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Sixth Session

SUMMARY RECORD OF THE HUNDRED AND NINETY-EIGHTH MEETING

Held at Lake Success, New York,
on Thursday, 18 May 1950, at 10.15 a.m.

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<u>Chairman:</u>	Mrs. ROOSEVELT	United States of America
<u>Members:</u>	Mr. WHITLAM	Australia
	Mr. NISOT	Belgium
	Mr. VALENZUELA	Chile
	Mr. CHA)	China
	Mr. CHANG)	
	Mr. SORENSEN	Denmark
	Mr. RAMADAN	Egypt
	Mr. CASSIN	France
	Mr. KYROU	Greece

Members (continued):

Mrs. MEHTA	India
Mr. MENDEZ	Philippines
Miss BOWIE	United Kingdom of Great Britain and Northern Ireland
Mr. ORIBE	Uruguay
Mr. JEVREMOVIC	Yugoslavia

Representative of a specialized agency:

Mr. ORENSTEIN	World Health Organization (WHO)
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Representatives of non-governmental organizations:Category A:

Miss SENDER	International Confederation of Free Trade Unions (ICFTU)
Mrs. SPFAGUE	World Federation of United Nations Associations (WFUNA)

Category B:

Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
Mr. HALPERIN	Co-ordinating Board of Jewish Organizations
Mr. CRUICKSHANK	Inter-American Council of Commerce and Production
Mrs. PARSONS	International Council of Women
Miss ROBB	International Federation of University Women
Mr. BEER	International League for the Rights of Ma
Miss SCHAEFER	International Union of Catholic Women's Leagues

Secretariat:

Mr. SCHWELB	Assistant Director, Division of Human Rights
Mr. SCHACHTER	Deputy Director, General Legal Division
Mr. DAS	Secretary of the Commission
Miss KITCHEN	Secretariat

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS

DRAFT RESOLUTION PROPOSED BY FRANCE (E/CN.4/501) (continued)

1. The CHAIRMAN invited the Commission to continue its discussion of the French draft resolution (E/CN.4/501). Speaking as representative of the United States of America, she wished to propose three amendments to the French text. She thought the words "the promotion of" should be inserted before the words "universal respect for" in the fourth line of the first paragraph. She also suggested that the fifth paragraph should be amended to read: "to examine the reports and to prepare and forward to the Economic and Social Council such draft conventions or other measures as are appropriate in the field of human rights," and that the sixth paragraph should be amended to read: "to instruct the Commission on Human Rights to prepare proposals concerning the contents of the annual reports of States and the procedure for their examination by the Commission."

2. Mr. NISOT (Belgium) asked whether, under the terms of the French resolution, States would be required to report on the implementation of the covenant and if so, whether Member States who were not parties to the covenant could participate in the discussion of such reports.

3. Mr. CASSIN (France) explained that his resolution was intended to refer to the whole question of promotion of respect for and observance of human rights throughout the world.

4. Mr. NISOT (Belgium) feared that the French draft resolution might be contrary to the provisions of Article 2, paragraph 7, of the Charter.

5. In reply to a question from Miss BOWIE (United Kingdom), Mr. CASSIN (France) said he hoped the reports would elicit general information on the implementation of human rights. They were not intended to rehearse the facts regarding individual cases, which would probably appear in the Yearbook. As it would be the Economic and Social Council which would determine the contents of the reports, it would be possible to select a particular group of rights every year on which States would be invited to report.

/6. He agreed

6. He agreed with the United Kingdom representative that the French draft resolution was closely linked to the draft resolutions relating to the Yearbook, and suggested that it might be possible to combine them. The French text had the advantage of laying down a procedure for compiling official reports. The information submitted for the Yearbook could be utilized to round out the general picture presented by the reports.

