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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, A/C.3/L.630, A/C.3/L.631, A/C.3/L.632/Rev.1) (continued)**

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

1. Mr. ROSSIDES (Greece) regretted that the discussion on article 15 of the Draft Covenant on Economic, Social and Cultural Rights (E/2573, annex I A) had degenerated into a wrangle between the colonial and anti-colonial Powers and hoped that the Committee would return to an objective study of the merits or shortcomings of the text. The main object was to give effect to the purposes set forth in article 14. To that end, article 15 made provision for the adoption of plans flexible enough to allow each country a certain initiative, taking into account its own situation and possibilities, but it was essential that such plans should be envisaged if the right to education was to become a reality.

2. It had been argued that special measures of implementation should also have been provided in the case of other rights, such as the right to social security or the right of women to equal working conditions. In reply it might be said that those rights were of less crucial importance than the right to education and that various specialized agencies such as the International Labour Organisation were actively concerned with ensuring their practical application. Nor could he accept the argument that problems of a constitutional character might prevent an Administering Power from promoting the development of public education in a Non-Self-Governing Territory. The practical difficulties mentioned in the case of territories administered by the colonial Powers must have been encountered in the same, if not greater, degree in the newly independent under-developed countries, but the under-developed countries, however, had not merely supported article 15; they had already adopted and carried out plans of the kind provided for in the article.

3. The representatives of France and of the United Nations Educational, Scientific and Cultural Organization (UNESCO) had shown that from the technical point of view the application of article 15 was perfectly

possible. Education was one of the means for preparing peoples still subject to foreign domination for independence, and under Article 73 of the United Nations Charter it was the duty of the colonial Powers to promote educational advancement. There should, therefore, be no objection to the inclusion of article 15 in the Covenant.

4. Mr. CHAUDHURI (Pakistan) said that the draft Covenants were among the most important questions on the Committee's agenda and should therefore be studied with the utmost care and with due deliberation.

5. Commenting on the remarks of various speakers, in particular the representatives of UNESCO and of France, he said that he agreed that the difficulties mentioned by the representatives of the United Kingdom and Australia were not such as to make action impossible. The right to education could not be considered in the same way as the other rights set forth in the Covenant. His delegation would vote in favour of article 15 and support any amendment designed to strengthen it.

6. Mr. COX (Peru) emphasized the importance of planning in the modern world, particularly in economic matters. In the field of education, planning would make it possible to achieve results quickly and effectively. In the interests of realism, the social situation and conditions existing in each country must be taken into account. It was advisable, nevertheless, to give special importance to education.

7. The aim of the Peruvian amendment (A/C.3/L.631) was to make the text of article 15 more precise and to assure it the broadest possible support by eliminating the most controversial elements. He would study with interest any amendments that might be suggested with a view to making the amendment clearer.

8. Miss MacENTEE (Ireland) apologized for having had to present a revised text (A/C.3/L.632/Rev.1) of her amendments. She had been unable to confer with other delegations before submitting her initial amendments (A/C.3/L.632), which had contained certain errors of drafting. In particular, they had restated article 14, paragraph 2 (d) of the draft prepared by the Commission on Human Rights (E/2573, annex I A), whereas the Irish delegation's intention had been to retain the text revised by the Working Party (A/C.3/L.625) and adopted by the Committee at the 788th meeting. The revised amendment made it clear that paragraphs 2 (d) and (e) of article 14 were deleted from that article and incorporated in article 15.

9. Her delegation's amendments were purely formal. Their object was to arrange articles 14 and 15 so that the statement of the absolute right to education would come first, followed by the list of general principles whose recognition was essential for the implementation of that right, and lastly by the concrete measures

required for their implementation. Article 14, paragraph 2, would thus be strengthened and presented in more concise form, and article 15 would no longer seem to imply that the under-developed countries were the only countries that had to take concrete steps.

10. She hoped that the Romanian delegation would have no objection to the inclusion in article 15 of the provisions the insertion of which it had requested (A/C.3/L.620). If that were not the case, the Irish delegation would leave the decision to the Committee.

11. She would welcome the UNESCO representative's views on the transfer to article 15 of paragraph 2 (d) and (e) of article 14.

12. She suggested that the Committee vote on article 15 as it stood, on the understanding that the textual rearrangement of the elements of the two articles could be considered later. If that procedure was followed, her delegation was prepared to withdraw its amendments as such. She would be glad to hear the Secretariat's views on that procedure.

