



Friday, 14 December 1956,  
 at 3.15 p.m.

New York

**CONTENTS**

	Page
Agenda item 31:	
Draft International Covenants on Human Rights ( <i>continued</i> )	
Article 6 of the draft Covenant on Economic, Social and Cultural Rights ( <i>continued</i> ) .....	153

**Chairman: Mr. Hermod LANNUNG (Denmark).**

**AGENDA ITEM 31**

**Draft International Covenants on Human Rights (E/2573, annexes I, II and III, A/2907 and Add.1 and 2, A/2910 and Add.1 to 6, A/3077, A/C.3/L.460, A/3149, A/C.3/L.528, A/C.3/L.530, A/C.3/L.532 to 539) (*continued*)**

**ARTICLE 6 OF THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/2573, annex I A) (*continued*)**

1. Mr. SAARIO (Finland) said that his delegation would have been prepared to vote for article 6 of the draft Covenant (E/2573, annex I A) as it stood; but some of the amendments, in particular point 1 (a) of the Afghan amendments (A/C.3/L.530) and the Greek amendment (A/C.3/L.536), undoubtedly improved the original. He had no particular objection to the Colombian amendment (A/C.3/L.535), but felt that the original text already contained adequate safeguards against forced labour. He could not support the United Kingdom amendment (A/C.3/L.534). Paragraph 2 of article 6 was not a general implementation clause like article 2; it laid down a specific programme of action, and should not, therefore, be deleted. The original text of paragraph 2 was preferable to the one proposed in the Italian amendment (A/C.3/L.539); and if it was maintained as it stood, the Polish amendment to paragraph 1 (A/C.3/L.532, point 1) would be unnecessary. Point 2 (a) of the Afghan amendments (A/C.3/L.530) was also unnecessary, and point 2 (b) made the meaning of the original text too vague. He was not opposed in principle to the Guatemalan proposal (A/C.3/L.537), but he felt that the point was covered by paragraph 2 as it stood.

2. Miss BRUUN (Denmark) stressed that in dealing with a carefully drafted text such as that of the draft Covenants, the smallest possible number of amendments should be submitted. However, she supported the Greek amendment (A/C.3/L.536), which clarified the sense of paragraph 1. She had considerable sympathy with the Guatemalan amendment to paragraph 2 (A/C.3/L.537); vocational training was of the greatest importance, especially for young persons, and should be mentioned in the draft Covenant, either in article 6 or elsewhere.

3. Mr. WOLF (Austria) said it had been clear from the debate at the preceding meeting that many delega-

tions considered the Italian amendment (A/C.3/L.539) out of place in article 6. He asked whether the Italian representative would withdraw it.

4. Mr. MACCHIA (Italy) said the discussion at the preceding meeting had shown that while many delegations felt that his amendment should not be included in article 6, there was considerable support for the principle it embodied. He would therefore withdraw it, but would submit a similar proposal in connexion with another article.

5. Mrs. QUAN (Guatemala) said that the Guatemalan amendment (A/C.3/L.537) was of the highest importance, for vocational training was a prerequisite of the enjoyment of the right to work. Through lack of training, potential workers became unemployable and a burden on society. Article 6 comprised two separate parts: paragraph 1 enunciated the right of everyone to work and to choose his employment, and paragraph 2 laid down specific measures for the implementation of that right. Vocational training should certainly be included among those measures; and the appropriate insertion would be more suitably made in article 6 than in article 7, as the Chilean representative had suggested at the 710th meeting, for article 7 referred to conditions of work. She had worded her amendment in general terms; it would not bind States to establish any specific vocational training establishments.

6. Mrs. KOWALIKOWA (Poland) said that even if paragraph 2 was retained, the Polish amendment (A/C.3/L.532, point 1) would not be superfluous, as some representatives had asserted. On the contrary, it was a logical link between paragraph 1 and paragraph 2. She did not agree with the delegations which had argued that article 2 contained all the implementation provisions that were necessary; in point of fact, that article was more a statement of willingness on the part of Governments to implement the draft Covenants than a specific undertaking to do so.

7. Mr. NESTOR (Romania) supported the Afghan amendments (A/C.3/L.530) and the Greek amendment (A/C.3/L.536), which clarified the text. The Polish amendment (A/C.3/L.532, point 1) improved the text by stressing the importance of implementation measures and providing a transition from paragraph 1 to paragraph 2. He could not support the United Kingdom amendment (A/C.3/L.534). He did not agree with the United Kingdom representative's argument that article 6 should not contain an implementation clause; on the contrary, he felt that paragraph 2 was particularly apposite. He supported the Spanish amendment (A/C.3/L.533): it made paragraph 1 perfectly clear, and would preclude any reference to the paragraph as a justification either for forced labour or for parasitism and idleness. The amendments submitted by Colombia (A/C.3/L.535) and Guatemala (A/C.3/L.537) might be accepted in order to avoid unnecessary discussion; they made no great difference to the meaning of the text.

