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Chairman: Mrs. Aase LIONAES (Norway).

## AGENDA ITEM 33

 Draft International Covenants on Human Rights (E/  
2573, annexes I, II and III, A/2907 and Add.1-2, A/  
2910 and Add.1-6, A/2929, A/3077, A/C.3/L.460,  
A/3525, A/3588, A/3621) (continued)

 ARTICLE 15 OF THE DRAFT COVENANT ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS (E/2573, annex I A)  
(continued)

1. Mr. MAHEU (United Nations Educational, Scientific and Cultural Organization), replying to questions asked at the previous meeting, said that UNESCO had never wavered in its support of article 15 of the draft Covenant on Economic, Social and Cultural Rights (E/2573, annex I A). In the annotations on article 15 (A/2929, chap. VIII), the arguments against the article were given in paragraph 50 and those for it in paragraph 51, which ended with the sentence, "It was added that UNESCO itself favoured the adoption of the article." That was still true.

2. In its observations on the draft International Covenants on Human Rights and measures for implementation, UNESCO had stated that the article should be maintained in view of the basic importance of the right to education, the urgent need to find a solution to the problem and the fact that the ground had been prepared for implementation (E/CN.4/655/Add.4, annex, section I, (c)). Moreover, UNESCO had stated that only if the article was inserted in the Covenant could there be any guarantee that it would be applied generally and that the recognition of the right to education by the various States would have any practical effect.

3. To the question whether the obligation to work out a plan would apply to States which had not yet been able to put the principle of compulsory primary education fully into effect, although they had passed legislation on the subject, UNESCO had replied that the article should be interpreted as applying to all States which had not yet succeeded in making primary education free and compulsory, whether or not they had passed legislation on the subject.

4. His organization had felt that the actual period for putting the plans into effect should not be fixed too rigidly. If it was to be practical the plan should provide

for implementation by stages. The Fourteenth International Conference on Public Education, held at Geneva in 1951, had specified that enforcement plans "should include both measures for immediate execution and measures to be gradually applied over a fixed number of years". UNESCO had considered that the article would not prevent States from amending their plans, as circumstances required and had made a very clear statement to that effect in the last paragraph of its commentary on the article in question (E/CN.4/655/Add.4, annex, section I, (c)).

5. At the preceding meeting, both the substance and the form of article 15 had been criticized. The criticisms of substance were of three kinds: legal objections, practical objections and objections from the point of view of international action.

6. From the legal point of view, it had been maintained that article 15 conflicted with the principle of progressive implementation, which was implicit in the draft Covenant and explicit in article 14. That criticism was surprising, for the aim of article 15 was to achieve progressive implementation, in an orderly manner. A State would undertake to draw up a plan within two years, but the article expressly stated that it was to be a plan of action for progressive implementation within a reasonable number of years. The time allowed to States for the adoption of the plan could be made more flexible by amending the article.

7. On practical grounds, it had been objected that if States were obliged to adopt a plan, they might find that it was too rigid. If that was so, it was strange that so many countries had, in fact, adopted such plans. Since 1951, when the idea of planning had been introduced, a number of countries and territories had adopted plans covering periods varying in length from five to thirty years.<sup>1/</sup> It was therefore obvious that the

<sup>1/</sup> The representative of UNESCO stated that the following countries and territories had adopted plans covering the periods indicated:

Year adopted	Country or territory	Number of years covered by plan
1951	Indonesia	10
1951	Pakistan	
	West Pakistan	10
	East Pakistan	up to 20
1955-1960	Pakistan	5
1951	India	15 to 20
1952	Ghana (A second five-year plan was to be started in 1959)	5
	Peru	10
1953	Uganda	8
1954	Republic of Korea	6
1955	Nepal	30
	Ethiopia	10
	Spain	6
	Albania	
1956	Afghanistan	

(Footnote continued on following page)

difficulties which States might encounter in establishing plans were not insurmountable.

8. From the point of view of international action, it had been objected that UNESCO was already dealing with the question and that UNESCO no longer needed encouragement. With regard to the first point, it was true that UNESCO had been dealing with the question of free compulsory primary education for many years. A detailed recommendation on the subject had been adopted at the Fourteenth International Conference on Public Education.<sup>2/</sup> Furthermore, UNESCO had organized three regional conferences on the subject, one at Bombay, in December 1952, for South and South-East Asia, one in Cairo, in January 1955, for the Arab States and another in Lima, in April and May 1956, for the Latin American countries. All the countries participating in those conferences had accepted the principle of educational planning.

