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COMMISSION ON HUMAN RIGHTS

Seventh Session

SUMMARY RECORD OF THE TWO HUNDRED AND FOURTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 17 April 1951, at 10.30 a.m.

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Present:

Chairman: Mr. MALIK (Lebanon)

Members:

Australia	Mr. WHITLAM
Chile	Mr. VALENZUELA
China	Mr. YU
Denmark	Mr. SORENSEN
Egypt	AZMI Bey
France	Mr. CASSIN
Greece	Mr. EUSTATHIADES
India	Mrs. MEHTA
Pakistan	Mr. WAHEED
Sweden	Mrs. ROSSEL
Ukrainian Soviet Socialist Republic	Mr. KOVALENKO
Union of Soviet Socialist Republics	Mr. MOROSOV
United Kingdom of Great Britain and Northern Ireland	Miss BOWIE
United States of America	Mrs. ROOSEVELT
Uruguay	Mr. CIASULLO
Yugoslavia	Mr. JEVREMOVIC

Representatives of specialized agencies:

International Labour Organisation	Mr. JENKS
United Nations Educational, Scientific and Cultural Organization	Mr. SABA
World Health Organization	Mr. BERTRAND

Representatives of non-governmental organizations:Category A

World Federation of Trade Unions	Mr. WILLER Mr. FISCHER
International Confederation of Free Trade Unions	Miss SENDER
International Federation of Christian Trade Unions	Mr. EGGERMANN
World Federation of United Nations Associations	Miss WILSON

Category B and Register

Agudas Israel World Organisation	Chief Rabbi SHAFRAN
Caritas Internationalis	Abbé HAAS
Catholic International Union for Social Service	Miss de ROMER Miss SHRADER
Consultative Council of Jewish Organizations	Mr. MOSKOWITZ Mr. KARLIKOW
Commission of the Churches on International Affairs	Mr. NOLDE
Co-ordinating Board of Jewish Organizations	Mr. BERNSTEIN
International Federation of University Women	Mrs. FIECHTER
International Union of Catholic Women's Leagues	Miss de ROMER Miss ARCHINARD
International Union for Child Welfare	Mrs. SMALL
Women's International League for Peace and Freedom	Miss BAER
World Jewish Congress	Mr. BIENENFELD Mr. RIEGNER
World Union for Progressive Judaism	Mr. WOYDA

Secretariat

Mr. Humphrey

Mr. Das

Representing the Secretary-General

Secretary to the Commission

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

- (b) Inclusion in the Covenant of provisions concerning economic, social and cultural rights (continued) (E/1681, Annex III and E/CN.4/353/Add.3, pages 9-10, E/CN.4/364 and Corr. 1, 2 and 3 and Add. 1, 2 and 3, E/CN.4/513, E/CN.4/515 and Add. 1-17, E/CN.4/525, E/CN.4/527, E/CN.4/529, E/CN.4/530, E/CN.4/534, E/CN.4/537, E/CN.4/538/Rev.1, E/CN.4/539)

Mr. S. Ba (United Nations Educational, Scientific and Cultural Organization), speaking at the invitation of the CHAIRMAN, recalled that in June 1950 the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) had adopted a resolution instructing the Director-General to communicate to the competent organs of the United Nations the results of the enquiries made by the UNESCO Secretariat concerning the principles proclaimed in Articles 26 and 27 of the Universal Declaration of Human Rights, and to co-operate closely with the United Nations with a view to the working out of conventions concerning the guaranteeing of cultural rights.

That decision had been taken following a study made by the UNESCO Secretariat after the Commission on Human Rights had decided, at its fifth session, that it was essential to secure the enjoyment of economic, social and cultural rights and had raised the question whether their implementation could be more satisfactorily effected by the insertion of appropriate provisions in the Covenant, or by the conclusion of special technical conventions.

That question could only be solved by reviewing the various problems that arose and the various possible solutions, and by studying the results already achieved through national and international endeavour. The General Conference of UNESCO had examined the question in connexion with the rights proclaimed in Articles 26 and 27 of the Universal Declaration of Human Rights, and it had been after that examination that the Conference had adopted the resolution to which he had referred.