8. Mrs. ELLIOT (United Kingdom) said that point 1 (a) of the Afghan amendments (A/C.3/L.530) was acceptable to her delegation, but she could not accept the Polish amendment (A/C.3/L.532, point 1), as it duplicated the general provisions in part II of the draft Covenant; it was undesirable to have the same point covered twice in different terms, as would be the case if the amendment were adopted. She had no objection to the Spanish amendment (A/C.3/L.533), for the words "if he so desires" merely expressed the same idea as the words "which he freely accepts". She could not support the Colombian amendment (A/C.3/L.535), which was unrealistic: freedom of choice of occupation for everyone was an ideal, not a practical proposition. She preferred the original text to the Greek amendment (A/C.3/L.536). The end of paragraph 1, as originally drafted, gave an interpretation of the right to work; as amended, it would merely cite one element of that right. If the Greek amendment was adopted, the paragraph might be interpreted as laying on States the obligation to subsidize work of no value whatever to the community. Any obligation of that kind was, of course, quite unacceptable. The Guatemalan amendment (A/C.3/L.537) was redundant; vocational training was covered by article 14, paragraph 2 (b).

9. In view of the strong opposition that had been expressed to the United Kingdom amendment (A/C.3/L.534), she withdrew it. Her delegation had submitted that amendment, in line with her Government's policy in the International Labour Organisation and elsewhere, because it felt that questions of implementation could not be expressed in terms of simple principles and that implementation measures should not be specified in detail in every case. However, it was naturally in favour of steps being taken by all Governments which signed the Covenants to bring about the full realization of their terms.

10. Mr. CHENG (China) said that article 6, as drafted, formed a coherent and logical whole. It formulated a philosophic basis for the right to work; it affirmed that right, which implied the right to the opportunity to earn a living, to choose an occupation and to accept or refuse employment offered; and it placed on States the obligation to ensure full employment. If all the amendments were accepted, the logical structure of the article would be destroyed. The philosophic basis would disappear, the right to work would be equated with the opportunity to work, and the meaning of the right to choose employment would be obscured. Moreover, the right of everyone to be employed would be proclaimed on equal terms with the right to work; but that was a very vague concept which raised many problems of interpretation. In particular, there was no indication whether a country which used forced labour or organized relief programmes to provide work for its unemployed would be considered as ensuring full employment. If point 2 (a) of the Afghan amendments (A/C.3/L.530) was adopted, the scope of the article would be extended to cover social and cultural, as well as economic, development; and under the Guatemalan amendment (A/C.3/L.537) the implementation measures would include technical and vocational guidance and training. The article which emerged from the voting on the amendments might well prove unacceptable to the supporters of the draft Covenants. He would therefore vote against all the amendments.

11. Mr. SINGH (India) said that as India was a member of the Commission on Human Rights and had therefore had an opportunity of expressing its views, it had preferred to leave the floor to delegations which had not yet had that opportunity. His delegation would support all amendments which strengthened or clarified the text, and would vote against those which might weaken it. It supported the Afghan amendments (A/C.3/L.530). The Polish amendment (A/C.3/L.532, point 1) was redundant; appropriate steps for safeguarding the right to work had been incorporated in paragraph 2. He had no objection to the Spanish amendment (A/C.3/L.533). The Colombian amendment (A/C.3/L.535) improved the wording of paragraph 1, but he did not think it advisable to replace whole paragraphs. He therefore preferred the original text, as amended by point 1 (a) of the Afghan amendments (A/C.3/L.530) and by the Greek amendment (A/C.3/L.536), to the Colombian text. He appreciated the motives which had prompted the Guatemalan delegation to submit its amendment (A/C.3/L.537), but he could not support it; no attempt should be made to include an exhaustive list of measures in paragraph 2. He welcomed the withdrawal of the Italian amendment (A/C.3/L.539), which was negative in character. Governments should bind themselves to take positive action, not merely to remove obstacles.

12. Mr. MIGONE (Argentina) said that although some of the amendments submitted were not happily phrased, some of them did help to clarify the sense of the article; he would vote for the latter, although he had had no objections to the original text. His Government recognized all the principles laid down in the draft Covenants; those principles were embodied in the Argentine Constitution and had been implemented through the labour code and in other ways.

