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held at the Palais des Nations, Geneva,  
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Present:

Chairman: Mr. MALIK (Lebanon)

Members

Australia	Mr. WHITLAM
Chile	Mr. VALENZUELA
China	Mr. YU
Denmark	Mr. SORENSEN
Egypt	AZMI Bey
France	Mr. CASSIN
Greece	Mr. EUSTATHIADES
Guatemala	Mr. DUPONT-WILLEMEN
India	Mrs. MEHTA
Pakistan	Mr. WAHEED
Sweden	Mrs. ROSSEL
Ukrainian Soviet Socialist Republic	Mr. KOVALENKO
Union of Soviet Socialist Republics	Mr. MOROSOV
United Kingdom of Great Britain and Northern Ireland	Miss BOWIE Mr. HOWARD
United States of America	Mrs. ROOSEVELT
Uruguay	Mr. CIASULLO
Yugoslavia	Mr. JEVRENOVIC

Representatives of specialized agencies:

International Labour Organisation	Mr. PICKFORD
United Nations Educational, Scientific and Cultural Organization	Mr. BAMMATE
World Health Organization	Miss HOWELL

Representatives of non-governmental organizations:

Category A

International Confederation of Free  
Trade Unions Miss SENDER

World Federation of United  
Nations Associations Mr. BALDWIN

Category B and Register

Caritas Internationalis Mr. PETERKIN

Carnegie Endowment for International  
Peace Miss CARTER

Catholic International Union for  
Social Service Mrs. SCHRADER

Commission of the Churches on  
International Affairs Mr. NOLDE

Co-ordinating Board of Jewish  
Organizations Mr. WARBURG

International Association of  
Penal Law Mr. POSNER

International Bureau for the  
Unification of Penal Law Mrs. ROMNICIANO

International Council of Women Miss CARTER

International Federation of Business  
and Professional Women Miss TOMLINSON

International League for the  
Rights of Man Mr. de MADAY  
Mr. BALDWIN

International Union of Catholic  
Women's Leagues Miss ARCHINARD

World Jewish Congress Mr. BIENENFELD  
Mr. RIEGNER

World Union for Progressive Judaism Rabbi MESSINGER  
Mr. WOYDA

Secretariat:

Mr. Humphrey Representing the Secretary-General  
Mr. Das Secretary to the Commission

1. DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION  
(item 3 of the agenda):

- (b) Inclusion in the Covenant of provisions concerning economic, social and cultural rights:

Draft articles on the implementation of provisions relating to economic, social and cultural rights (E/CN.4/570/Rev.1, E/CN.4/AC.14/2/Add.5)  
(continued)

The CHAIRMAN invited the Commission to continue its discussion of the draft articles on the implementation of the provisions on economic, social and cultural rights.

Mr. VALENZUELA (Chile) said that, after considering the problems arising out of the implementation of economic, social and cultural rights, his delegation had decided to comment on certain matters which, in its opinion, were crucial. Such a procedure was not entirely new, since in June, 1949, when the budget of the International Civil Aviation Organization had been under discussion in Montreal, the members of the committee dealing with the question had felt called upon to examine the more general question of the connexion between the United Nations budget, the budgets of the specialized agencies, and the purposes of the Charter. By thus broadening a technical discussion those taking part in it had been enabled to reach certain general conclusions.

The wider problem which arose in connexion with the implementation of economic, social and cultural rights had to do with the competence peculiar to the United Nations, and with the extent to which proposals submitted to the Commission were in keeping with that competence. With regard to the tentative suggestion put forward by the International Labour Organisation (E/CN.4/AC.14/2/Add.5), he did not doubt the good faith of its authors, and he fully appreciated the motives by which they had been actuated. But the proposal raised the whole problem of relations between the United Nations and the specialized agencies.

That was not a simple problem, but one which must be approached with due caution. At the same time, the members of the Commission must face their responsibilities; that was why he was raising the question, in accordance with instructions received from his Government.

He was somewhat concerned by the emergence of a tendency to place a peculiar interpretation on the scope of the United Nations Charter, according to which certain responsibilities belonging strictly to the United Nations might be assumed by other bodies. It was not a question of defending the United Nations against the specialized agencies or vice versa. But it must be remembered that, with a few exceptions, the same States were members of both the United Nations and the specialized agencies.

With regard to the first three lines of paragraph 1 of the tentative suggestion submitted by the International Labour Organisation, he did not propose to question the special competence of that agency, of which, incidentally, Chile was a member. But he was unable to accept the idea that a specialized agency could disregard the fact that its responsibilities and competence were those of a special organ, whose primary function was co-operation. He found it unacceptable that in any circumstances, or in any way, the powers of the United Nations should be curtailed in any sphere, whether by reducing the extent of its responsibilities or by a tacit modification of the terms of the Charter.

Sooner or later that fundamental issue would find its way on to the agenda of the General Assembly. A re-reading of the records of the discussions which had taken place at the San Francisco Conference on Article 1, paragraph 3, of the Charter, revealed quite clearly the intentions of those who had drafted that provision; they had deliberately wished to make the United Nations competent in all matters relating to the development of and respect for human rights and fundamental freedoms.

