights.

59. With regard to freedom of expression, the covenant should include a provision to the effect that everyone must be guaranteed that right by law, subject to the reservation that freedom of speech and of the Press should not be used for war propaganda, for the incitement of hatred among peoples, for racial discrimination, or for the dissemination of slanderous rumours. Furthermore, it should be stated that the law must prohibit all propaganda on behalf of fascist or nazi views and all propaganda directed against specific racial or national groups or intended to incite to hatred and contempt. That USSR proposal was inspired by the tragic fate of millions of human beings before and during the Second World War. The draft covenant should also contain a definite provision to the effect that the law must guarantee freedom of meeting, of public demonstration and association and that it must prohibit all groups or activities of a fascist or anti-democratic nature.

60. With regard to economic, social and cultural rights, the USSR delegation proposed that the Commission on Human Rights should be requested to clarify and complete the provisions of the draft covenant by adopting clauses such as those appearing in the USSR amendments (E/L.137). It should, for example, be made clear in the covenant that the State should ensure the development of science and education in the interests of progress and democracy and in the interests of ensuring international peace and co-operation; that the State should secure for all without distinction the right to education and that it should guarantee that right by providing free primary education, a system of scholarships and the requisite network of schools; that the State should guarantee

² *Ibid.*, Fifth Session, 317th plenary meeting.

³ *Ibid.*, Third Session, Part II, 180th and 183rd plenary meetings.

to everyone the right to work and to the free choice of occupation, in such a way as to exclude the threat of death from hunger or exhaustion; and that the State should guarantee to all the right to rest and leisure by providing in particular for periodic holidays with pay and a reasonable limitation of working hours. Similarly, it was indispensable that the covenant should include a statement to the effect that the State must provide for the social security of workers and employees from public funds and in accordance with legislation; and that the State should take all the necessary steps, including legislation, to guarantee decent living accommodation to all. The covenant should also provide that women must enjoy in their work privileges not less than those enjoyed by men and that they must receive equal pay for equal work.

61. With regard to trade-union rights, the USSR delegation was of the opinion that the covenant should express without any ambiguity the right of all wage-earners to combine freely in trade unions, without distinction as to nationality, race, religion, sex or political or philosophic views. Trade unions must be guaranteed the right to pursue any activities directed towards improving the life and the economic and social welfare of the workers; all pressure on trade unions by the public authorities or their agents should be expressly prohibited; the right to strike must be guaranteed; no one must be able to prevent an international trade-union organization from fulfilling its functions and communicating with the organizations affiliated to it.

62. The USSR delegation was not opposed to section D of General Assembly resolution 421 (V), calling upon the Council to request the Commission on Human Rights to study ways and means which would ensure the right of peoples and nations to self-determination, but it considered nevertheless that the Council should recommend to the Commission to include in the draft covenant a provision stating that right, States responsible for the administration of territories not yet self-governing being bound to promote the fulfilment of that right. Such States should be guided in their relations with the populations of the territories concerned by the purposes and principles of the Charter, and they should, in particular, ensure to national minorities the right to use their native tongue and possess their own national

cultural institutions. The delegation of the Soviet Union was of the opinion that the inclusion of such an article in the covenant on human rights would be absolutely in accordance with the spirit and letter of the Charter and with the aspirations of millions of human beings in the Non-Self-Governing Territories.

63. He would like to point out that the rights and guarantees the enunciation of which in the draft covenant was proposed by his delegation were included in a much more complete and definite form in the Constitution of the Soviet Union. The USSR delegation, however, realized quite well that it was impossible to ask capitalist States to adopt the same attitude as the Soviet Union in the matter of human rights, and the USSR draft resolution took that situation into account. The amendments proposed by the USSR delegation were a minimum, and it must be hoped that the Council would recommend to the Commission on Human Rights that it should take due account of them, for otherwise it would be absurd to claim that the covenant really sought to guarantee human rights and fundamental freedoms.

64. Lastly, the USSR delegation proposed that articles 19 to 41 of the draft covenant, relating to measures of implementation, should be deleted. It was of the opinion that such methods of supervising implementation would constitute an attempt at interference in the domestic affairs of States, in violation of their sovereignty and of the Charter. The USSR delegation also hoped that the draft covenant would not contain the provisions known under the names of the "colonial clause" and the "federal clause", for experience had shown that the only result of those two clauses would be to enable certain States to refrain from applying the provisions of international instruments in certain territories or territorial units under their jurisdiction. A provision might perhaps be inserted for the propagation of knowledge of the covenant.

65. The USSR delegation was convinced that the amendments it proposed (E/L.137) would help appreciably to improve the draft covenant on human rights, and it was of the opinion that all those who really had respect for human rights at heart would support those amendments unreservedly.

The meeting rose at 1 p.m.