13. Mr. TOWNSEND EZCURRA (Peru) said that the text of article 6 should be so worded as to give clear expression to the principle it proclaimed; but that would not be the case if all the amendments were adopted. He supported point 1 (a) of the Afghan amendments (A/C.3/L.530). He was in sympathy with the Guatemalan amendment (A/C.3/L.537), but he felt that it should be included in article 7. He supported the Greek amendment (A/C.3/L.536). The Spanish amendment (A/C.3/L.533) was acceptable; the words "if he so desires" were not strictly necessary.

14. Mr. JARAMILLO ARRUBLA (Colombia), replying to questions put by the Australian and United Kingdom representatives, explained that the words "chooses" and "accepts", in his amendment (A/C.3/L.535), covered two different ideas. The first covered the right to choose a trade or profession, the second the right to accept or refuse an offer of employment.

15. The CHAIRMAN suggested that the Colombian amendment (A/C.3/L.535) should be voted on first, as it proposed the replacement of the whole of the original paragraph 1 by a new text.

16. Mr. MASSOUD-ANSARI (Iran) and Mr. PONCE (Ecuador) pointed out that the Colombian representative had said at a previous meeting (710th meeting) that he would be willing to withdraw his amendment, with the exception of the words "chooses or".

17. Mr. PAZHAWAK (Afghanistan) thought the amendments should be voted on in the order in which they had been submitted.

18. The CHAIRMAN observed that if the Colombian representative wished to maintain his amendment in its original form, the Committee might save time by voting on it first, since its adoption would make it unnecessary to vote on the amendments to paragraph 1 submitted by Afghanistan (A/C.3/L.530, point 1 (a)), Greece (A/C.3/L.536) and Spain (A/C.3/L.533).

19. Mr. JARAMILLO ARRUBLA (Colombia) said that he would maintain his amendment in its original form.

20. Mr. MOROZOV (Union of Soviet Socialist Republics) suggested that the meeting should be suspended to enable the sponsors of the amendments to consult together on an acceptable order of voting.

*The meeting was suspended at 4.20 p.m. and resumed at 4.40 p.m.*

21. The CHAIRMAN announced that the sponsors of the amendments had agreed that the Committee should vote first on the amendments to paragraph 1, taking first point 1 (a) of the Afghan amendments (A/C.3/L.530) and then the amendments submitted by Greece (A/C.3/L.536), Spain (A/C.3/L.533), Colombia (A/C.3/L.535) and Poland (A/C.3/L.532, point 1). The Committee would then vote on the amendments to paragraph 2 submitted by Afghanistan (A/C.3/L.530, points 2 (a) and 2 (b)) and by Guatemala (A/C.3/L.537).

22. Mr. MOROZOV (Union of Soviet Socialist Republics) pointed out that the vote on the Colombian amendment (A/C.3/L.535) would depend on the votes on the other amendments.

23. The CHAIRMAN said that that would be taken into consideration.

*The Afghan amendment (A/C.3/L.530, point 1 (a)) was adopted by 50 votes to 2, with 14 abstentions.*

*The Greek amendment (A/C.3/L.536) was adopted by 42 votes to 10, with 13 abstentions.*

*The Spanish amendment (A/C.3/L.533) was adopted by 40 votes to 8, with 16 abstentions.*

24. Mr. MOROZOV (Union of Soviet Socialist Republics), speaking on a point of order, asked in what form the Colombian amendment (A/C.3/L.535) would be put to the vote.

25. Mr. DIAZ CASANUEVA (Chile), speaking on a point of order, said that the word "fundamental", which the Colombian representative had agreed at the 711th meeting to add to the Colombian amendment (A/C.3/L.535), was inappropriate. All the rights enumerated in the draft Covenants were fundamental, and if it was retained in article 6, the adjective would have to be inserted in all the articles. He appealed to the Colombian representative to withdraw the word; otherwise, he would ask for a separate vote on it.

26. Mr. JARAMILLO ARRUBLA (Colombia) pointed out that the word "fundamental" had already been adopted in the Greek amendment (A/C.3/L.536); all that remained of the original Colombian amendment (A/C.3/L.535) was the phrase "chooses or".

27. After a brief exchange of views, the CHAIRMAN put the Colombian amendment (A/C.3/L.535), consisting of the words "chooses or", to the vote.

