



UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



GENERAL

E/CN.4/353/Add.4  
23 January 1950

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sixth session

COMMENTS OF GOVERNMENTS ON THE DRAFT INTERNATIONAL COVENANT  
ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION

The Secretary-General has the honour to circulate the following comments:

5. Israel

Statement on measures of implementation and reply to the questionnaire on measures of implementation\* received by the Secretary-General on 17 January 1950

I. Statement on Measures of Implementation

The Government of Israel considers that instead of commenting separately on the proposals submitted by the representatives of Australia, France, Guatemala, India, Union of Soviet Socialist Republics and the United States - United Kingdom, it would be more helpful if it presented briefly the basic concepts on the measures of implementation in the light of which the answers to the "Questionnaire on Measures of Implementation" were prepared.

1. The Government of Israel considers that some form of international implementation of human rights is necessary in addition to national implementation.
2. It believes that the responsibility for this implementation should preferably be entrusted to a new Specialized Agency related to the United Nations in accordance with Articles 57 and 63 of the United Nations Charter. This Agency would consist of an Assembly composed of representatives of covenanting states which would elect a body of persons chosen in their independent capacity by the Assembly. This body would be empowered with the conciliation and all the other functions referred to in the questionnaire including the appointment of

\* In a letter dated 19 December 1949 transmitting the statement and the reply, the Minister for Foreign Affairs of Israel stated that he "reserves the right to forward at a later date the comments and proposals of his Government with regard to the Draft International Covenant on Human Rights, including the proposals for new articles on economic and social matters."

/ad hoc  
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ad hoc fact-finding bodies. The Agency would have its own secretariat headed by a Secretary-General.

3. The ad hoc fact-finding bodies should be composed of one member appointed by each of the litigating states and a number of members appointed by the body mentioned in paragraph 2. The fact-finding body should always be composed of an odd number of members.

4. Action may be initiated on the basis of complaints of states or by petitions of non-governmental organizations given the right of petition by the Agency.

5. The Government of Israel does not believe it desirable to create at this time a special Court of Human Rights or to create a special chamber of the International Court of Justice for this purpose. In so far as disputes over human rights are justiciable disputes within the terms of the statute of the International Court of Justice, States may refer them to that Court.

6. The General Assembly should authorize the Agency, as provided by Article 96 (2) of the Charter, to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities.

7. The Government believes that the form of the implementation measures should be an instrument modelled on the General Act for the Pacific Settlement of Disputes of 26 September 1928. This instrument would be presented for signature simultaneously with the Covenant on Human Rights. A State would be permitted to adhere to those sections of the instrument which it deems appropriate. Certain minimal provisions would be obligatory as a condition of signing the Covenant.

If this general instrument is not ready for signature simultaneously with the Covenant, the obligatory minimal sections should be transmitted simultaneously for signature.

8. The implementation procedure contemplated above is without prejudice as to the functions and powers of the organs of the United Nations in accordance with the Charter.

II. Reply to the Questionnaire on Measures  
of Implementation

Part I

PRELIMINARY QUESTIONS

Questions

Answers

1. Is it necessary to have in the text of the Convention or in the Protocol attached to it or in a separate document any articles providing for international measures and the setting up of international institutions for the implementation of human rights and freedoms, or should these questions be left within the competence of each State as the particular concern of each country and people (this question is included at the suggestion of the representative of the Union of Soviet Socialist Republics)?

2. In the event of the inclusion of the economic and social articles in the Covenant, what would be your view on the most appropriate means of implementation (this question is included at the suggestion of the representative of Australia)?

3. In your opinion should the provisions relating to implementation be included

- (a) in the Covenant
- (b) in a protocol annexed to the Covenant:
- (c) in a separate instrument?

1. In addition to measures of implementation within each of the contracting States some form of international machinery is necessary.

2. It is impossible to give a definite reply to this question as long as the nature and the scope of the economic and social rights are not defined. However, care should be taken that there should not be any infringement of the implementation rights of the existing competent specialized agencies.

