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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.632/Rev.2, A/C.3/L.633) (continued)

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

1. Mr. DEVASAR (Federation of Malaya), explaining his delegation's vote on article 15 of the draft Covenant (E/2573, annex I A), said that it had been unable to commit the Government of the Federation of Malaya to work out and implement, within a definite period of time, the detailed plans referred to in that article. His country had only recently attained independence and would have to bear heavy financial burdens, the exact extent of which it had not yet determined. A population census was planned for the near future, but it was already estimated that the number of children of school age would triple by 1970. A large part of the current budget was devoted to the development of the social services. If the Federation of Malaya undertook to introduce compulsory and free primary education within a definite period, it would have either to cut down social services or increase taxes. Moreover, the number of teachers was limited.

2. The Parliament of the Federation had defined its education policy in March 1957. It had set itself the target of providing, by 1960 at the latest, education for all children between six and seven years of age whose parents wished to send them to school; their number was estimated at 211,000. In 1959, Parliament was to re-examine the possibility of making primary education universal. His delegation had accordingly had no choice but to abstain in the vote on article 15; it regarded the introduction of compulsory and free primary education as a desirable aim, but could not for the time being assume a specific juridical obligation.

3. Mr. DELHAYE (Belgium) explained that his delegation had voted against article 15 both in the Commission on Human Rights at its eighth session in 1952, and in the recent vote in the Third Committee (793rd meeting) solely from a desire to balance the various provisions of the Covenant and to avoid trespassing on what was the province of the specialized agencies,

particularly of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

4. In reply to the charges levelled by some representatives against the colonial Powers during the debate on articles 14 and 15, he cited the steps his country had taken to advance education in the Belgian Congo and Ruanda-Urundi. The representative of UNESCO had referred (790th meeting) to the ten-year plans that were being carried out in those Territories for the development of primary education; secondary and higher education, and vocational training were also making great strides. On that subject representatives could consult the report of UNESCO on the eradication of illiteracy (A/AC.35/L.249, para. 26, table II), the United Nations Special Study on Educational Conditions in Non-Self-Governing Territories^{1/} and the Belgian Government's report to the United Nations General Assembly on the Administration of Ruanda-Urundi for the year 1956.^{2/}

5. Mrs. QUART (Canada) explained that her delegation had been unable to vote in favour of article 15 for a number of reasons. First, it had considered it anomalous to prescribe specific measures of implementation for one particular right since the draft Covenant contained an article concerning the progressive realization of all the rights enunciated therein. Secondly, article 15 appeared to impose on States obligations that were undesirably precise and rigid. It would be difficult for Canada to work out detailed plans, to be implemented within a specified period of time, to meet the special circumstances of the nomadic peoples of its Arctic regions. Furthermore, as the Committee was aware, the right to legislate in matters of education in Canada was vested in the provinces. Her delegation had therefore been compelled to abstain, but that did not prevent it from supporting unreservedly the general aims enunciated, as it had shown by its vote on article 14.

ARTICLE 16 OF THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/2573, ANNEX I A)

6. Mrs. LEFLEROVA (Czechoslovakia) said that her delegation would vote in favour of article 16, which occupied a very important place in the Covenant on Economic, Social and Cultural Rights (E/2573, annex I A) and embodied principles fully observed in Czechoslovakia. The right of all citizens to share in the country's cultural and scientific life was guaranteed by article 19 of the Constitution, and the State saw to it that all sections of the population had access to the culture of foreign countries as well as to the national culture. At the end of 1955, there had been 500,000

^{1/}United Nations publication, Sales No.:1956.VI.B.2, annex.

^{2/}Rapport Soumis par le Gouvernement belge à l'Assemblée générale des Nations Unies au sujet de l'administration du Ruanda-Urundi pendant l'année 1956 (Brussels, Imprimerie Fr. van Muysewinkel, 1957), part VIII, pp. 251-290.

libraries with more than 20 million volumes, and in 1956, 42.5 million copies of various works had been printed; during the same year, theatres and cinemas had been attended by more than 200 million persons. The true significance of those figures would be apparent when it was remembered that Czechoslovakia had only 13 million inhabitants.