He asked members of the Commission to ponder the problem of the whittling down of the responsibilities of the United Nations, especially in respect of activities deriving from a clearly defined obligation, and the necessity for ensuring that those functions were not progressively weakened. His delegation therefore felt unable to examine the International Labour Organisation's tentative suggestion.

With regard to the Lebanese proposal (E/CN.4/570/Rev.1), he was prepared to support the various amendments thereto submitted by the French and Danish delegations. It seemed to him that the draft articles in question were in keeping with the provisions of the Charter, and envisaged the closest possible co-operation with the specialized agencies. Hence his delegation would support the Lebanese proposal.

Mr. SORENSEN (Denmark) pointed out, in connexion with the remarks made by the representative of Chile, that the representative of the International Labour Organisation had on a previous occasion amended paragraph 1 of that Organisation's proposal relating to an implementation clause. That paragraph was thus to open:

"Subject to the general responsibility of the United Nations for the maintenance of international peace and security and the promotion of human rights.....".

Special consideration should be given to the words "and the promotion of human rights" in the examination of the International Labour Organisation's proposal.

He had as yet come to no definite conclusion on the subject of an implementation clause; but in his opinion several important elements had to be taken into consideration.

He endorsed the Chairman's view that nothing must be done to weaken the position of the specialized agencies; on the contrary, their position must be strengthened, so far as possible, within their respective spheres. On the other hand, the United Nations must not be divested of its primary responsibility for the protection and implementation of human rights. The task of the Commission was to give effect to those considerations; in his view the task was not an impossible one.

The procedure for the implementation of economic, social and cultural rights was bound to differ from that adopted for civil, civil and political rights. He visualized such implementation taking place in two phases.

First, the goals to be reached must be specifically defined. With the exception of the article dealing with the right to education, all the articles concerning economic, social and cultural rights had been drafted in extremely general terms; they would have to be clearly defined before any attempt could be made to implement them.

Secondly, there would have to be assessment, based on the definitions thus adopted, of action taken by States in regard to the implementation of those rights.

The first phase of implementation would consist of the working out of international conventions and recommendations for the purpose of defining the basic standards more clearly. Much had already been done in some fields, particularly in that of international labour conventions, but a great deal still remained to be done. Such conventions and recommendations could be best drawn up by the specialized agencies and functional commissions of the Economic and Social Council, or other organs within the framework of the United Nations.

The implementation of economic, social and cultural rights was not in itself a new problem. Certainly, since the end of the second world war, and in many cases for much longer periods, many governments had been attempting to raise standards of living, to improve economic and social conditions and to extend the scope of education; the aims of those governments were in fact identical with those laid down in the Universal Declaration of Human Rights, and the use of the words "human rights" to describe them should not be allowed to obscure the fact that the problems referred to were not new. The survey of the activities of the specialized agencies, prepared by the Secretariat, revealed that they covered every field referred to in the articles concerning economic, social and cultural rights. It was therefore clear that machinery for the achievement of the aims of the draft Covenant already existed; the elevation of those aims to the status of human rights should not necessitate any radical change in that machinery. Moreover, it was not desirable that special machinery should be set up for the

implementation of the rights guaranteed by the First International Covenant on Human Rights, particularly as his own Government, like many others, felt that during recent years the machinery of the United Nations had been unduly expanded, thus giving rise to considerable overlapping.

The relationship between the Economic and Social Council and its functional commissions and specialized agencies could remain unchanged, the former continuing to direct and co-ordinate the work of the latter. The Commission on Human Rights could play an important role in advising the Economic and Social Council and in assisting it to form an opinion on the steps required to promote the harmonious development of human rights on a world-wide scale.

But a new general outlook would be called for once the Covenant had been adopted. The problems to be dealt with would not be new ones, but they would have to be approached from a new standpoint, that of the harmonious and balanced development of human rights in general.

No new machinery or procedures would be required to supervise the progress made by States in the implementation of the Covenant. The only innovation would be the submission by governments of reports to the Commission, for which purpose existing procedures could be made use of or, if necessary, adapted. Such reports could deal not only with matters within the competency of the specialized agencies, but also with matters falling within the province of the functional commissions or other special bodies within the framework of the United Nations.

The second phase of the implementation of the economic, social and cultural rights guaranteed by the Covenant would consist of an assessment of the action taken by governments in that field. There again, it would be advisable to use appropriate existing machinery so far as possible; that was to be found in the International Labour Organisation and in certain other specialized agencies, and was described in the report by the Secretariat on the existing procedures for periodic reporting to specialized agencies (E/CN.4/590). The existing system might be followed, but its adoption would not preclude the establishment of additional machinery to supervise the implementation of special conventions concluded under the auspices of the Economic and Social Council or other bodies.



If a special committee were set up by the Economic and Social Council to review governmental action, its objectives and powers would be more limited than those of the committee described in the Lebanese proposal. The purpose of such a committee should be to fill the gaps in the existing machinery for reviewing governmental action.

The reference to technical assistance in article 4 of the Lebanese proposal was extremely important, and he heartily endorsed it. But he doubted whether there was any need to set up a special organ to give effect to that aspect of the Lebanese proposal. The existing technical assistance machinery seemed adequate, although some provision should be made to ensure that the general directives of the Technical Assistance Administration took into account the progressive implementation of economic, social and cultural rights. