

UNITED NATIONS  
ECONOMIC  
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SOCIAL COUNCIL

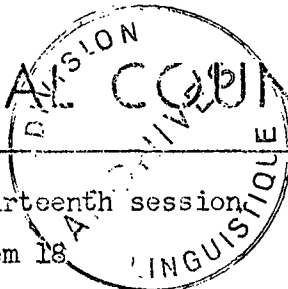


GENERAL

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REPORT OF THE COMMISSION ON HUMAN RIGHTS (SEVENTH SESSION)

Observations of Governments on the Draft International  
Covenant on Human Rights

3. UNITED KINGDOM

(Note from the Permanent Representative  
of the United Kingdom at the United  
Nations)

1. Introduction

The Commission on Human Rights, during its 7th Session on 19 May passed a Resolution requesting the Secretary-General of the United Nations to transmit the draft Covenant on Human Rights to Governments and Specialized Agencies with a view to their commenting thereon before the next session of the Economic and Social Council. His Majesty's Government have the following observations to make.

2. General Observations

His Majesty's Government always felt that the tasks which the Commission on Human Rights was asked to undertake by the General Assembly in its Resolution 421(V) could not be carried out properly in the time available. If the work of drafting the first eighteen of the Covenant Articles is still incomplete after four sessions of the Commission, it was clearly to be expected

that the much more difficult task of drafting adequate articles on economic, social and cultural rights would not be accomplished in five weeks. No doubt because of its anxiety to discharge its mandate in a short time, the work of the Commission betrays signs of haste and a lack of balance and proportion. His Majesty's Government wish to point out that, if the Commission had been able to confine itself to the useful task of completing the drafting of the first eighteen Articles a draft Covenant on Human Rights might have been presented to the Sixth Session of the General Assembly with some hope of obtaining acceptance by a considerable number of States.

#### Articles 1 to 18.

3. The amendments to Articles 1 to 18 of the draft Covenant which were submitted to the Commission on Human Rights by the United Kingdom Representative are set out in Annex III of the Commission's Report.

#### The Inclusion of Economic, Social and Cultural Rights in the Draft Covenant

4. His Majesty's Government wish to refer to the statement submitted by the United Kingdom Representative on the Human Rights Commission at the conclusion of the 7th Session (see E/1992 page 88 paragraph 1). An examination of the records of the meetings of the Commission discloses a wide divergence of views as to the best method of formulating economic, social and cultural rights and an even greater difference of views on how to secure their implementation. His Majesty's Government do not wish at this stage to undertake a detailed criticism of the Articles in Part III of the draft Covenant but would point out that while in some Articles of Part III the rights are defined in general terms, others are set out in the greatest detail. In general, His Majesty's Government do not consider that these Articles are drafted with the clarity that is required of a legal instrument. Part V of the draft Covenant, dealing with implementation, lays down procedures, which in the view of His Majesty's Government are confusing. It is undesirable to have a procedure which is partly and incompletely laid down in the draft Covenant and is to be amplified in Resolutions by the Economic and Social Council and by the General Assembly. His Majesty's Government do not

consider that the Commission on Human Rights is the body best qualified to judge reports on economic, social and cultural rights, and would emphasise the difficulty (inherent in the procedure proposed in Part V ) of forming a sound comparative judgment on Reports which derive from entirely different sources.

Implementation of the First Eighteen Articles of the Draft Covenant

5. His Majesty's Government consider that both parties to a dispute under Article 52 should be represented on the Human Rights Committee with the right to vote. The deletion of the former Article 34 might enable a situation to arise in which only one of the parties to a dispute had this right.

The Territorial Application Clause

6. His Majesty's Government refer to the statement submitted by the United Kingdom representative on the Human Rights Commission at the conclusion of the 7th Session (E/1992 page 88 paragraph 2).