7. In reply to the representative of Lebanon, he said that by the word "contents" he had meant to indicate the form in which reports should be presented. It might be better, however, to say specifically that the reports should be divided into three parts, one containing the text of legislation relating to human rights, one reporting on administrative measures and one reviewing important judicial decisions. The procedure for examining the reports would depend largely on the Council's decisions on the contents.

8. Mr. NISOT (Belgium) said that adoption of the French proposal would put States under the obligation to explain the whole of their activities each year inasmuch as there was practically nothing in those activities which might not be considered as pertaining to the protection of human rights.

9. Miss BOWIE (United Kingdom) pointed out that the draft resolution was not and could not be mandatory and that, therefore, states which were not particularly zealous in safeguarding human rights would be unlikely to submit full information, although states which were actively promoting respect for and observance of those rights would probably send in very full documentation. That data, however, would have been more helpful had it been received before the Commission began to work on the covenant. Moreover the Commission would have little time to examine the reports thoroughly and she wondered therefore, whether they would prove to be of any practical use. On the other hand, if the French draft resolution were linked directly with the programme of work for the Yearbook, the Commission could obtain legal analysis of the material submitted which might help in the drafting of conventions in those fields. Such a result would of course be of immense practical value.

10. Inasmuch as States were not under any compulsion to furnish information, however, it would probably be difficult to collect the data necessary to compile a useful general survey on the status of any particular right.

11. Mr. CASSIN (France) accepted the United States amendment to the first paragraph, and the Chilean amendment to delete the phrase "before 31 December" in the third paragraph. He did not object to the United States amendment to the fifth paragraph but pointed out that it went considerably further than the original. A satisfactory solution might be to insert a formal reference to the Yearbook in the draft resolution in place of the United States amendment. He also thought the United States amendment to the sixth paragraph was acceptable, but would prefer the original, simpler text.

12. The CHAIRMAN, speaking as representative of the United States of America, pointed out that the words "as are appropriate" in her proposed amendment to the fifth paragraph would enable the Commission to exercise its discretion with regard to the drafting of conventions on human rights. The United States text would not leave the whole matter as vague as the French text did.

13. She did not feel that the draft resolution was particularly essential, but if it were adopted, it should state very clearly what the Commission was to do. It was to that end that she had proposed her amendment to the sixth paragraph.

14. Mr. CHANG (China) thought the French draft resolution was a praiseworthy attempt to promote the implementation of the Universal Declaration on a wider scale than that envisaged in the covenant. He held no strong views on the proposed text, but would suggest that in the third paragraph the phrase "by their national law" should be deleted. The resolution could then be interpreted to include other, positive measures for promoting the observance of human rights, in addition to the purely negative approach of fostering respect for those rights through legislation. He had often expressed the view that in its work the Commission unduly emphasized the negative aspects of the implementation of human rights, and he had pointed out that such an approach might encourage states merely to engage in recriminations. In the interests of ensuring the effective observance of human rights, he would stress that educational measures in their widest sense, and other constructive programmes, should not be overlooked.

/15. He had

15. He had several drafting changes to suggest to the French proposal. It might be better to insert the sixth paragraph after either the second or the third paragraph, as it would be more logical to establish the regulations governing the contents of the annual reports before laying down the mechanical procedure for transmitting them to the proper bodies. He also thought that the fourth and fifth paragraphs were superfluous and should be deleted.

16. He urged the Commission to consider the implications of the French draft resolution most carefully and to attempt to provide for constructive measures to implement the principles proclaimed by the Declaration. If some positive results could be achieved, the entire cause of human rights would be advanced, but if it became necessary to rely entirely on legislative measures to achieve those ends, he thought there was little hope that the Commission's efforts would be highly successful.

17. The CHAIRMAN, speaking as representative of the United States of America, said she agreed with the Chinese amendment to delete the phrase "by their national law", in the third paragraph.

18. She also agreed with the United Kingdom suggestion that in order to avoid duplication the French draft resolution should be related to the draft resolutions on the Yearbook. To that end, the third and fourth paragraphs could be deleted and the fifth paragraph amended to read: "Instructs the Commission on Human Rights to examine annual reports on human rights submitted to the Yearbook."