3. It is a matter of indifference where the measures of implementation are to be included. However, it is essential that the Covenant and the implementation measures should come into effect simultaneously.

Questions

4. Have you any other suggestions or observations?

Answers

4. The elaboration of the measures of implementation should be in an instrument modelled on the General Act for Pacific Settlement of Disputes of the 26 September 1928. Covenanting States would be entitled to adhere to such parts of the instrument on implementation as they think fit. In such event it is essential that minimal implementation measures come into effect simultaneously with the Covenant itself.

**PAGE II**

Questions Concerning the Initiation of Proceedings

Chapter I. Questions relating to the right of signatory States to enter complaints

1. In your opinion, should States be under an obligation to settle disputes in so far as possible by direct negotiations?

2. In the event that a dispute is not settled by negotiation or otherwise within time, should a State have the right (by notice to the Secretary-General of the United Nations and the other State) to refer the dispute

- (a) to an ad hoc fact-finding body
- (b) to a body appointed by covenanting States
- (c) to some other body?

3. In your opinion should signatory States have the right to enter complaints?

1. Yes

- 2. (a) No
- (b) Yes, however the State should give notice to the Secretary-General of the implementation body.
- (c) No

<u>Questions</u>	<u>Answers</u>
(a) in respect only of an alleged violation committed in a territory or place within the jurisdiction of another signatory State	3. (a) Yes
(b) without such limitation	(b) No
(c) with any other limitation?	(c) No
4. In your opinion should the receivability of complaints be subjected to	
(a) a preliminary examination	4. (a) Yes, as under 2 (b) of this Chapter
(b) or any other requirements?	(b) No
5. Should the right to initiate proceedings be limited to signatory States?	5. Yes, the right should be limited to <del>Covenanting</del> States only.
6. Have you any other suggestions or observations?	6. No

Chapter 2. Questions relating to the right of individuals, groups of individuals and of organizations to petition.

A. RIGHT TO PETITION

1. Should the right of petition be open to	
(a) individuals	1. (a) No
(b) groups of individuals	(b) No
(c) non-governmental organizations?	(c) Yes
2. Have you any other suggestions or observations?	2. The right of petition should be restricted to non-governmental organizations recognized for this purpose by the implementation body.

B. CONDITIONS FOR THE EXERCISE OF THE RIGHT TO PETITION

Questions

Answers

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Should the right of petition by individuals or groups of individuals or non-governmental organizations be limited to such individuals or groups of individuals or non-governmental organizations which were at the time of the alleged violation within the jurisdiction of a signatory State?</p> <p>2. Should such petitions relate only to alleged violations committed in a territory or place situated within the jurisdiction of a signatory State?</p> <p>3. Should such petition relate to:</p> <p style="padding-left: 40px;">(a) the grievances of individuals, or,</p> <p style="padding-left: 40px;">(b) only to the grievances of a community or body of persons generally?</p> <p>4. Are you in favour of including detailed regulations for such petitions concerning:</p> <p style="padding-left: 40px;">(a) their receivability,</p> <p style="padding-left: 40px;">(b) their preliminary examination?</p> <p>5. Should the consideration of such petitions be conditional upon the preliminary favourable opinion of one of the non-governmental organizations granted consultative status in category (a) or (b) by the Economic and Social Council which are included in a special list approved by the implementation organ for this purpose?</p> | <p>1. No, the organizations mentioned in A.2 above should have the right of petition irrespective of their location.</p> <p>2. Yes</p> <p>3. (a) Yes, including communities c<br/>bodies of persons,<br/>(b) See reply to (a) above.</p> <p>4. (a) Yes<br/>(b) Yes</p> <p>5. No, the right of petition should be restricted to non-governmental organizations as defined in the reply to A.2 of this chapter.</p> |
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Questions

6. Should petitions be transmitted in the first instance to the Secretary-General of the United Nations?
7. Should the Secretary-General have the right to request such information from signatory States as he deems necessary with a view to the submission of a petition together with any documentation thereon to the implementation organ?
8. (a) Should non-governmental organizations granted consultative status in category (a) or (b) by the Economic and Social Council and included in the list of organizations approved by the implementation organ for this purpose, have the right to petition without any other condition except that such petition must relate to an alleged violation committed in a territory or place within the jurisdiction of a signatory State?
- (b) Are you in favour of giving a similar right to organizations granted consultative status in category (c) by the Economic and Social Council?
9. Have you any other suggestions or observations?