UNESCO had submitted a detailed report on the subject (which the Economic and Social Council had considered at its eleventh session and transmitted to the Commission), and had, moreover, stated its views on the question before the General Assembly. It might be of advantage if he were to repeat the main

conclusions reached as a result of the study made by UNESCO, especially since the summary record of the UNESCO representative's statement before the Third Committee of the General Assembly (A/C.3/SR.299) contained numerous substantial errors which gave an entirely false impression of those conclusions.

UNESCO's study had brought out three fundamental considerations, which closely resembled those put forward by members of the Commission at the previous meeting.

First, it was essential not to permit the establishment of any order of precedence between the various human rights, in other words, the fundamental freedoms must not be placed on a different level from social, economic and cultural rights. As had been pointed out by the Chairman and several members of the Commission, human rights formed an indivisible whole. That was why, in its report to the Economic and Social Council (E/1752), UNESCO had stated that "It seems that an international instrument designed to secure respect for human rights would be defective and would fail to fulfil the legitimate expectations of the peoples unless it expressed in practical legal terms the principles whose recognition is today demanded by the conscience of mankind, and unless it included, in addition to the individual rights which have been set forth for nearly two centuries in various famous Declarations, the economic and social rights which the United Nations have now acknowledged in principle".

Secondly, UNESCO had noted the numerous and serious difficulties involved in implementation, that was, in the practical application of the provisions of the Covenant. Those difficulties arose mainly from the facts that the level of social, cultural and economic development was not the same in all countries, and that the various States differed very widely in respect of their financial and economic resources. Hence, a universal and general definition of the obligations of States might not even go so far as the legislation of some of them, while at the same time representing a very considerable effort for others. The determination of methods for implementing the rights was a very complex question. In the field of education, for instance, a difficulty arose at once, due to the fundamental difference between teaching systems of the different countries (State or private education). It would be difficult to prescribe

universal methods and procedure for the implementation of all the rights.

Thirdly, the problems which arose should be thoroughly studied by the specialized agencies, because they were of a technical nature. The implementation of human rights could not be carried out solely by means of conventions and recommendations, and it would often be necessary to have recourse to direct action by international organizations.

On the basis of those three considerations, it should be possible to work out a balanced solution to the problem. Full implementation of economic, social and cultural rights would require a number of technical conventions, couched in universal terms, but adaptable to regional conditions, so as to take into account the differences between States in different areas of the globe.

But it should not be concluded that there was no place in the Covenant for provisions concerning economic, social and cultural rights; on the contrary, there would seem to be no incompatibility between the two methods.

At the previous meeting, some members of the Commission had expressed their concern to avoid any discrimination between States that might develop out of the fact that certain obligations, for the fulfilment of which provision had already been made in the legislation of some States, might prove too heavy a burden for others. That concern was undoubtedly justified. If, however, the problem was considered from the point of view of the ends to be achieved, and not from that of the precise nature of the undertakings to be assumed, he thought the Commission would be able to draft a text capable of commanding the support of all countries. The Covenant might include provisions which neither translated into positive law everything inherent in the principles enunciated in Articles 22 - 27 of the Universal Declaration of Human Rights nor defined the procedures and methods by which signatory States should apply those principles, but simply constituted a clear statement of economic, social and cultural rights and linked those rights with the fundamental freedoms. It would be possible to include definite, though elementary, undertakings in the field of education, for instance, by making it obligatory for all States to introduce appropriate measures unspecified in nature but designed to achieve precise ends. Once those ends had been clearly laid down

in the Covenant, it would be necessary to determine the proper methods by which they should be reached. That was where the specialized agencies, which had been assigned a definite task in that connexion and whose competence had been recognised by the United Nations, would have to play their part.

It was highly desirable that formal mention should be made, either in the section of the Covenant relating to economic, social and cultural rights or in a special resolution of the General Assembly, of the special technical conventions and recommendations which the specialized agencies should draw up with a view to securing wider implementation of such rights. At its Fifth General Conference held in 1950, UNESCO had re-affirmed its desire to establish the closest collaboration with the Commission with a view to ensuring the implementation of the cultural rights mentioned in Articles 26 and 27 of the Universal Declaration.