13. Mrs. AFNAN (Iraq) announced that her delegation wished to associate itself with the Irish delegation in presenting the amendments (A/C.3/L.632/Rev.1).

14. Her delegation would also support the Bulgarian amendments (A/C.3/L.630). It could not support the Peruvian amendment (A/C.3/L.631), which, in its opinion, would endanger the effective accomplishment of the purposes of article 14.

15. Mr. YAGI (Sudan) stated that the objection voiced by various representatives, that the adoption of article 15 would create insurmountable difficulties in certain countries, applied equally well to any article of the draft Covenant. Briefly outlining the educational situation that had existed in his country before it had achieved independence, he stated that he was prepared to vote for article 15 and for any amendments designed to improve the form of the article.

16. Miss BERNARDINO (Dominican Republic) favoured the retention of article 15. However, in order to reconcile the opposing views and to secure the adherence of the greatest possible number of delegations to the Covenant, she asked that the phrase "within a reasonable number of years, to be fixed in the plan" be put to the vote separately. Her delegation would vote for deletion of that phrase.

17. Calling attention to her country's accomplishments in the field of education and in the campaign against illiteracy, she said that an extensive programme against illiteracy had been carried out by the Government since 1941 and the illiteracy rate had been reduced to 41 per cent. She hoped that the UNESCO representative would take note of that fact and that his organization would bring up to date one of its publications on illiteracy in which the statistics referring to the Dominican Republic were seven years old.

18. Mr. MAHMUD (Ceylon) said that he had not intended to speak, because the value of article 15 had appeared self-evident. The discussion had led him to change his mind. The United Kingdom representative had said (789th meeting) that it was unrealistic to set a fixed period for the carrying out of the plans proposed in the article in question, since the realization of those plans depended on the true situation, economic and otherwise, obtaining in different countries. That

remark obviously applied in particular to the Non-Self-Governing Territories. Yet it appeared that if an Administering Authority was able to provide compulsory primary education, free of charge, in its metropolitan territory, it should be able to offer the same benefits to the inhabitants of the Non-Self-Governing Territories under its jurisdiction. Some programmes had already been worked out about which information was submitted annually to the United Nations in compliance with Article 73 of the Charter. The adoption of article 15 of the draft Covenant would merely have the effect of setting a time limit for putting them into effect.

19. The economic difficulties experienced by Ceylon as a country entirely at the mercy of world market fluctuations had not prevented it from undertaking large-scale programmes, even before it had attained its independence.

20. The Australian representative had stated that article 15 was unnecessary because the measures needed to ensure full enjoyment of the rights in question were provided for in article 2, but that article had not yet been adopted, and was moreover drafted in the most general terms. There was thus no reason why a more specific text should not be adopted on a particular topic. In answer to the United Kingdom representative's objections (789th meeting), he said it should be remembered that it was easier to provide measures giving practical effect to the right to education than to do so for the right to social security, and that in any case the first of those rights was generally admitted to be the more important.

21. Miss ADDAE (Ghana) stated that in her country, which was faced with a great many tasks but had only limited resources, education was regarded as the essential basis for the enjoyment of all other rights. She did not agree with the view that the provisions of article 15 were neither realistic nor practical. Nor did she agree with the United Kingdom representative that it was unreasonable to expect countries with strictly limited resources to work out plans of the kind proposed in article 15; Ghana, for example, had already included an education plan in its development programme. It had been said that article 15 gave highest priority to education, possibly at the expense of other rights such as the right to social security, but that priority was wholly justified because education was the driving force of social progress. Without a minimum of education, people could not exercise their social and political rights. Countries like Ghana that were in the process of rapidly adjusting themselves to twentieth century conditions regarded primary education as the means of laying the foundation of a stable society and a national life worthy of their aspirations.

22. Article 15 also referred to the Non-Self-Governing Territories where, according to figures in a recent UNESCO publication, illiteracy rates were very high. She was surprised that the United Kingdom representative, whose country was famous for its enlightened policy towards the Non-Self-Governing Territories, and to which Ghana owed its independence, should have proposed the deletion of the article. The United Kingdom delegation would agree that any guardian, however enlightened, sometimes required prodding and had to be reminded of his responsibilities.

23. The Peruvian amendment (A/C.3/L.631) weakened the article and she could not support it. The two-year period provided for in the basic text was ample,

and it would be dangerous to replace the phrase "within two years" by the phrase "within the shortest time possible". It was self-evident that the plans could not be applied except as "consistent with the true situation in each country or territory" and those words were therefore superfluous.