Answers

6. Yes, however to the Secretary-General of the implementation body.
7. Yes
8. (a) No
- (b) No
9. The non-governmental organizations granted the right to petition, as stated in the reply to question A.2 of this chapter, should be permitted to use this right without any limitations.

PART III

QUESTIONS CONCERNING CONCILIATION

Chapter 3. Questions relating to the establishment of permanent and ad hoc bodies

1. PERMANENT AND AD HOC BODIES

A. Establishment

<u>Questions</u>	<u>Answers</u>
1. In your opinion should such bodies be established: (a) by the Economic and Social Council (b) by the General Assembly (c) by the signatory States (d) by any other method?	1. (a) No (b) No (c) Yes, by the Covenating State (d) No
2. Have you any other suggestions or observations?	2. If a special machinery for implementation of economic and social rights is set up, care should be taken that there should be no infringement of the implementation rights of the existing competent Specialized Agencies.

B. Manner of establishment

1. Should this body be: (a) elected (b) appointed	1. (a) Yes (b) No
2. Should this body be elected by (a) a simple majority (b) a 2/3 majority (c) a 2/3 majority of the General Assembly (d) a 2/3 majority of the General Assembly including at least 2/3 of the signatory States (e) signatory States.	2. (a) No (b) No (c) No (d) No (e) Yes, by the Covenating States.
3. Have you any other suggestions or observations?	3. This implementation body should be elected by a 2/3 majority of the Covenating States.



C. Composition

<u>Questions</u>	<u>Answers</u>
1. Should the bodies be composed of: (a) Government representatives (b) independent (non-government) persons (c) representatives from governmental organizations recognized by the United Nations (d) a combination of such representatives or persons?	1. (a) No (b) Yes, (however, see reply to question 6 of this section). (c) No (d) No
2. Should specialized agencies be represented on the body?	2. No
3. Should non-governmental organizations (with or without consultative status) be represented on the body?	3. No
4. Should the composition of the body be determined in some way?	4. Yes, by the Covenanting States.
5. In your opinion should such a body consist of the Chairman of the Commission of Human Rights as president and two persons elected by a majority of the General Assembly, one being selected from a list submitted by covenanting States and the other from a list submitted by governmental organizations recognized by the United Nations?	5. No
6. Have you any other suggestions or observations?	6. The implementation body should be composed of a number of independent persons elected by the covenanting States from among a panel of candidates submitted by the covenanting States.

D. Secretariat

Questions

Answers

1. Should the Secretary-General of the United Nations:

(a) be generally responsible for the preparation and execution of the work of the implementation organ

(b) attend or be represented at all the meetings of such an organ

(c) classify complaints and petitions addressed to such an organ

(d) submit an annual report to such an organ on its activities

(e) submit proposals to such an organ for action?

or

should these functions be performed by a special Secretary-General appointed for the purpose?

2. Have you any other suggestions or observations?

1. (a) No

(b) Yes

(c) No

(d) No

(e) Yes

2. All the above functions should be performed by the Secretary-General of the implementation body.

E. Functions

(1) General

1. In your opinion, should such an organ:

(a) supervise the observance of the provision of:

(i) the Covenant

(ii) other conventions on human rights

(b) make recommendations to the other organs of the United Nations and to other international organizations

1. (a) (i) Yes

(ii) Yes

(b) Yes

Questions

Answers

- (c) have the right to propose amendments to the present instrument?
2. Have you any other suggestions or observations?