Finally, with regard to the working procedure to be adopted to ensure the most fruitful collaboration between the Commission and the specialized agencies, he would recall that the Director-General of UNESCO, in his reply to the questionnaires sent out by the Secretary-General of the United Nations, had recommended the establishment of working groups composed of members of the Commission and representatives of the specialized agencies to draft the conventions and recommendations. In that connexion, UNESCO would place before the Commission a number of draft resolutions prepared by its Secretariat in pursuance of the decisions taken at its last General Conference. They had not yet been submitted for approval to the General Conference, however, as it would not be meeting again until June 1951.

Miss SENDER (International Confederation of Free Trade Unions), speaking at the invitation of the CHAIRMAN, recalled that the Confederation had repeatedly expressed itself in favour of the inclusion in the draft International Covenant of the most basic economic and social rights. That attitude was inspired by recognition of the fact that, in the second half of the twentieth century,

human rights would necessarily have to cover a wider field than had been the case in, say, the second half of the eighteenth century.

The Economic and Social Council had shown its awareness of the problem by making the question of full employment the focal point of the discussions at its eleventh session. In spite of the various social philosophies then expounded in the Council, it had been the agreed opinion of all delegations that governments had an obligation to plan for full employment and, if necessary, to take appropriate measures to prevent any serious crisis from developing. The Commission should follow the same line of thought in formulating the Covenant.

Some members of the Commission did not, however, feel that that end could be achieved in the first International Covenant on Human Rights. Certain delegations maintained that such rights came within the exclusive province of the International Labour Organisation; others that the Commission was discussing only the first Covenant, and that others would necessarily follow, one of which could deal with economic and social rights. Such arguments were self-contradictory. It would still be possible to adduce the first argument, based on the conception of the exclusive competence of the International Labour Organisation, against the inclusion of legislation concerning those rights when any future covenant came up for consideration. The Confederation, of course, fully realized that the countries which maintained that attitude were among the most progressive and advanced in the field of social and economic legislation, and that it was only their strong sense of responsibility which made them hesitate to take steps which they were not completely certain they would be able to implement.

The International Confederation of Free Trade Unions favoured the inclusion of those rights, and was even more strongly in favour of the inclusion of measures for their implementation, because only if the document included such measures would it be a true covenant. There was little point in drafting a catalogue of rights if, at the same time, the idea of international control of their

implementation was rejected. It was impossible to divide countries into two classes, one of which would open its doors to inspection, while the other, although represented on the Commission, refused to allow any inspection or control by an international agency.

Items 3(b) and 3(c) of the agenda were so closely connected that it seemed to her inadvisable to take a vote on the former before a decision had been reached on the latter. In that connexion she supported the statement made the previous day that to adopt a covenant without implementation clauses would weaken the Universal Declaration of Human Rights itself.

She fully appreciated the difficulties attending the inclusion in the draft international Covenant of provisions concerning economic, social and cultural rights, and would not, therefore, press for the inclusion of all such rights; such a task could not be effectively undertaken by the Commission in the short time at its disposal. Indeed, it might even be impracticable, because the various rights might require different methods of implementation. A most serious and honest effort ought, nevertheless, to be made, in conformity with the spirit of the General Assembly resolution, to show the earnestness with which the Commission was approaching its work.

She welcomed the offer of the International Labour Organisation to co-operate with the Commission in its task, and also warmly supported the suggestion that working groups should be established after the general discussion in plenary meetings.

A common effort was necessary to co-ordinate the existing conventions of the International Labour Organisation with the decisions of the Commission. It must also be remembered that some States Members of the United Nations were members of the International Labour Organisation, and vice versa.

She doubted whether the United States proposal was consistent with the serious effort which the General Assembly was expecting of the Commission; it was virtually a reiteration of an article in the Charter and could be regarded as the basic concept underlying the Commission's work.

She suggested that an attempt should be made to draft provisions on the following points, although the list should not be regarded as exhaustive: the right to organize and to join trade unions without interference by governments or governmental parties; the right to collective bargaining; the right to a steady improvement in living and working conditions; the right to maximum hours and minimum pay; the right to free choice of a profession; the right to equal pay for equal work. Although it would be difficult to find adequate wording for the formulation of those rights, she felt that sufficient talent was available to produce the lucidity required for the purpose.