24. As to the question whether article 15 should be combined with article 14 or kept as a separate article with certain additions, she felt that it was a matter of form which the Committee could consider after deciding upon the terms of article 15.

25. She could not see what purpose was served by the Bulgarian amendments (A/C.3/L.630), and unless the sponsor produced a persuasive argument in their favour she would vote against them.

26. Her delegation would vote in favour of article 15, which was an indispensable adjunct of article 14, and in favour of any amendment aimed at strengthening it.

27. Mr. BEAUFORT (Netherlands) said that the statement by the representative of UNESCO had led him to reconsider his position. He now recognized that much could be said in favour of retaining article 15. That did not mean that the wording was perfect in every respect; the word "detailed", for instance, might lead to misunderstanding. But the representative of UNESCO had convinced him that article 15 was useful in so far as it insisted on the principle of planning, and that if adopted it would mean a valuable support for the efforts of UNESCO to assist various countries in making the necessary plans. His delegation was therefore prepared to vote in favour of retaining the article.

28. Unfortunately, a difficulty still remained, arising from the phrase "or other territories under its jurisdiction". He would refer to the example of his own country, which was striving to the best of its ability to introduce certain measures in all its territories, but in the case of the autonomous parts of the Kingdom could not do so without their consent. He would add, in order to reassure the Saudi Arabian representative, that in that particular case, namely with regard to compulsory primary education, the constitutional difficulty did not apply to the Netherlands, since in the Netherlands Antilles illiteracy did not exist at all, and in Surinam primary education had been compulsory as early as 1876. Moreover, if the Saudi Arabian representative visited those territories, he could easily satisfy himself as to the representative character of the legislative bodies.

29. For the foregoing constitutional reasons his delegation would continue to oppose the retention of the phrase "or other territories under its jurisdiction", and formally proposed that a separate vote be taken on it.

30. Mr. MALITZA (Romania) had two comments to make on the amendments proposed by Iraq and Ireland (A/C.3/L.632/Rev.1). In the first place, if the Committee returned to articles that had already been adopted, the completion of the Covenants would inevitably be delayed. Furthermore, rule 124 of the rules of procedure of the General Assembly provided that when a proposal had been adopted or rejected it might not be reconsidered at the same session unless the Committee, by a two-thirds majority of the members present and voting, so decided. Secondly, he was by no means certain that the amendments would have the effect of making articles 14 and 15 more coherent.

He considered that sub-paragraph (e) was in its right place in article 14, paragraph 2, which listed the basic principles of implementation inseparable from the idea of education. If the Committee felt that any rearrangement was needed, he would prefer to see article 15 incorporated in article 14.

31. Article 15 reflected the need for special measures to eliminate illiteracy throughout the world. The figures that had been quoted showed that the gravity of the situation fully justified the inclusion of the provisions of that article in the Covenant.

32. Mrs. SYSOEVA (Byelorussian Soviet Socialist Republic) was pleased that a majority of the delegations had favoured the retention of article 15. Educational conditions were far from satisfactory, and the steps which had been taken in some territories to remedy the situation were absolutely ridiculous. Practical measures were therefore essential. The peoples of those countries did not want vague generalities but rather specific measures such as those provided for in article 15. Unfortunately, some delegations had made rather alarming statements on that subject. It seemed that those delegations were less interested in giving effect to the principle of free and compulsory primary education than in the secondary question of drawing up plans. Conditions in the Trust Territories and in the Non-Self-Governing Territories were however serious, as was shown by statistics. It was therefore essential that those territories should be explicitly mentioned in the Covenant. The delegation of the Byelorussian SSR could not agree to the drafting of article 15 in very general terms and its incorporation in article 14.

33. She supported the Bulgarian amendments (A/C.3/L.630) because they improved the drafting. Although, in general, she preferred the original version of article 15, she did not object to the compromise proposed by Iraq and Ireland (A/C.3/L.632/Rev.1). On the other hand, she would have to vote against the Peruvian amendment (A/C.3/L.631) because of the excessively broad interpretations which it allowed.

34. Mr. KRAJEWSKI (Poland) said that he was rather concerned at the trend of the discussion on article 15. One of the purposes of that article was to oblige colonial States to work out a detailed plan of action for the progressive implementation of the principle of compulsory primary education free of charge for all. He stressed that the aim was not to achieve compulsory education overnight but to work out a plan which would be executed within a reasonable period of time. There was reason to ask why so moderate a directive should encounter opposition from the delegations of certain countries. He asked whether those countries feared that the general introduction of education in dependent territories would threaten their authority. One of the representatives had implied that education should be subordinated to more humanitarian tasks such as the improvement of sanitary conditions and the elimination of employment. It was, however, obvious that any attempt to teach concepts of hygiene would be of no avail if the people did not have a minimum of education. Furthermore, even if the two problems of illiteracy and unemployment existed together, attempts could always be made to solve the first even though the second defied improvement. He therefore could not understand why there had been so many reservations and objections regarding the suitability and possibility of giving effect to the plans provided for in article 15.

35. The Polish delegation would support the Bulgarian amendments (A/C.3/L.630) stressing the importance of eliminating illiteracy. It would also support point 1 of the amendments proposed by Iraq and Ireland (A/C.3/L.632/Rev.1) but would have to vote against the Peruvian amendment (A/C.3/L.631), which weakened the article.

36. Mr. LOPEZ (Philippines) was in favour of the inclusion of article 15 in the draft Covenant on Economic, Social and Cultural Rights.

37. Education in the Philippines was at present free but was not compulsory because the existing buildings could not accommodate all the children of school age. He believed that articles 14 and 15 would encourage his Government to prepare and carry out a plan to make free and compulsory primary education available to all children. Ratification of the Covenant would be tantamount to amending his country's Constitution. Article 15 would also be useful to countries whose Constitutions and laws proclaimed the principle of free and compulsory primary education, for it would encourage them to continue their efforts to achieve the goals they had set for themselves.

38. He was pleased that his views on article 15 were shared by so many delegations, and particularly by the French delegation which, in a spirit of human sympathy, recognized the full significance of that article for the less fortunate countries. On the other hand, he could not understand the legal and constitutional arguments cited by the representatives of the United Kingdom and Australia (789th and 790th meetings) since both those countries pursued enlightened educational policies in the territories they administered. If Ghana was prepared to assume the obligations imposed by article 15, he wondered why the United Kingdom should hesitate to accept for the territories under its authority an undertaking voluntarily accepted by a country which it had until recently administered. The United Kingdom position on article 15 could not be motivated by a refusal to make such a commitment for others; he rather feared that the true reason was an inability to understand the hopes and ambitions of the impoverished and benighted two-thirds of humanity. The lack of comprehension shown by the United Kingdom and Australia gave a false impression of those two great countries and played into the hands of those who, for propaganda purposes, attacked what they called backward colonial policies. He consequently urged the representatives of the United Kingdom and Australia to reconsider their position.

39. He hoped that the Committee would give careful consideration to the amendments proposed by Iraq and Ireland, because they had the advantage of proposing a more logical presentation of articles 14 and 15, the first of those articles to contain, in the form of general principles, a statement of the obligations to be fulfilled, and the second to be exclusively devoted to measures of implementation.

40. Delegations which objected to the inclusion of article 15 argued that its provisions were too rigid, but perhaps they were interpreting them too strictly. It would be impossible for the Covenants to be signed before two, three or even five years, and they would not come into force for ratifying States until ninety days after the date of ratification. Each State would thus have five to ten years to work out the plans in

question. That could not be considered too brief a period.

41. Mr. CARASALES (Argentina) said that for one hundred years primary education had been compulsory and free in Argentina. His delegation would vote in favour of the Peruvian amendment, which satisfied most of the objections it had expressed at the preceding meeting concerning the wording of article 15. Contrary to what some delegations seemed to think, technical legal questions were not unimportant. The covenants on human rights were legal instruments, and, needless to say, in such instruments the form was essential.

42. The Argentine delegation could not yet take a definitive stand on the amendments proposed by Iraq and Ireland but considered that, as a whole, they improved the legal language and the balance of the original. His delegation had no objections to the Bulgarian amendments (A/C.3/L.630) but, for the time being, saw no necessity for them.

43. He supported the comments of the Greek representative regarding the advisability of injecting political questions into the discussion of the draft Covenants. Each delegation's position should be based on its judgement of the intrinsic value of the various articles.

44. Sir Samuel HOARE (United Kingdom) said that the criticisms of his attitude revealed a misunderstanding of the position of his delegation, which was not opposed to drawing up plans concerning education—such plans were indeed indispensable and existed in all territories under United Kingdom administration. Moreover, the aim of compulsory and free primary education had his delegation's complete support. His delegation's basic position resulted from a concern for the character of the obligations in the Covenant which was more than merely technical or academic. The draft Covenant had reached its present form after a long struggle over the question whether there should be one covenant or two, and those who favoured one covenant were still endeavouring to include in the draft Covenant on Economic, Social and Cultural Rights special measures of implementation, inconsistent with the conception of rights to be progressively achieved through the action of the specialized agencies. Those attempts had unfortunately in some instances been successful, but that afforded no ground for the addition of further provisions of the same character.