- (c) Yes
2. The implementation body should be entitled to decide the appointment of a fact-finding body as stated in section II of this chapter.

(2) COLLECTION OF INFORMATION

1. In your opinion should such an organ have the right to keep itself and the United Nations informed with regard to all matters relevant to the observance and enforcement of human rights within
- (a) various States
  - (b) signatory States?
2. Should such information include
- (a) legislation
  - (b) judicial decision
  - (c) reports from various States
  - (d) records of parliaments<sup>IV</sup> debates on the subject
  - (e) writings and articles in the press
  - (f) reports of activities of organizations interested in the observance of human rights?
3. Have you any other suggestions or observations?

1. (a) Yes  
(b) Yes, the covenanting States.
2. (a) Yes  
(b) Yes  
(c) Yes  
(d) Yes  
(e) Yes  
(f) Yes
3. Non-covenanting States should be invited to provide information.

## (3) COMMENCEMENT OF ACTION

<u>Questions</u>	<u>Answers</u>
<p>1. In your opinion, should such an organ have the right to act on:</p> <p>(a) its own information</p> <p>(b) complaints received from signatory States</p> <p>(c) petition from non-governmental organizations granted consultative status by the Economic and Social Council</p> <p>(d) petitions from other non-governmental organizations?</p> <p>(e) petition from individuals</p> <p>(f) petition from groups of individuals</p>	<p>1. (a) No</p> <p>(b) Yes</p> <p>(c) No</p> <p>(d) Yes, by non-governmental organizations granted the right of petition by the implementation body.</p> <p>(e) No</p> <p>(f) No</p>
<p>2. Should the Secretary-General of the United Nations, in the case of all complaints and petitions, have the right to request such information as he deems necessary with a view to the submission of such information together with the complaint or petition to such an organ?</p>	<p>2. Yes, but this function should be carried out by the Secretary-General of the implementation body.</p>
<p>3. Except where a complaint is submitted by a signatory State, should the consideration of any petition by such an organ be conditional upon</p> <p>(a) the preliminary favourable opinion of one of the non-governmental organizations granted consultative status in category (a) or</p> <p>(b) by the Economic and Social Council and included in a special list by such an organ</p>	<p>3. (a) No, as only those non-governmental organizations which have been granted the right of petitions may present petitions.</p>

Questions

Answers

- (b) preliminary examination as to its receivability?
4. Should such an organ conduct a preliminary examination on petition from non-governmental organizations or individuals on the basis of the documentation submitted thereon by the Secretary-General with a view to deciding whether such petitions are to be considered by conciliators or, if not, the manner in which it will dispose of them?
5. Have you any other suggestions or observations?

- (b) Yes
4. Yes
5. No

(4) PROCEDURE

1. Where should such an organ have its headquarters?
2. Should it meet at headquarters only or should it have the right to meet elsewhere if it so desires?
3. Should the rules of procedure of such an organ be
- (a) established by itself
- (b) approved by the Economic and Social Council
- (c) established in any other way?
4. Should such an organ conduct its proceeding in
- (a) open meeting
- (b) private meeting
- (c) open or private meeting as it decides?

1. Wherever it is most convenient.
2. Both
3. (a) Yes  
(b) No  
(c) No
4. (a) No  
(b) No ) see answer to question  
(c) No ) 6 of this section.

Questions

Answers

5. Should such an organ have the right to
- (a) draw upon any source of information which it deems necessary
  - (b) request reports from signatory States
  - (c) carry out investigations on the spot without the consent of the State or States concerned
  - (d) appoint committees of inquiry?
6. Have you any other suggestions or observations?

5. (a) Yes
- (b) Yes
- (c) No
- (d) Yes
6. (i) the hearings on complaints of States may be held in open meetings if the implementation bodies so desire. However, hearings on petitions from non-governmental organizations should be conducted in private meetings only.
- (ii) the committee can carry out investigations within the jurisdiction of a State only with the consent of the State concerned.