9. With regard to the second point, although it might be true that UNESCO no longer required article 15 as moral support there could be no doubt that the article would greatly strengthen the authority of its recommendations.

10. The contention that technical assistance was

(Footnote 1 continued):

Year adopted	Country or territory	Number of years covered by plan
1957	Somaliland under Italian administration	5
	Morocco	5
	Lebanon (now being adopted)	

In the following territories, educational plans had formed an integral part of the economic development plans:

Year adopted	Country or territory	Number of years covered by plan
1951	Ruanda-Urundi (A ten-year plan had been in force in the Belgian Congo since 1949)	10
1954-1957	Kenya	
1957-1960		
1955	Aden	5
	India (Second five-year plan)	5
1956-1960	British Guiana	

Progressive measures to introduce six years of compulsory primary education had been taken by the following countries:

Year adopted	Country
1951	Dominican Republic
1952	Federation of Malaya (A ten-year plan had been adopted for Singapore in 1948)
	Portugal
1953	Egypt
1955	Bolivia
	Jordan

Three other countries had decided to take progressive measures to make three years of primary education compulsory:

Year adopted	Country
1950	Burma
1951	Laos
1952	Viet-Nam

<sup>2/</sup> XIVth International Conference on Public Education, Proceedings and Recommendations, United Nations Educational, Scientific and Cultural Organization and International Bureau of Education, publication No. 135.

preferable to educational planning was somewhat puzzling. In fact, a large part of the technical assistance provided by UNESCO under the Expanded Programme of Technical Assistance had been granted precisely in order to help member States work out plans for the development of primary education. An example was the ten-year plan for Somaliland under Italian administration, which had been drawn up in consultation with the Administering Authority. Moreover, the effectiveness of the assistance given was greatly increased when plans were laid, as duplication of effort was avoided and effort was directed to the sectors in which it was most needed. It was not therefore a question of choosing between technical assistance and planning: one was a condition of the other.

11. It had been suggested that the provisions of article 15 might be included in article 14. That was a question of form and could be discussed after an agreement on the substance had been reached. It might be more advisable to include in article 15 the clauses of article 14 concerning implementation, rather than the other way round.

12. Finally, it had been maintained that it was unnecessary to include a special implementing article as no such article had been included for the other rights. The right to primary education was, however, a special case. It was a fundamental right, without which the others could hardly be exercised and it should be given priority over all other. Speaking on United Nations Day, he said that to adopt such a principle would be a fitting way to celebrate the day.

13. Mr. BRATANOV (Bulgaria) strongly supported the inclusion of article 15 in the draft Covenant, for several reasons. First, article 15 was essential as it was concerned with education in dependent territories, which could not yet become parties to the Covenant. How much there was still to be done in those territories had been pointed out in the Committee and, although the Australian representative had made a comparison between conditions in such territories and those in some sovereign States, it was clear from the Report on the World Social Situation (E/CN.5/324/Rev.1)<sup>3/</sup> and the reports submitted to the Fourth Committee every year that the situation in the dependent territories was deplorable.

14. Secondly, the text of article 15 was satisfactory as it stood. It took into account the backwardness of the dependent territories while at the same time allowing the colonial Powers a reasonable length of time to give effect to educational measures. It was a safeguard against any indefinite postponement. It provided merely for the first step, the working out and adoption of a plan of action within a reasonable time.

15. Thirdly, the adoption of article 15 was all the more necessary as the colonial Powers had made it clear that they regarded implementation as a question for an indefinite future. That was why the United Kingdom representative had considered that article 15 conflicted with article 2 and had been opposed to any time limit for bringing educational plans into effect; but article 15 provided for "progressive implementation, within a reasonable number of years". There could be nothing unacceptable in that unless the colonial Powers were determined that the day of implementation should never dawn.

<sup>3/</sup> United Nations publication, Sales No.:1957.IV.3.

16. In view of the stand taken by the colonial Powers, he wished to draw the Committee's attention to the problem of illiteracy. If the period of progressive implementation was to be interpreted as quite indefinite, article 15 should contain a provision that illiteracy was to be eliminated within a stated period. If compulsory primary education was to be introduced in every country, it could not be reconciled with a high percentage of illiteracy throughout the world, particularly in colonies and dependent territories. If the Committee endorsed the principle of including such a provision in the article, his delegation would submit an amendment along those lines.