To find a common denominator between economically advanced countries and countries which had only recently achieved their independence should not prove impossible; in the case of the latter it might be necessary to provide for the gradual improvement of conditions.

The first day's discussion at the present session seemed to have been objective and fruitful, and she therefore dared hope that the goodwill of all delegations would culminate in an understanding which would show that the United Nations was capable of appreciating the needs of the current phase of human history and of handling successfully a difficult and important task.

Mrs. ROSSEL (Sweden) said that the Swedish authorities had long followed the Commission's work with interest. It was therefore with great satisfaction that a representative of Sweden was for the first time beginning to take part in the Commission's discussions.

The terms of General Assembly resolution 421 (V) and of the Economic and Social Council resolution of 23 February 1951 made it impossible for the Commission to avoid including economic, social and cultural rights in the draft International Covenant; but the extent to which those rights should be incorporated had still to be decided upon. The Commission would be failing in its duty if it merely produced generalizations and lofty phrases. On the other hand, there was a danger in being too specific because in that event many countries might ultimately find it impossible to ratify certain provisions.

A practical method of proceeding would be to combine the provisions formulated by the Commission with certain resolutions, outside the formal scope of the draft International Covenant but related to it, and dealing with such specific matters as the Commission felt it necessary to enter into, for example, matters of concern to the specialized agencies.

She supported the suggestion that a working group should be established to discuss the lines on which the Commission should proceed.

Mr. EUSTATHIADES (Greece) said that the first thing to settle was the issue, rightly raised by the Indian representative, as to how far the Commission was bound by General Assembly resolution 421 (V). He was glad to see that the feeling which he, as a jurist, entertained on that point had been confirmed by the French representative's statement. He, too, considered that the Commission was not rigidly bound by that resolution. The resolution had, moreover, only been adopted by a small majority, and a large number of delegations had abstained from voting, a fact which, while it did not indubitably foreshadow their opposition, was at any rate a clear indication that many of them would not be ready for the time being to accede to the Covenant. Lastly, the General Assembly and the Commission on Human Rights worked on parallel lines, and decisions taken by one did not bind the other. To the arguments of the United Kingdom representative he would add the hypothetical case that by the play of chance the Commission on Human Rights might one day happen to consist only of representatives from States which had voted against the resolution or abstained.

As to the substance of the question, the Commission ought also to consider the chances of its work proving successful. There he fully agreed with the United Kingdom representative. He was reminded of the fate of the Rome Convention of 4 November 1950. A group of States, united in the Council of Europe, and between which there was far closer co-operation than between Members of the United Nations, and which, moreover, enjoyed common traditions and conditions equally favourable to the implementation of economic, social, and cultural rights, had failed to complete their task, and had been brought to a standstill by difficulties which would arise in much more acute forms when attempts were made to implement those rights on a world basis.

Most members of the Commission appeared to agree that it must press forward, but that caution was necessary. He thought that the first thing to do was to decide on the method of work. That question was tied up with implementation, since the latter would depend on the extent of the obligations assumed by governments.

The question of implementation gave the Commission an opportunity of benefiting from the experience of the specialized agencies. It was essential that the Commission should establish close co-operation with the specialized agencies from the start, possibly by setting up a special working party. Such a procedure would, however, involve difficulties for small delegations and he suggested that any such working party should begin its work only after the close of the session.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that at the start of the debate he had expected to participate in a discussion on constructive proposals. He had hoped that such a discussion would enable delegations to follow the course of ideas expressed during the study of the various articles, and thus to complete more expeditiously the task assigned to the Commission by the General Assembly; it was with regret that he noted that on the contrary it was proceeding in a manner little calculated to make that possible. Many delegations too had refrained from submitting specific proposals and even from discussing and analyzing those already submitted by his own and the United States delegations.

He suggested that the meeting should proceed to consider proposals bearing on its programme of work, and should abstain from arguments aimed at reversing or undermining the decision of the General Assembly. All such arguments were doomed in advance to failure. The Assembly's decision could not be reversed or rebutted. Any attempts to do so would be out of order. He then quoted General Assembly resolution 421 (V) to show that the Commission's immediate task was to formulate constructive proposals.