19. Mr. MALIK (Lebanon) pointed out that although many of the various amendments contained valuable ideas, they would radically alter the basic premise of the French draft resolution. If the fundamental idea in the French proposal was to be preserved, the third paragraph would have to be retained, and if any work was to be done on the reports, the fourth paragraph would also have to be retained. He thought, moreover, that the Commission on Human Rights was the proper body to deal with such reports. The fifth paragraph could be deleted as it was covered by the provisions of the sixth paragraph, although the phrase "to this end" in the last paragraph would have to be deleted.

/20. In order to

20. In order to meet the Belgian representative's objections, the text could be further amended to read: "regulations concerning the general structure of these reports and the procedure for their examination by the Commission". That wording could not be interpreted to be in contradiction with the provisions of Article 2, paragraph 7, of the Charter.

21. In conclusion, he said that he would support the French draft resolution, with the proposed amendments, although it would no longer achieve its original purpose.

22. Mr. KYROU (Greece) suggested that, as many substantive amendments had been proposed, it might be better to postpone action on the draft resolution and submit it directly to the General Assembly. If the French representative wished to press for a vote at that time, however, he would endorse the Chinese representative's views.

23. He pointed out that the successful implementation of human rights would require the goodwill and the voluntary collaboration of all Member States. If any nation felt that the French text was in conflict with the provisions of Article 2, paragraph 7, of the Charter, it might not be disposed to comply with it. He wondered, therefore, whether it would not be better to amend the third paragraph to read: "Invites States Members to study the possibility of submitting to the Secretary-General of the United Nations...".

24. Mr. WHITLAM (Australia) supported the representatives of Greece and China. It would be helpful to lay more stress on positive means of ensuring the observance of human rights. Moreover, it might be premature to request a series of reports on the implementation of human rights before the covenant was in operation. It might be thought that some organs of the United Nations tended to be more exacting than necessary at that early stage. He suggested, therefore, that it would be wiser to withdraw the French draft resolution and reintroduce it at a later date. In conclusion he stressed that the problems confronting federal states with regard to the whole question of the covenant raised complex and delicate issues which should not be overlooked.

25. Mr. NISOT (Belgium) said the Greek amendment would bring the text into line with the provisions of Article 2, paragraph 7, of the Charter.

26. With regard to the remarks of the representative of Australia, he pointed out that, if the draft resolution were adopted, it would apply to the same extent to all States, federal or unitary.

27. In reply to the CHAIRMAN, Mr. CASSIN (France) said he would reconsider his text in the light of the amendment proposed and would either introduce a revised draft at the next meeting or withdraw the proposal. It should be borne in mind, however, that his was a preliminary text, and that his primary objective was generally to implement the obligations imposed by the Charter in the field of human rights. At the moment, he was inclined to believe that it would be better to adopt some text, rather than to postpone the entire question until later.

DRAFT RESOLUTION PROPOSED BY LEBANON (E/CN.4/493, E/CN.4/503)

DRAFT RESOLUTION PROPOSED BY DENMARK (E/CN.4/496)

DRAFT RESOLUTION PROPOSED BY THE UNITED KINGDOM (E/CN.4/505)

28. Mr. MALIK (Lebanon) noted that his draft resolution (E/CN.4/493) and that of the Danish delegation (E/CN.4/496) represented opposing points of view. As regards his own text, he considered it self-explanatory. He wished only to call attention to paragraph 6 of the draft resolution, which constituted annex B of his proposal. In view of the long debates in the Commission on the precise relationship between the Declaration of Human Rights and the draft covenant, and the necessity of not detracting from the importance of the Declaration, he considered the sentence in question to be the simplest and least objectionable formula possible.