(5) POWERS

1. In your opinion should the main function of such an organ be that of conciliation?
2. Should such an organ have the right to make recommendations to the parties concerned?

1. Yes
2. Yes

Questions

Answers

3. In your opinion should such an organ in consultation with the parties have the right to appoint not more than three conciliators recommended by States for that purpose?
3. Yes
4. In your opinion should such an organ be under an obligation to report to the Commission on Human Rights?
4. No, the implementation body should submit an annual report to the United Nations.
5. Should the reports of such an organ be made public?
- (a) by the organ itself
- (b) by the Commission on Human Rights
5. (a) Yes  
(b) No
6. In the event that such an organ fails to reach a settlement, should it have the right to
- (a) report the matter to the Commission on Human Rights
- (b) refer the matter to an arbitrator, if the parties so agree
- (c) refer the matter to the International Court of Justice?
6. (a) No  
(b) Yes  
(c) Yes, subject to the statute of the Court.
7. Have you any other suggestions or observations?
7. No

(6) ADVISORY OPINIONS

1. In your opinion should such an organ have the right to request
- (a) the General Assembly to authorize it, in accordance with Article 96, paragraph 2 of the Charter, to obtain an advisory opinion from the International Court of Justice on legal questions
1. (a) Yes

Questions

Answers

- |                                                                                                                                                                                               |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| (b) The Economic and Social Council to secure an advisory opinion from the International Court of Justice as provided for in the Charter and the Statute of the Court on any legal questions? | (b) No |
| 2. Have you any other suggestions or observations?                                                                                                                                            | 2. No  |

II. AD HOC FACT-FINDING BODIES

A. Establishment and composition

- |                                                                                                                                                                                |                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. In your opinion should the Secretary-General of the United Nations have the right to establish a panel of persons of high moral character to serve on <u>ad hoc</u> bodies? | 1. Yes, but by the Secretary-General of the implementation body.                                                                                                                                                                                                                     |
| 2. Should each signatory State have the right to designate persons for the panel from among their nationals?                                                                   | 2. Yes, by the covenanting States.                                                                                                                                                                                                                                                   |
| 3. Should such persons serve in their personal capacity?                                                                                                                       | 3. Yes                                                                                                                                                                                                                                                                               |
| 4. In your opinion should an <u>ad hoc</u> body of five members, selected from the panel, be set up for each complaint?                                                        | 4. No, if this procedure is adopted, the number of members should be flexible for each complaint.                                                                                                                                                                                    |
| 5. Should such an <u>ad hoc</u> body be composed of                                                                                                                            | 5. The <u>ad hoc</u> fact-finding bodies should be composed of an odd number of members with each State that is a party to the complaint appointing one, and the implementation body appointing the rest. The members should be chosen from the panel mentioned in question 1 above. |
| (a) one member selected by the State referring the matter                                                                                                                      |                                                                                                                                                                                                                                                                                      |
| (b) one member selected by the other States                                                                                                                                    |                                                                                                                                                                                                                                                                                      |
| (c) three members selected by agreement between States?                                                                                                                        |                                                                                                                                                                                                                                                                                      |



Questions

Answers

6. In the event that any place on an ad hoc body has not been filled within three months, should the Secretary-General have the right to select a person from the panel to fill it?

6. Yes, but by the Secretary-General of the implementation body.

7. Should any vacancy occurring on an ad hoc body be filled in the manner provided above?

7. Yes

8. Have you any other suggestions or observations?

8. No

B. Functions

1. In your opinion should the function of the ad hoc body be one of fact-finding?

1. Yes

2. Should the ad hoc body also have the power of conciliation?

2. No

3. Should the ad hoc body within six months of its first meeting report its findings to the

(a) States concerned

3. (a) Yes

(b) Secretary-General of the United Nations for publication?

(b) No

4. Should the ad hoc body have the right to ask the Commission on Human Rights to request the International Court of Justice for an advisory opinion on legal questions?