17. Mr. CARSALES (Argentina) said that, in his delegation's opinion, the debate on article 15 should not degenerate into a political discussion of colonialism. The serious problem of illiteracy affected certain independent countries no less than dependent territories. The Argentine delegation would not be able to vote in favour of article 15, for technical reasons. The right to compulsory and free primary education, the fundamental method of eradicating illiteracy, had been established in article 14, paragraph 2 (a), and it therefore seemed unnecessary to adopt a further article on the subject, particularly since it contained a binding obligation for States not only to prepare a detailed plan of action, but to adopt such a plan within two years, irrespective of its quality. Moreover, the legislative or other provisions thus adopted were to be made effective "within a reasonable number of years". His delegation considered that those commitments were unrealistic; it could not see how the many countries where one half or more of the population were illiterate could fix even approximately the date by which illiteracy would be eradicated or could guarantee the implementation of all the provisions of the plans prepared under the article. No one could deny the importance of the problem of illiteracy, which had been advanced as the main argument in favour of the article, or of the need for planning to solve that problem; but if the sole purpose of the article was to emphasize that need, an appropriate addition could be made to article 14, paragraph 2.

18. From the formal point of view, his delegation could see no point in inserting a special article on the implementation of one sub-paragraph of so detailed a provision as article 14. No such additions had been inserted in respect of the articles on the right to work, working conditions, social security, family welfare, adequate levels of living or health, which were no less important than primary education; the Committee should bear in mind the Indian representative's statement that the fact that a person was illiterate did not necessarily mean that he had no education or culture.

19. In the interests of the legal accuracy of an important international document, his delegation would not be able to vote in favour of article 15, although it might vote for an amendment to article 14 along the lines he had described.

20. Mr. EFFENDI NUR (Indonesia) observed that the technical arguments for the inclusion of article 15 had been cogently expressed by the French representative (789th meeting) and confirmed by the representative of UNESCO.

21. His delegation had three main reasons for supporting the inclusion of the article. In the first

place, it attached great importance to carrying out the principle of compulsory primary education, which was an element of democracy. Intelligence and integrity were prerequisites of self-government in a democratic spirit and the better informed the citizens of a country were, the more aware they would be of the need to keep that spirit alive. Compulsory free primary education nurtured the sense of responsibility without which democracy degenerated into anarchy. If it was denied that a responsible body of public opinion could be created, democracy must be regarded as a luxury available only to countries whose peoples had already acquired the necessary education through a set of fortuitous circumstances. Primary education was a prerequisite of further training, and must therefore be available to all. In such matters as the status of women, which was still far from satisfactory in many parts of the world, simple legislation was not enough. It was essential to create favourable conditions for acceptance of equal rights and to modify existing psychological attitudes, and the achievement of those aims could be accelerated through the extension of primary education.

22. Secondly, his delegation could not share the views of those who had argued that the balance of the Covenant would be impaired by the inclusion of the article. The Committee's work on previous articles had shown that more concrete provisions were necessary in some cases than in others. Structural formalism could be carried too far.

23. Thirdly, his delegation was acutely aware that dependent peoples needed primary education. Indonesia knew only too well what such lack of education meant. At the time of its emergence from 350 years of colonial rule, 93 per cent of its population had been illiterate, but in ten years the figure had been reduced to 47 per cent. That achievement had been made possible by the strong will of the Government and the people to build a new and better society. The Indonesian delegation would therefore oppose any attempts to prevent the speeding up of compulsory primary education for the peoples of dependent territories.

24. Mr. D'SOUZA (India) said that, although his delegation was in favour of including article 15, it realized that objections could be raised to some features of the text. It was to be hoped that the partisans of such widely divergent points of view would reconsider their positions.

25. The United Kingdom and Australian representatives in their statements (789th meeting) had expressed opposition to unduly detailed planning, an attitude probably derived from their consciousness of their own good intentions in the matter. The UNESCO representative had rightly point out, however, that the article was flexible and that countries would in any case not be obliged to adopt their plans for three or four years, or two years after the signature of the Covenants. Furthermore, the adoption of a plan was not in itself an irrevocable commitment.

26. The Indian delegation fully realized that the argument was not one between colonial and non-colonial Powers. Several delegations had rightly stressed that the problems concerned affected many independent States; and the United Kingdom had no reason to be ashamed of its record of promoting education in India before that country had achieved its independence.

27. The United Kingdom representative had said that it was for UNESCO to promote the implementation of compulsory primary education. The UNESCO representative's statement had clearly shown that his organization was fully aware of its responsibilities and that its work was increasingly effective. Its position could only be strengthened by the inclusion of article 15.

28. The Indian delegation would vote in favour of including article 15 in the Covenant, in accordance with the position it had taken in the Commission on Human Rights, but it would welcome any amendment which would make the provision acceptable to a larger number of delegations.