29. As regards the Danish position, he had several observations to make. First, he was not convinced that the Commission would be in a better position, both politically and psychologically, to reach agreement the following year than it had been during the current session. World conditions might well be worse rather than better; and in postponing presentation of the draft covenant, the Commission might find itself, the following year, in the position of having nothing to submit to the Council.

30. Secondly, he felt that the last paragraph of the Danish draft resolution was not helpful, since it sought to postpone submission of the articles agreed upon by the Commission during the current session, without permitting the Commission to re-open consideration of those articles at the next session. He would consider it unfortunate for the Council and the General Assembly to be asked to postpone action on the work already accomplished by the Commission, in view of the Commission's formal decision to proceed by stages with the work in hand and, in particular, to consider social and economic rights separately from basic political rights.

31. Thirdly, Mr. Malik felt that the procedure advocated in the Danish draft resolution would have an unfortunate psychological effect on world public opinion. No member of the Commission was fully satisfied with the work accomplished during the current session; it was, however, the best that could be achieved in the circumstances. Widespread disappointment would be created among the peoples of the world if the Commission showed so little confidence in its own work as to request the Economic and Social Council not to submit the results of that work to the General Assembly. The Commission should adopt a realistic but optimistic attitude, not the attitude that the entire work of its current session had been in vain. Some progress had indeed been made, and the Commission was not justified in bringing an unfavourable judgment on the part of world public opinion upon itself and the United Nations as a whole by refusing to submit a positive recommendation to the Council after two years of work.

32. For those reasons, he hoped that the Commission would take positive action and recommend the draft covenant to the Economic and Social Council.

33. The CHAIRMAN drew the attention of the Commission to rule 28 of the revised rules of procedure, which dealt with estimates of cost involved in proposals approved by United Nations bodies. In accordance with that rule, the Commission should take note of document E/CN.4/474/Add.1, a statement of the financial implications of the proposal for measures of implementation of the draft covenant.

34. Mr. SORENSEN (Denmark) disagreed with the position of the Lebanese delegation mainly on two basic facts. First, the work of the United Nations in the field of human rights over a period of five years had already produced general agreement among most Member States on certain rights, as set forth in the Universal Declaration of Human Rights. The moral and political force of that Declaration was accepted by all; it had given rise to impressive legal and political development in many countries since its adoption. It was essential, therefore, that the Commission should not take or recommend any step which might undermine the authority of the Declaration.

35. Secondly, Mr. Sorensen stressed the divergences of opinion which had emerged during the Commission's debates as to methods and procedures for translating the basic principles of the Declaration into action. If those divergences of opinion were carried to the General Assembly, the result could only be to magnify and distort them; if they were thus displayed to public view, they might well be interpreted as basic differences regarding the provisions of the Declaration, rather than as mere disagreements concerning procedures of implementation. Such misinterpretation could only harm the cause of human rights.

36. Moreover, during the present critical period in the history of the United Nations, the whole position of the Organization might be jeopardized if the controversial issue of the draft covenant were introduced in the General Assembly.

37. As regards the Lebanese representative's remark concerning the instability of world conditions, Mr. Sorensen pointed out that he had not suggested submission of the draft covenant the following year; he had merely proposed that it should not be submitted during the current year. He felt that the Commission should not continue to draft such covenants as long as world conditions remained unfavourable to their implementation.

38. Regarding his proposal, in the last paragraph, that examination of the articles of part II should not be reopened, the Danish representative pointed out that in the opinion of many members of the Commission those articles had been covered as carefully as possible in the course of three sessions of the Commission, and did not require further consideration. Many important questions still remained to be considered further, such as the measures of implementation and some important clauses of part III, in particular the

/federal clause;

federal clause; the latter related to the question of equality or inequality among the contracting parties, and might be very difficult to solve. He could not agree with the representative of Lebanon, however, that part II alone of the draft covenant could be forwarded to the General Assembly; part II should not be submitted independently, since it was valueless without proposals for measures for implementation.