7. It was common knowledge, however, that, applied to the wrong ends, technical and scientific progress could be harmful to humanity. Her delegation had accordingly submitted amendments (A/C.3/L.633) calling for the insertion of the words "in the interest of the maintenance of peace and co-operation among nations" at the end of article 16, paragraph 2, and for the addition of a fourth paragraph, concerning the development of international scientific and cultural co-operation. She felt sure that the amendments would meet no opposition, since the underlying idea had already won the support of an overwhelming majority, both at the eleventh session, when the General Assembly had adopted resolution 1043 (XI), and at the current session, when the Third Committee had adopted (777th meeting) a draft resolution on development of international co-operation in the field of science, culture and education (A/C.3/L.610/Rev.2). It was plainly the responsibility of States to create conditions conducive to the development of scientific and cultural co-operation. The Czechoslovak delegation therefore deemed it essential that a juridical instrument should embody the idea underlying the resolutions referred to and that the obligations of States in that respect should be enshrined in the Covenant.

8. Mr. ROSSIDES (Greece) said that he had no objection to the new paragraph 4. On the other hand, the insertion of the words "in the interest of the maintenance of peace and co-operation among nations" appeared to him to be not only unnecessary, since that was among the very purposes of the United Nations, but even dangerous. He asked who would be the judge. In all likelihood, it would be the State, in which case the amendment would have the effect of restricting individual freedom.

9. Mr. BARODY (Saudi Arabia) suggested that the vote should be taken.

10. Sir Samuel HOARE (United Kingdom) said that the Czechoslovak amendments (A/C.3/L.633) merited discussion. Their underlying idea was not new, as could readily be seen from chapter VIII, paragraph 53, of the annotations on the text of the draft Covenants prepared by the Secretary-General (A/2929). That text indicated that a proposal similar to the Czechoslovak proposal, except that it also mentioned the interests of progress and democracy, had already been submitted. The arguments in favour had been those of the Czechoslovak delegation; the arguments against—which had prevailed and which corresponded to the Greek representative's objections—had been that scientific research was independent of any external criterion and that a statement of the aims of such research might provide a pretext for State control over scientific research and creative activity. He was firmly

of the view that science and culture were autonomous in their very nature and could not be made subject, as regards their aims, to other principles, however admirable. Moreover, it was reasonable to ask why, if the aims of science and culture were to be defined with reference to other conceptions, the matter should end with the maintenance of peace and with co-operation among nations; progress and democracy had been proposed before and further additions would be easy. He would accordingly vote against point 1 of the Czechoslovak amendments.

11. He had two observations to make on the proposed paragraph 4. First, in view of the language used and the absence of the word "recognize", it was quite plain that the paragraph would impose an immediate and formal obligation on States. Secondly, if the Committee wished to prepare an international instrument which would be orderly and not a rag-bag, it would have to be ruthless and refrain from introducing into the Covenant generalities, however well-intentioned, which were more appropriate for resolutions: in the case in point the matter in question had been fully covered by a draft resolution (A/C.3/L.610/Rev.2) adopted by the Third Committee at the current session.

12. Mr. MASSAUD-ANSARI (Iran) said that he, too, would prefer the vote not to be taken immediately. He would like to hear the views of several delegations on article 16 and the Czechoslovak amendments (A/C.3/L.633).

13. Miss BERNARDINO (Dominican Republic) thought that all the articles of the Covenant were of equal importance and that the Committee should avoid being hurried into a vote. It was customary to fix a time limit for the presentation of amendments. If no other amendments were submitted, it would be time to take the vote.

14. Mr. ROSSIDES (Greece) said that everyone had been aware that the Committee was about to take up article 16; if any other delegations had wished to submit amendments they would have done so already. He suggested that a vote should be taken or the meeting adjourned.

15. Mr. GOMEZ ROBLEDO (Mexico) thought that it would be appropriate to ask the representative of UNESCO, who had already given such valuable assistance, to comment on article 16.

16. Mr. BARODY (Saudi Arabia) supported the Mexican representative's suggestion. He thought that the United Kingdom representative's objections to the new paragraph 4 proposed by Czechoslovakia (A/C.3/L.633) might be removed if the words "States Parties will encourage" were replaced by the words "States Parties recognize the benefits derived from the encouragement of...".

17. Mr. SALSAMENDI (United Nations Educational, Scientific and Cultural Organization) said that he would present the comments of his Organization at a later meeting.

The meeting rose at 11.40 a.m.