It was regrettable that at least half the time so far taken up by the general discussion had been squandered on a fruitless discussion as to whether

the General Assembly resolution should be implemented, or whether it should be undermined, as certain delegations had already tried to do in the General Assembly. It was futile to attempt to impose the will of the minority on that of the majority, who wished to abide by the General Assembly's instructions, and it was high time that such extraneous observations and attempts to divert attention from positive issues were ruled out of order.

Turning to the substance of the proposals formally submitted in writing, he declared that the United States proposal (E/CN.4/539), which had been elucidated the previous day by the United States representative, did not depart in essence from the position held by those delegations which considered it unnecessary to include any economic, social or cultural rights in the draft Covenant. Mere perusal of it was enough to confirm the validity of that criticism. The proposal consisted purely of a string of words which involved no commitment on the part of States to safeguard economic, social and cultural rights. It did not therefore satisfy the General Assembly's decision requiring the Commission to formulate constructive proposals. It differed radically from the first eighteen articles of the draft Covenant, which embodied clear provisions, for some of which he intended to vote, although he did not consider all of them satisfactory.

On the other hand, if the draft articles outlined in the Soviet Union proposal (E/CN.4/537) were adopted, that would contribute to ensuring to the ordinary man the right to work under conditions which would remove the threat of death by hunger or inanition, and the other rights specified in the Soviet Union draft resolution. The United States proposal included no provisions calling upon the State to create conditions in keeping with human dignity; it stipulated no specific obligations to be undertaken by the State, and was merely a camouflaged attempt to undermine proposals to include economic, social and cultural rights in the draft Covenant. It represented an endeavour to bring up to date the position of the United States delegation at the fifth session of the General Assembly, when the United States of America and some other countries had opposed the inclusion of economic, social

and cultural rights in the draft Covenant.

He preferred to deal with a frank opponent such as the United Kingdom representative, who had stated that she did not favour the inclusion of any economic, social or cultural rights in the draft Covenant, although her supporting arguments were weak and unworthy. He deprecated the camouflaged attempts of the United States representative to achieve the same purpose by sabotaging the General Assembly resolution.

It was pointless to frighten oneself by referring to alleged difficulties in the way of the implementation of the minimum rights which should be enjoyed by every human being in the States Parties to the Covenant. Such attempts at self-intimidation were intended to deter the Commission from adopting any constructive proposals relating to the various rights.

He did not believe that the stage had been reached at which working groups could be usefully set up. It would be fruitless to refer the few proposals so far tabled to a drafting committee; the United States and Soviet Union proposals differed in toto and, if referred to a drafting committee, would only be the more strongly defended there by their sponsors. When the Commission came to consider them again in plenary, it would still be confronted with two conflicting proposals.

He suggested therefore that the Commission should make a preliminary study of the proposals tabled, and then consider them article by article.

Mr. CIASULLO (Uruguay) expressed regret that he had not been able to attend the first two meetings of the session. Had he been present at the first meeting, he, too, would have supported the nomination of Mr. Malik for the office of Chairman.

The Uruguayan delegation maintained the view which it had already put forward in the Commission itself, in the Economic and Social Council and in the General Assembly.

When the Soviet Union representative stated categorically that the Commission could not ignore the directives given in the General Assembly

resolution, he seemed to be maintaining that the resolutions of the Assembly must invariably be respected. That was a statement which ought to have ruled out any demagogic considerations. Yet the Soviet Union representative was none the less adopting a demagogic attitude, since, if there was one desire shared by the whole of humanity, it was to see the Universal Declaration of Human Rights put into practice. That could be achieved by means of a Covenant, the provisions of which would be binding, and the implementation of which would be supervised either by a special body, or by means of some such system as that which the representative of Israel, supported by the representative of Uruguay, had outlined at the fifth session of the General Assembly. The body in question should be able to receive petitions from States, from international governmental or non-governmental organizations or from private individuals. He himself would be glad to see the Soviet Union accede to such a Covenant, and permit supervision within its territory.