39. With regard to the effect of his proposal upon public opinion, Mr. Sorensen thought that the ways and means of promoting respect for human rights were of far less importance to the peoples of the world than the actual results achieved. The public had little interest in covenants as such; it was interested in performance rather than in procedures. In current world conditions, the desired results could best be achieved by other means than a covenant. The fact that an effective covenant on human rights was impossible to achieve at present was not the fault of the Commission, which had worked hard and seriously; it arose from a deeper cause, namely, the tension between countries and groups of countries throughout the world. The Commission would be failing in its duty if it did not take account of world events; it should be recalled that its programme of work had been laid down four years previously, and it must not fail to draw practical conclusions from the changes which had occurred throughout the world since that time.

40. The CHAIRMAN, speaking as representative of the United States of America, supported the Lebanese draft resolution. She stressed the fact that in submitting the draft covenant, the Commission did not expect that it would be approved without change; it would be the duty of the Council and the General Assembly to review and revise its provisions as they saw fit. The text was by no means in final form, but she felt that three years of work by the Commission had produced a working document worthy of submission to the General Assembly.

41. Since the beginning of the Commission's debates, her delegation had maintained that the Declaration of Human Rights was a statement of principles and aspirations which must be progressively transformed into law. She disagreed

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categorically with the view that unless all the rights mentioned in the Declaration were included in the covenant, the authority of the covenant would be lessened. To the peoples of the world in general, the rights which they could claim legally were of the utmost importance; it was therefore essential to make it known to the people that binding legal covenants were being prepared as rapidly as possible. The preparation of such covenants was a slow process, and their scope must necessarily be narrower than that of the Declaration. But they were an indispensable step toward achievement of the final objective.

42. The Commission was not attempting to submit to the Council a finished and final document; it was submitting the best results it had been able to achieve. She was not concerned about probable disagreement on the document in the General Assembly; there had been considerable disagreement during the debates preceding adoption of the Declaration. The chief value of open discussion, even when it included disagreement, was the added interest which such discussion stimulated among the peoples of the Member States. She herself, in the course of her many widespread contacts with the people of her country, had become convinced that even in the United States, where United Nations debates were widely publicized, very few people were actually aware of the purposes and work of the Commission on Human Rights. She was convinced that a similar situation existed in many other countries; it was a long and difficult task to make the problems and work of the United Nations fully clear to the peoples of the various countries. For that reason, she felt that the Commission would suffer a serious setback if no tangible evidence of its work were submitted to the next session of the General Assembly.

43. Finally, in present troubled conditions, it was particularly important that an event which could bring real hope to the peoples of the world, such as a report of the submission of the draft covenant, should not be kept from them. As the representative of her Government, she could not approve postponement of the covenant; and as Chairman of the Commission, she felt that such postponement would constitute a serious blow to the Commission's prestige.

44. Mr. JEVREMOVIC (Yugoslavia) said that he would support the Danish draft resolution. He recalled certain comments he had made during the course of the Commission's debates, which explained the attitude of his delegation toward the two draft resolutions before the Commission. He had expressed regret that economic and social rights, as well as some important political rights, had been omitted from the draft covenant, with the result that the Declaration and the covenant were very far apart in significance and scope. Economic and social rights were important not only as a guarantee of fair living conditions to the workers of the world but as a guarantee of peace among the nations.

45. He did not understand Mr. Malik's reference to the troubled international situation. That situation had never before been mentioned as a reason for not drafting the covenant in more complete form; it had been generally agreed by the members of the Commission that economic and social rights were of fundamental importance and should be re-affirmed, but the postponement of consideration of those rights had been attributed only to lack of time.

46. It was quite probable that failure to submit the draft covenant to the next session of the General Assembly would cause disappointment among the people of the Member States. There might, however, be greater disappointment if the General Assembly were confronted with a document which had been too hastily prepared and which fell far short of the Declaration of Human Rights. The question of economic and social rights was difficult, but it was of primary importance and must be settled.

47. He agreed with the Chairman that the public in general were not familiar with the Declaration of Human Rights. The reason for that ignorance, however, lay in the fact that the provisions of the Declaration had not been implemented; if the living conditions of the peoples of the world had improved as a result of the Declaration, they would be more familiar with it.

48. Mr. Jevremovic was opposed to the last clause of the Danish draft resolution, reading "... without, however, reopening the examination of the adopted draft articles on certain fundamental civil rights and liberties (Part II of the draft covenant)". He could see no objection to reconsideration of the articles in question, particularly as some of them had been adopted quickly and without sufficient attention to detail. If the representative of Denmark would agree to delete that clause, he would support the draft resolution.

/49. The CHAIRMAN

49. The CHAIRMAN, speaking as representative of the United States of America, pointed out to the representative of Yugoslavia that the only way in which implementation of the provisions of the Declaration could be achieved was through the gradual preparation and adoption of covenants which would translate those provisions into law.

50. Mr. VALENZUELA (Chile) said he was unable to share the Danish representative's pessimistic view that it was at present impossible to provide for adequate implementation of the Universal Declaration of Human Rights owing to difficulties arising from the tense international situation. If such a view were adopted by the United Nations, the logical consequence would be to postpone all international action until the obstacles to international co-operation were miraculously removed and all nations suddenly agreed to live together in peace and friendship. But the United Nations could not indefinitely defer action on certain important problems; indeed, it was morally obliged to go ahead with the promotion of democratic ideas, because only in that way could it give to many nations gripped by the fear of war the hope and encouragement they needed. Mr. Valenzuela made it clear that he was not criticizing the views of any particular member of the Commission but, rather, a widespread and dangerous frame of mind.

51. He did not believe that the draft covenant could be described as ineffective: effectiveness must be measured in terms of possibilities, and the text certainly represented the maximum degree of compromise that could have been achieved in the circumstances. Unquestionably, it had many faults, as the representative of Yugoslavia had pointed out, and comparatively few decisions had been adopted unanimously. But there was no reason to expect that the views of members, who were representatives of their governments as well as experts, would change within the space of one year. The Economic and Social Council and the General Assembly, having a wider membership than the Commission, were in a better position to modify and improve the draft.

52. The Danish proposal was tantamount to an admission that the world was not politically mature enough for a covenant on human rights. By confessing its inability to elaborate such a covenant, the Commission would be doing a great disservice to the promotion of respect for and observance of human rights.

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It had already decided to leave it to the Economic and Social Council to decide on the insertion of colonial and federal clauses. There was no reason why it should not do likewise in respect of the articles it had adopted.

53. In the light of those considerations, the Chilean delegation would oppose the Danish proposal and would vote in favour of the Lebanese draft resolution.

54. Mr. CASSIN (France) said that, though the Commission had undoubtedly done good work at the current session, he was forced to admit that the results of that work were not sufficiently satisfactory to be placed before the General Assembly. It might be argued that the Universal Declaration of Human Rights, too, had had to undergo considerable change in the General Assembly before its adoption; but the draft had already been a good one when it had reached the Assembly, and the States represented on the Commission had presented it with wholehearted conviction. That was, unfortunately, not true of the draft covenant. The technical quality of the text, high though it might be, could not compensate for a certain lack of confidence and united purpose, which had been felt throughout the debates in the Commission and which was clearly apparent in the product of its work. The General Assembly would be justified in regarding the draft as improvised and ill-balanced; in particular, the fact that only one week of discussion had been devoted to the problem of implementation would be open to severe criticism. The text evolved by the Commission did not provide a sufficiently strong basis for the great structure that still remained to be erected.

55. The decisions adopted regarding the relationship between the parties to the covenant and the United Nations as a whole were unsatisfactory; similarly, no suitable proposals had been evolved regarding the relationship of the organs of the covenant with those of the United Nations at large. The General Assembly, whose function it was to adopt final decisions, could hardly be expected to tackle those questions without preparation.