4. No

5. Have you any other suggestions or observations?

5. It should also report within six months of its appointment to the permanent body.

Chapter 4. Questions relating to the  
establishment of local  
agencies of implementation

<u>Questions</u>	<u>Answers</u>
1. In your opinion should each signatory State set up in its territory a body to promote respect for human rights and fundamental freedoms for all without distinctions as to race, sex, language or religion?	1. No
2. In your opinion should local agencies of implementation be established in the signatory States with jurisdiction to supervise and enforce therein	
(a) the Covenant	2. (a) No
(b) any other convention on human rights?	(b) No
3. Have you any other suggestions or observations?	3. No

PART IV

QUESTIONS CONCERNING JUDICIAL SETTLEMENT

General

1. In your opinion should signatory States have the right to refer a matter to the International Court of Justice notwithstanding any provisions which may be prescribed for implementation?	1. Yes
2. In the event that a court is empowered to be final guarantor of the Covenant, should this be	
(a) a new court (international court of human rights)	2. (a) No
(b) by a special chamber of the International Court of Justice?	(b) No

Questions

Answers

3. Have you any other suggestions or observations?

3. The covenanting States should have the right to refer a matter to the International Court of Justice in accordance with its Statute.

Chapter 5. Questions relating to an International Court of Human Rights

1. In your opinion should an international court of human rights be established?

1. No

2. Should all signatory States be ipso facto parties to the statute of the court?

2. No

3. Should an attorney-general of the United Nations be attached to the court?

3. No

4. Should there be an obligation on each signatory State to comply with the decision of the court?

4. No

5. In the event that any party fails to observe the decision of the court, should provision be made for recourse to the General Assembly by

(a) the other party

5. (a) No

(b) the Commission on Human Rights?

(b) No

6. In the event that such recourse to the General Assembly takes place, should the General Assembly have the right to make recommendations as to the measures to be taken to give effect to the judgement of the court?

6. No

7. Should the court make annual and other reports to the Economic and Social Council on its work?

7. No

Questions

Answers

8. Should the Commission on Human Rights have the right to request the court to give an advisory opinion on any question relating to human rights and fundamental freedoms?

8. No

B. Statute of the court

(1) GENERAL

1. In your opinion should the statute of the court be based on the Statute of the International Court of Justice?

1. No

2. Have you any other suggestions or observations?

2. No

(2) COMPETENCE

1. In your opinion should proceedings before the Court be initiated by:

- |                                                                                    |           |
|------------------------------------------------------------------------------------|-----------|
| (a) States                                                                         | 1. (a) No |
| (b) individuals                                                                    | (b) No    |
| (c) groups of individuals                                                          | (c) No    |
| (d) non-governmental organizations (whether with consultative status or otherwise) | (d) No    |
| (e) attorney-general of the United Nations?                                        | (e) No    |

2. Should the Court have the right to request and receive information relevant to cases before it from inter-governmental organizations?

2. No

3. Should the jurisdiction of the court comprise

- |                                                                                       |            |
|---------------------------------------------------------------------------------------|------------|
| (a) all disputes arising out of the interpretation and application:                   | 3. (a) No  |
| (i) of the Covenant                                                                   | (a) (i) No |
| (ii) of articles concerning human rights in any treaty or conventions between States. | (ii) No    |

Questions

Answers

- |                                                                                                             |        |
|-------------------------------------------------------------------------------------------------------------|--------|
| (b) all matters concerning the observance of human rights referred to it by the Commission on Human Rights? | (b) No |
| 4. Should the court have the right to delegate some of its powers to the Commission on Human Rights?        | 4. No  |
| 5. Have you any other suggestions or observations?                                                          | 5. No  |

(3) ADVISORY OPINIONS

- |                                                                                                                                                                           |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1. In your opinion should the court have the right to give an advisory opinion on any question relating to human rights at the request of the Commission on Human Rights? | 1. No |
| 2. Have you any other suggestions or observations?                                                                                                                        | 2. No |