45. He recognized that it was difficult for many delegations which felt strongly the importance of advance in education to share his view that what was involved was not the stressing of the importance of compulsory and free primary education—which had already been done in article 14—but the purely technical question whether the provisions of article 15 about planning were either appropriate or desirable. What States were being required to do was to plan to attain the complete objective in a specified number of years. That was unrealistic; if the representative of UNESCO was right in saying that there was no obligation on States to achieve that aim in the period specified by them, the article had little content. He could find no authority in the text for the statement of the representative of UNESCO that a State which thought it unreasonable to fix a final term could comply with the article by fixing a term for a more limited objective. In practice it was through stage-by-stage planning and

not through the setting of target dates for final goals that progress in education had been achieved.

46. He would not comment at length on the various amendments submitted. He agreed with the representative of the Philippines that there was no advantage in replacing the words "two years" by the words "the shortest time possible", as suggested in sub-paragraph (a) of the text proposed by Peru (A/C.3/L.631). Sub-paragraph (b) was a well-meant attempt to clarify the meaning of the present text but he could not think the attempt had been really successful. The Bulgarian amendments (A/C.3/L.630) seemed to lack clarity; he would like to know the exact meaning of the expression "conditions of general literacy".

47. Mr. PYMAN (Australia) unreservedly supported the arguments advanced by the United Kingdom representative. In order that there might be no doubt as to the reasons for his delegation's position, he recalled that the Australian Government had in all sincerity informed the Trusteeship Council that it could not state an exact date, for reasons associated with the peculiar conditions of the Territory, by which the extension to the whole population of various social services, including education, would be completed in New Guinea. The difficulties encountered by the Australian Government in that Territory were genuine and very difficult to overcome. He was surprised that in the debate there had been very little evidence that some other countries, particularly metropolitan countries, had encountered similar difficulties. He was also surprised to note that some delegations attached little importance to the decisions of the Trusteeship Council on the pretext that its members were divided equally between administering and non-administering Powers. It would suffice to point out that the Council's decision concerning New Guinea had been supported by three of the non-administering Members and opposed only by one.

48. The Australian delegation welcomed the assurance of a number of representatives and, in particular, the representative of the Philippines, regarding the confidence of members of the Committee in the Australian administration of its Trust and Non-Self-Governing Territories. It would much prefer not to have to adopt a negative attitude. The Dominican representative had argued, quite rightly, for flexibility in the article, and for that purpose had sought a separate vote on the words "within a reasonable number of

years, to be fixed in the plan". If those words were deleted from article 15, his delegation would give sympathetic consideration to abstaining on the article rather than voting against it.

49. The Australian Government by no means considered the right to education a secondary right, but did not, on the other hand, feel that it should be given more importance than other equally fundamental rights such as the right to health and the right to work. What was needed, in his belief, was balanced progress in all fields.

50. Mr. ALDUNATE (Chile) thought that the amendments proposed by Iraq and Ireland (A/C.3/L.632/Rev.1) and Peru (A/C.3/L.631) would considerably improve the text of article 15.

51. All Latin American countries realized the importance of determining the exact date by which all the people would have the benefit of free and compulsory primary education.

52. The time limits set in article 15 were not so strict nor the dates so close as some delegations seemed to believe. In any case, before drawing up a plan, a country would have had to accede to the Covenant, but the Covenant was not yet ready, and many States would not ratify it immediately. Moreover, the States parties to the Covenant would only be required to attain a fixed objective "progressively" and "within a reasonable number of years".

53. The Chilean delegation could not understand why the representative of such an enlightened country as the United Kingdom should object to the words "within two years", thus appearing not to want the peoples of the whole world to enjoy the benefits of education as soon as possible.

54. Sir Samuel HOARE (United Kingdom) pointed out that his delegation objected not to the words "within two years" but to the phrase "within a reasonable number of years, to be fixed in the plan", the meaning of which should, in his opinion, be made clear.

55. Miss MacENTEE (Ireland) formally proposed, on her own behalf and on behalf of the representative of Iraq, that article 15 and the amendments thereto should be put to the vote first and that the Committee should then take up the proposal contained in their amendments (A/C.3/L.632/Rev.1).

The meeting rose at 6.5 p.m.