56. The Commission must decide whether it was wiser to submit the product of its work, with all its faults, for the consideration of the Council and the Assembly, or, even at the cost of disappointment, to ask for more time in order to prepare a better draft. The second alternative would seem the more sound. The Commission had been criticized for taking a long time over the preparation of the Declaration, but it had been commended upon the finished product.

57. Lastly,

57. Lastly, serious political considerations were involved. It had become clear from the outset of the session that the prevailing political conditions would make the adoption of certain decisions extremely difficult. The Economic and Social Council at its next session would be faced with the difficult choice between forwarding the draft covenant to the General Assembly and awaiting further developments. In such circumstances, Mr. Cassin felt that the Commission should not definitely recommend that the Council should transmit the covenant to the General Assembly.

58. The French amendment to the Lebanese draft resolution (E/CN.4/503) was motivated by all those considerations. However, recent statements had shown that it was unlikely that the amendment would be adopted, and Mr. Cassin therefore withdrew it. He was compelled to oppose the Lebanese proposal (E/CN.4/493) and would vote in favour of the draft resolution submitted by the representative of Denmark (E/CN.4/496).

59. The CHAIRMAN, speaking as representative of the United States of America, remarked that some of the arguments advanced by the representative of France might have carried some weight if the Lebanese draft resolution did not expressly describe the text prepared by the Commission at the "first draft covenant", thus making it quite clear that it only represented a first step.

60. The Economic and Social Council was naturally free to decide whether or not to transmit the draft covenant to the General Assembly, regardless of any recommendation the Commission might make. It was, however, the Commission's duty to make a positive recommendation.

61. Mr. MENDEZ (Philippines) agreed that the draft covenant was by no means perfect. He would have preferred many of its provisions to be more comprehensive and regretted the absence of a clause on the right of political asylum, the failure to provide for economic, social, cultural and political rights, and the fact that the covenant would not be automatically open for accession by non-Member States. However, there was ample provision for improvement by the Economic and Social Council and the General Assembly. It would be extremely frustrating to abandon the draft at that stage.

/62. Although ..

62. Although it was true that the political situation was unfavourable to the adoption of the covenant, that was a fact of which the Commission had been aware at the outset of its labours. In order to convince the world of its determination to achieve the effective implementation of human rights, the Commission should follow the course advocated in the Lebanese draft resolution and reject the Danish proposal, adoption of which would be a retrograde step.

63. Miss BOWIE (United Kingdom) introduced a draft resolution (E/CN.4/505) on behalf of her delegation.

64. Like the representative of the United States of America, she had done a great deal of lecturing on human rights in her country, and she had also been struck by the general lack of knowledge of the subject. The conclusion she was led to draw was, however, not that the existence of a covenant would necessarily create greater understanding, but that people might be misled into believing that covenants created rights. Rights were the result of the action of national governments, and people should be awakened to their duty to make proper use of such human rights as they enjoyed and to demand the granting of such rights as they did not yet possess. She believed therefore that the Commission could do useful and practical work by promoting the application of educational measures called for in the preamble to the Universal Declaration of Human Rights. If the draft covenant were not transmitted to the fifth General Assembly or were not adopted by the latter the Commission's time would still not have been wasted. The discussions which had taken place had brought to light many differences of interpretation, both among members of the Commission and between the non-governmental organizations on the one hand and the Commission on the other. Those differences existed everywhere; the Commission could not, therefore, be blamed for the fact that its decisions had not been adopted unanimously but, generally speaking, by a precariously narrow majority.

65. The Commission had carried out the instructions it had received from the Economic and Social Council as best it could. Its duty now was not to pass judgment on its own work but to submit it to the Council, leaving it to the

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latter to decide whether that work was suitable for transmission to the General Assembly. In any event, her delegation could not accept the last paragraph of the Danish draft resolution because it considered that many provisions included in Part II of the draft covenant were inadequately drafted.