He was in favour of the United States proposal that a separate covenant should be drawn up on economic, social and cultural rights. As the representative of the United Nations Educational, Scientific and Cultural Organization had pointed out, it would be extremely difficult to draft a universal system that would ensure at one and the same time observance both of the fundamental freedoms and of economic, cultural and social rights.

The separate covenant should contain clauses of a general character, so that States with widely differing economic and social structures could all apply its provisions. The Commission could adopt the United States proposal as a working basis.

AZMI Bey (Egypt), referring to the fact that the Greek representative had interpreted the abstention of certain delegations from voting on General Assembly resolution 421 (V) as evidence of misgivings on the matter, pointed out that, as the United Kingdom representative had already observed, the Third Committee of the General Assembly had adopted the resolution by 23 votes to 13 with 14 abstentions, whereas the General Assembly had adopted the Third

Committee's report on the subject, and with it the resolution in question, by 35 votes to 9 with only 7 abstentions. The number of abstentions was therefore relatively small.

Mr. JEVREMOVIC (Yugoslavia) said that the problem had two aspects. First, should social, economic and cultural rights be covered by the draft Covenant? The General Assembly, by its resolution 421 (V), had decided that question in the affirmative. There was, secondly, the question of how the Commission could best carry out the instructions given to it by the Economic and Social Council in its resolution of 23 February 1951. The Yugoslav Government had always been in favour of including in the draft Covenant provisions relating to social, economic and cultural rights, believing that such an instrument would be incomplete without them. It was with that object that he had submitted the proposals contained in document E/CN.4/538. Subsequently, certain representatives had made reservations as to the possibility of implementing such provisions, and in order to meet their views he had prepared a revised text (E/CN.4/538/Rev.1). The latter proposal, which was drafted in much more general terms, would, he hoped, prove acceptable to governments which seriously intended applying the Covenant in their own countries, as indeed they were bound to do if they proposed loyally to abide by the terms of the Charter.

He was fully aware of the difficulties facing governments in their efforts to maintain and protect such rights. They were indeed being experienced by his own Government which, notwithstanding many economic handicaps, was trying to make a better life for its people. The first draft article in his proposal had been so conceived as to give recognition to the fact that governments could not be held responsible for the lack of certain rights, where that lack was directly due to backward economic conditions prevailing before they had come to power. The remaining draft articles enumerated various social, economic and cultural rights without entering into detailed definitions, which should, he believed, be evolved in the course of framing special agreements between governments.

The CHAIRMAN, referring to the points raised at the previous meeting by the representatives of India and the United Kingdom, as to whether the Commission had to adhere strictly to the instructions given by the Economic and Social Council in its resolution of 23 February 1951, said that the duties of the Commission were determined by Article 68 of the Charter, by its terms of reference, and by its rules of procedure. It was patent from those three documents that the Commission was responsible directly to the Economic and Social Council, and that any instructions which that body chose to convey to it had to be carried out so long as they remained in force. Nevertheless, the Commission's constitutional position in no way precluded it from asking the Council to reconsider any of its instructions, or indeed from making a suggestion as to the direction in which they might be adjusted. A precedent for that already existed in the shape of the Commission's request to the Council to revise its instructions concerning procedure for dealing with communications relating to human rights. Representatives would recall that the Council had not rebuked the Commission for its suggestion, but had reconsidered and modified its instructions.

The course before the Commission was clear. It should loyally carry out the instructions of the Council to ".....prepare and submit to the Council at its thirteenth session a revised draft Covenant on the lines indicated by the General Assembly.....", in connexion with which special procedural arrangements had been made. It should be noted that the words in the Council's resolution, "on the lines indicated by the General Assembly", had, at the request of the United States representative, been put to the vote separately. They had been carried by 9 votes to 4 with 5 abstentions. The Council had thereby emphasised that the Commission should be guided by the Assembly's general directive, although the latter did not specify in detail what should be done. At the same time, in carrying out that task, representatives should bear in mind that the Commission could take a separate step, indicating to the Council that it held a different view as to how the draft Covenant should be formulated, and as to whether it should, or should not include provisions relating to social, economic and cultural rights.

Any such action, however, would have to be taken independently of the Commission's duty of considering the inclusion of the additional provisions required of it under the terms of the General Assembly resolution.