*The amendment was adopted by 39 votes to 6, with 19 abstentions.*

*The Polish amendment (A/C.3/L.532, point 1) was adopted by 22 votes to 20, with 20 abstentions.*

28. Mr. BRENA (Uruguay) drew attention to the fact that the Spanish text of paragraph 1, as amended, was unsatisfactory.

29. After some discussion, in which Mr. RIVAS (Venezuela), Mr. PAZHAWAK (Afghanistan), Mr. JARAMILLO ARRUBLA (Colombia) and Mr. TOWNSEND EZCURRA (Peru) took part, the CHAIRMAN suggested that the interested Spanish-speaking delegations should confer with the competent services of the Secretariat with a view to drafting a more satisfactory text.

30. At the proposal of Mr. MUFTI (Syria), the CHAIRMAN suggested that the word "the" before "Covenant" in paragraph 1 should be replaced by "this", in order to bring the paragraph into line with the other articles.

*It was so decided.*

31. Mr. DIAZ CASANUEVA (Chile), speaking on a point of order, said that for the reasons he had already explained it would be a basic error to leave the word "fundamental" in paragraph 1. He therefore moved the reconsideration of that word under rule 124 of the rules of procedure of the General Assembly.

*The motion for reconsideration was adopted by 50 votes to 4, with 11 abstentions.*

*It was decided, by 46 votes to 8, with 12 abstentions, to delete the word "fundamental" in article 6, paragraph 1, as amended.*

*Paragraph 1 as a whole, as amended, was adopted by 56 votes to none, with 10 abstentions.*

32. The CHAIRMAN invited the Committee to vote on the amendments to paragraph 2.

33. Mr. PAZHAWAK (Afghanistan) withdrew point 2 (b) of his amendments (A/C.3/L.530).

*The Guatemalan amendment (A/C.3/L.537) was adopted by 18 votes to 14, with 30 abstentions.*

*Point 2 (a) of the Afghan amendments (A/C.3/L.530) was adopted by 40 votes to 9, with 16 abstentions.*

34. At the request of Mr. ROY (Haiti), the CHAIRMAN called for a separate vote on the word "fundamental" before the words "political and economic freedoms" in paragraph 2.

*It was decided by 25 votes to 7, with 34 abstentions, to retain the word "fundamental".*

*Paragraph 2 as a whole, as amended, was adopted by 49 votes to none, with 17 abstentions.*

35. The CHAIRMAN invited the Committee to vote on article 6 as a whole, as amended.

36. Mr. CHENG (China) said that the article had been amended so much that he, for one, would be unable to vote on it without first studying it thoroughly. He therefore requested that the Secretariat should produce a complete amended text and that the vote on the article as a whole should be taken at the following meeting, without further debate.

37. After a brief discussion, in the course of which Mr. BAROODY (Saudi Arabia), Mr. MUFTI (Syria), Mr. BRENA (Uruguay) and Mr. PAZHAWAK (Afghanistan) objected to a postponement of the vote, the CHAIRMAN ruled that the vote on article 6 should be taken forthwith.

*At the request of the representative of Egypt, a vote was taken by roll-call.*

*Paraguay, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Argentina, Austria, Brazil, Bulgaria, Burma Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, Colombia, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Finland, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Mexico, Morocco, Nepal, Norway, Pakistan.

*Abstaining:* Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, Costa Rica, Cuba, Ethiopia, France, Ireland, Italy, Liberia, Luxembourg, Netherlands, New Zealand.

*Present and not voting:* China.

*Article 6 as a whole, as amended, was adopted by 48 votes to none, with 17 abstentions.*

38. Mr. NASH (United States of America) said that although the United States did not plan to sign or ratify the Covenants, it was deeply interested in the promotion of fundamental freedoms through education

and other measures. His delegation did not expect to take a prominent part in the discussion of the draft Covenants in general, and would abstain in most of the votes, as it had done in the voting on article 6. However, it would participate in the debate on matters of general policy affecting the work and activities of the United Nations above and beyond the Covenants themselves. In particular, it would oppose any measures which might increase censorship practices and would advocate the proper recognition of property interests and enterprise, join in the discussion of various implementation proposals which might result in the duplication of the work of existing international agencies, and continue to take a close interest in the procedural clauses dealing with reservations and accession to the Covenants.

39. Mr. MUFTI (Syria) requested the Chairman, in the interests of expediting the Committee's work, to set a final date for the submission of amendments to article 7.

40. The CHAIRMAN replied that he would do so after the debate on that article had begun. In the meantime, he appealed to delegations to submit their amendments as early as possible.

The meeting rose at 6.5 p.m.