29. Mrs. BILAI (Ukrainian Soviet Socialist Republic) said that her delegation considered it essential to include article 15 because of the alarming illiteracy figures for the world. Objections seemed untenable in the face of the fact that in some countries and territories 99 per cent of the population were illiterate; according to a UNESCO report, literacy in many dependent territories stood at only 1.5 per cent. It was difficult to see how the colonial Powers could reconcile their position on article 15 with the obligations they had assumed under Article 73 of the United Nations Charter.

30. The United Kingdom representative had said that dependent territories could not achieve independence without some progress in education; the inference to be drawn was that the colonial Powers were not anxious to accelerate educational advancement because they did not wish the dependent territories to achieve self-government. That representative had also asserted that article 15 was unnecessary because implementing clauses had not been included in respect of other articles. If the United Kingdom representative would propose similar additions to other articles, her delegation would support such a move; but that would be unlikely in view of the United Kingdom delegation's position on the article on equal pay for equal work.

31. At the preceding meeting, the Netherlands representative had invoked, among other objections to the article, certain constitutional agreements between dependent territories and metropolitan Powers. She did not consider that objection to be valid, as it was inconceivable that any dependent territory would enter into an agreement to keep its people illiterate.

32. She was also unable to agree with the Australian representative's contention that it was practically impossible to solve the problem of illiteracy. Experience had shown that illiteracy would be eradicated in a short time in an independent country; the Indonesian representative's statement illustrated the case of an under-developed country whose people were determined to erase the vestiges of past evils. The colonial Powers, with their considerable economic resources, should be able to undertake at least as much as under-developed countries; yet the situation with regard to education in dependent territories was the worst in the world.

33. Mrs. QUAN (Guatemala) thanked the UNESCO representative for his explanations, which had made it clear to her delegation that article 15 affected all countries with illiteracy problems, and not only those which had not yet instituted a system of compulsory and free primary education. Guatemala had had such a

system for over fifty years and in 1956 had accepted the principle of planning to eradicate the illiteracy which still remained.

34. Her delegation would be interested to hear the views of countries which had recently achieved independence on the advisability of including the article. Those who were in favour of its deletion argued that a second article on education would impair the balance of the Covenant and that undue emphasis on education might detract from the attention paid to other important economic, social and cultural matters. That did not seem to be an objective evaluation of the article, which did not stipulate the number of years in which the plans should be applied. Even the two-year time limit was not peremptory, since the plans were to be worked out within two years from the date of signature of the Covenant. There was also nothing in the article to indicate that the funds to be invested in carrying out the plans were to be so great that other economic, social and cultural needs could not be met.

35. There was still much illiteracy in Guatemala and the Government did not count on eradicating it in one decade or even two. The progress had been slow but it would have been even slower if her country had not established the planning principle. To do that it had not required the stimulus of an international instrument.

36. It was obvious that the draft Covenants could not satisfy all delegations, since they were too ambitious for some and not ambitious enough for others, but their real humanitarian value lay in the extent to which they could amalgamate the experience and ideals of the Member States. If article 15 was out of place in the Covenant, the existing social situation was out of place in the twentieth century. Her delegation considered that the importance of primary education, without which higher levels of culture were illusory, justified article 15. She would vote in favour of the article and appealed to all Governments to give unstinting aid to UNESCO in its work in combating illiteracy.

37. Mr. PYMAN (Australia) said that in his earlier statement (789th meeting) he had not intended to give the impression that his delegation regarded Non-Self-Governing and Trust Territories as being in a special category; he had referred to such territories only in order to illustrate the problems to which the application of article 15 would give rise both in those territories and in many metropolitan countries. He fully agreed that the educational problems of dependent territories as such should be discussed in other organs of the United Nations and he deplored the attacks on the so-called colonial Powers which had given an unpleasant tone to the debate.

38. His Government welcomed planning in educational matters. It was essential in Colombo Plan arrangements that Governments should relate the assistance given them to the planning of their social development. Australia had fully supported that concept in the relationship of aid to basic planning. It was opposed to article 15 not because the article called for such planning but because it was neither realistic nor helpful to make States undertake the legal obligation to fix a definite number of years within which they would introduce free primary education for all. The representatives of France and UNESCO had said that if States were unable to carry out their plans within

the fixed period, that period could be extended. In that case, there was no point in assuming a legal undertaking which was not binding.