In the light of the foregoing considerations, he appealed to members to comply with the Council's injunctions in a spirit of generous and positive co-operation, which, he hoped, would result in the elaboration of generally acceptable texts.

It was not yet clear whether it would be desirable to set up a working party to deal with the articles on social, economic and cultural rights, particularly as no clear directives could be given to such a group at the present stage, in view of the existence of fundamental divergencies on the question whether those provisions should be of a detailed character or not. The Commission would have to decide such crucial points of principle before it could judge whether it would be expeditious and useful to set up a working party.

He felt that at the present stage informal private consultations between members, and also between representatives of specialized agencies, might prove useful. If members agreed, he would suggest that the Commission adjourn until the following morning to enable such consultations to take place.

Mrs. MEHTA (India) said that in the light of the Chairman's explanation of the situation, her delegation would be perfectly prepared to co-operate in following out the instructions given by the Economic and Social Council and to participate in working out the necessary texts. She reserved her freedom, however, to oppose their inclusion in the draft Covenant if at the conclusion of the discussions she was convinced that it would not be desirable to do so.

Miss BOWIE (United Kingdom), thanking the Chairman for his elucidation of the position, expressed her entire agreement with his conclusions. The Commission, in accordance with its terms of reference, should study and tender advice and recommendations to the Council. She had hoped at the preceding

meeting that agreement might be reached to recommend that provisions relating to social, economic and cultural rights should not be included in the draft Covenant. In the course of the discussions, it had become obvious that a number of members were of the contrary opinion; some had submitted, or intended to submit, definite proposals, which would clearly have to be considered in detail.

Mrs. ROOSEVELT (United States of America) supported the Chairman's suggestion concerning informal consultations. If, as a result of those consultations, it was found possible to draw up generally agreed texts which could not be prepared in time for the following meeting, the Commission might perhaps continue with the discussion of item 3(c) of the agenda, reverting to item 3(b) subsequently.

Mr. CASSIN (France) was ready to adopt the procedures suggested by the Chairman. There were three different proposals before the Commission: a precise proposal, submitted by the Soviet Union; a proposal based on the idea of a general clause, submitted by the United States of America; and a mixed proposal, submitted by Yugoslavia. It was therefore most important to determine, first of all, what method the Commission should adopt. He warned members, however, against the illusory belief that the consultations proposed by the Chairman would lead to the immediate submission of constructive proposals.

He fully approved the Chairman's statement on the problem with which the Commission was faced as a result of the adoption of the General Assembly resolution. From the procedural point of view, however, a distinction should be drawn between instructions given to the Commission by a higher organ, instructions which it must carry out even if it subsequently requested their review (as had happened with regard to communications), and a general resolution calling upon the Commission to carry out a study with a view to achieving certain results. In the latter case, the Commission must certainly comply with the wish expressed by the higher organ, but it was quite possible that, after making the thorough study recommended, the Commission might judge that

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it could not conscientiously pursue to the end the course of action prescribed for it. Consequently, he considered that if the Commission felt there was no other course open to it, it could at a later stage decline to follow the General Assembly's instructions.

The CHAIRMAN considered that the Commission already had several constructive proposals before it, namely, those of the Soviet Union representative (E/CN.4/537), of the Yugoslav representative (E/CN.4/538/Rev.1) and of the United States representative (E/CN.4/539), as well as those contained in annex III to the report of its sixth session (E/1681), which would have to be discussed in detail, so that texts for new articles could be submitted in time for the Council's thirteenth session in accordance with the instructions laid down by the Council in its resolution of 23 February 1951.

Mr. CIASULLO (Uruguay) also supported the Chairman's proposal and endorsed the French representative's view regarding due observance of the General Assembly's instructions. The Uruguayan delegation had voted in favour of the General Assembly's resolution, and was still in favour of the proclamation of economic, social and cultural rights.

The CHAIRMAN said that his suggestion for adjournment had been prompted by the desire to expedite proceedings; such action should not be regarded as establishing a precedent. He hoped that the private consultations might facilitate agreement, whereupon, as the Soviet Union representative had urged, the Commission could proceed to take practical action on the specific proposals before it.

The Chairman's suggestions were unanimously adopted.

The meeting rose at 12.35 p.m.