PART V

QUESTIONS CONCERNING GENERAL PROVISIONS

General

- |                                                                                                                                                               |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1. In your opinion should the signatory States have the right by common consent to employ procedure other than those that may be provided?                    | 1. Yes     |
| 2. Notwithstanding any procedure which may be laid down, should there be a right in the case of a dispute between signatory States to submit the question to: |            |
| (a) another conciliation procedure                                                                                                                            | 2. (a) Yes |
| (b) arbitration                                                                                                                                               | (b) Yes    |
| (c) juridical settlement?                                                                                                                                     | (c) Yes    |
| 3. Have you any other suggestions or observations?                                                                                                            | 3. No      |

Chapter 6. Questions relating to the right of the Secretary-General of the United Nations to request information from the Government

Questions

Answers

1. In your opinion should the Secretary-General have the right to request information from signatory States in accordance with any procedure which may be laid down by

(a) permanent bodies

(b) ad hoc bodies?

2. Should the Secretary-General have the right under the authority of a resolution of the General Assembly of the United Nations to request the Government of a signatory State to supply an explanation as to the manner in which the law of that State gives effect to any of the provisions of the Covenant?

3. Have you any other suggestions or observations?

1. (a) Yes, however it should be the Secretary-General of the implementation body

(b) No

2. Yes, however it should be the Secretary-General of the implementation body.

3. As it has been stated under question 3, sub-section (2) of section E of part III, the Secretary-General of the implementation body should have the right to request such information from both, covenanting and non-covenanting States.

A. Questions relating to the authority and powers of the United Nations under the Charter

1. In your opinion should there be a clause to the effect that whatever measures of implementation may be adopted, the powers of all the organs of the United Nations under the Charter should remain intact?

1. Yes

Questions

Answers

2. Should the Economic and Social Council delegate to the Commission on Human Rights its right to make recommendations in respect of human rights as a joint authority with the Council, leaving the prerogatives of the Council intact?
3. Have you any other suggestions or observations?

2. Yes
3. (i) the relationship between the implementation body and the United Nations should be defined by an agreement in accordance with Article 57 of the United Nations Charter;  
(ii) the implementation body should report to the ECOSOC.

B. Questions relating to the status of non-Member States under the instrument

1. In your opinion should the instrument be open for accession to every State
- (a) which is a party to the Statute of the International Court of Justice
- (b) which the General Assembly shall by resolution declare to be eligible?
2. Should allegations of violation against non-signatory States be dealt with in accordance with the procedure provided if the
- (a) General Assembly so determines
- (b) such a State consents thereto?

1. (a) Yes
- (b) Yes
2. (a) No
- (b) Yes

Questions

Answers

3. Have you any other suggestions or observations?

3. No

C. Questions relating to notifications by signatory States, either at the time of ratification or subsequently, whether it adheres to the whole instrument or to certain parts thereof, and in the latter case enumerating the parts to which adherence is made

1. In your opinion should there be provisions relating to such notifications?

1. Yes, if there is a general instrument as mentioned in answer to question 4 of Part I.

2. If you are in favour of the inclusion of such provisions, have you any proposals to offer?

2. The notification should indicate to what parts of the instrument the State adheres and for which of the rights included in the covenant it accepts international machinery. It might be useful to provide that a State may accede to the instrument for implementation of rights not included in the covenant but be protected under a separate convention.

3. Have you any other suggestions or observations?

3. Replies under questions 1 and 2 of this section have been made under the assumption that implementation measures would be included into a general instrument as mentioned in answer to question 4, Part I. If, however, only minimal implementation measures are presented simultaneously with the covenant for signature, adherence to them should be a condition of the adherence to the covenant.



D. Questions relating to the status under the instrument of dependent Non-Self-Governing and Trust Territories

Questions

Answers

1. In your opinion should the instrument extend to the non-self-governing and trust territories for the international relations of which a signatory State is responsible?

2. Have you any other suggestions or observations?

1. Yes

2. However, in the case of trust territories there should be no duplication with the work of the Trusteeship Council.

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