39. He agreed with the Argentine representative that it would disturb the balance of the Covenant to include in it an implementation provision for one right and not for others. To the argument that education was of supreme importance, he replied that health and employment, for example, were at least equally important. The desire to preserve the balance of the Covenant might be evidence of a legal approach, but then the Covenant was a legal document.

40. In conclusion, he recalled that in the Commission on Human Rights the inclusion of article 15 had been opposed by a number of countries which were not administering Powers.

41. Mr. MASSOUD-ANSARI (Iran) remarked that, since the UNESCO representative preferred article 15 to be a separate article, he would not press for a merger of articles 14 and 15. Some provisions, however, of article 14 could usefully be transferred to article 15.

42. Mrs. SHOHAM-SHARON (Israel) strongly supported the inclusion of article 15 in the draft Covenant. The reason for special implementation article on education was that education was of paramount importance not only in itself but as an essential means of maintaining peace in the world. It was also a key to the solution of many economic and social problems. Unfortunately, it would not have been possible to include provisions for the direct implementation of the economic and social rights, since such provisions were inconsistent with the very nature of those rights. However, such a provision as regards primary education was realistic and should be included.

43. As the French representative had pointed out, article 15 was entirely reasonable, since it asked merely for the adoption of a plan, but not for its execution, within the time limit of two years. The UNESCO representative had stated that similar plans, with time limits for execution ranging from five to thirty years, were already being carried out by many countries.

44. She considered that the colonial issue, which had unfortunately been raised during the debate, should not be dealt with in that context but at a later stage. She hoped that article 15 would receive unanimous support and be applied to the greatest possible number of countries and territories.

45. Perhaps some of the constitutional difficulties mentioned might be overcome if the word "jurisdiction" in article 15 were qualified by some such phrase as "with regard to education".

46. The UNESCO representative had merely expressed a preference for a separate article 15, without giving any reasons; she invited him to specify his reasons. In her view, the most appropriate place for the article was as a final paragraph of article 14. That would turn the article into a unified and broader field of interpretative material both on the substance and on the implementation of education.

47. Mr. TAMAYO (Bolivia) stated that his country, which had legislation providing for free compulsory primary education, nevertheless faced a serious educational problem and had adopted a literacy plan in order to solve it. He therefore strongly supported article 15, which called for similar action by other countries. He would, nevertheless, be prepared to accept any amendment which clarified the present text, some parts of which were ambiguous. Thus, it was not clear who was to decide what constituted "a reasonable number of years". Furthermore, he was not sure that the "plan of action" mentioned need be detailed.

48. Sir Samuel HOARE (United Kingdom) deplored the attacks made on the so-called colonial Powers and the attribution of unworthy motives to them. In reply to the Ukrainian representative, he remarked that his conduct was entirely consistent: he had objected to special implementation articles for other rights, and he was now objecting to such an article in connexion with the right to education. He had been heartened by the Argentine representative's support of his views; that the delegation of a country which had no colonial obligations or ambitions had arrived at the same conclusions as his own was a proof of their validity.

49. The UNESCO representative's interpretation of the obligation imposed by article 15 was very interesting. If indeed Governments would not be obliged to fulfil their educational plans within the time stated, that should be made clear in the article; at the same time, that would so detract from the importance of the article that it would be better to replace it by a reference to the desirability and advisability of planning for educational advancement, which might be included in article 14.

50. His delegation had no objection to planning in educational matters; on the contrary, educational plans were being applied in many of the Non-Self-Governing Territories administered by the United Kingdom. Those plans, however, were designed to attain limited objectives and not to solve all educational difficulties. To set a definite date for such a comprehensive solution and then to be able to defer it at will struck him as unrealistic, and he was still opposed to article 15.

51. Mr. ALDUNATE (Chile) remarked that representatives of the less advanced and younger countries felt that education was of paramount importance and had to be given precedence over such other matters as social security or employment. The entire future of those countries depended on the education they would be able to give their children and their children's children, and he urged the Committee to concentrate on that thought and to abandon the colonial issue.

52. Miss FUJITA (Japan) said that article 15 was one of the most important articles in the draft Covenant. It had been suggested that the status of women was of no less importance than education. Having worked all her life to improve the status of women in her country, she had no doubt but that education came first; without it, women were not even aware of their rights, let alone prepared to fight for them. Democracy could not

function in the modern world without education. It would undoubtedly require an effort to give effect to article 15, but many States were making that effort already and it was not too much to ask of the others that they should adopt educational plans within two years, since those plans could be carried out in a

progressive and flexible manner. She hoped that those who had opposed the article would reconsider their position in the light of the convincing statement by the representative of UNESCO.

The meeting rose at 12.50 p.m.