66. In the light of the difficulties experienced by the Commission, the Economic and Social Council might well decide to issue new instructions regarding the future scope and method of the Commission's work. If the draft covenant were referred back to the Commission, the latter would undoubtedly make a number of modifications, but it would hardly achieve a larger measure of agreement on substance. The Council might decide that the Commission would be more usefully employed on other work. If the Commission had had before it reports of the type contemplated in the French draft resolution (E/CN.4/501), it might have done more effective work on the covenant. It might now proceed to draft some fundamental articles in the form of single conventions or make a more thorough study of the problem of implementation, for which it had so far not had sufficient time.

67. Mr. SORENSEN (Denmark) withdrew his draft resolution (E/CN.4/406) in favour of that submitted by the United Kingdom delegation (E/CN.4/505).

68. Mrs. MEHTA (India) said that, like all the preceding speakers, she was not satisfied with the work done on the draft covenant, although she fully realized that its faults were not due to lack of effort on the part of the Commission. Her main objection was that the covenant would not be a treaty between the United Nations and the contracting States, and would not be binding on all Members upon its approval by the General Assembly. Moreover, she was dissatisfied that the implementation machinery decided upon was not devised to protect human rights but mainly to resolve disputes between the States parties to the covenant.

69. On those grounds, her delegation was inclined to support the draft resolution submitted by the United Kingdom. It was not for the Commission to recommend that its report should be transmitted to the General Assembly; the Economic and Social Council should decide whether the Commission had really succeeded in reaching a satisfactory solution of all the problems

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before it. She would have been reluctant to support the Danish recommendation that the draft covenant should definitely not be forwarded to the Assembly: but the United Kingdom proposal, which left the decision to the Council itself, was entirely acceptable to her. The views expressed by the representatives of France, Denmark and others would no doubt be taken into consideration by the Council.

70. The CHAIRMAN, speaking as the representative of the United States of America, said that her remarks regarding the Danish proposal and the statement of the representative of France applied also to the United Kingdom draft resolution. The Commission had a responsibility to recommend that the results of its work should be forwarded to the General Assembly. The final decision would, of course, be taken by the Economic and Social Council. The United Kingdom proposal could only retard that decision.

71. Mr. MALIK (Lebanon) was unable to support the United Kingdom draft resolution. The Commission must decide once and for all whether it believed the draft it had prepared to be worthy of consideration by the General Assembly at its fifth session. The final decision in the matter obviously rested with the Council: it would be merely presumptuous to recommend that it should take such a decision; but the Commission could not avoid expressing a definite view of its own.

72. Some members, such as the representatives of France and Denmark, were so profoundly dissatisfied with the draft covenant that they would actually prefer it not to be transmitted to the General Assembly. Others, while realizing its faults, felt that it should in any event come up for consideration by organs higher than the Commission itself. A decision must be taken between those two divergent views.

73. Addressing himself to the representative of the United Kingdom, Mr. Malik remarked that the United Kingdom had, in the past, been one of the strongest champions of the view that the Declaration of Human Rights would be valueless unless followed up by a binding covenant. Indeed, his own delegation had been persuaded by that of the United Kingdom to adopt that view. The proposal just introduced by the United Kingdom seemed to be a radical departure from that policy, and he was at a loss to understand its significance.

/74. The CHAIRMAN,

74. The CHAIRMAN, speaking as representative of the United States of America, said in reply to the representative of the United Kingdom that in democratic countries like their own, the ratification of a convention served as one of the best educational methods because it could not be effected without the active support of the people. Moreover, a declaration, unless progressively transformed into law, was liable to be regarded as purely theoretical.

75. Mr. RAMADAN (Egypt) asked the representative of the United Kingdom whether she would be prepared to delete the second paragraph of her draft resolution.

76. Miss BOWIE (United Kingdom) said she would prefer to reply to that question at the following meeting.

The meeting rose at 1.10 p.m.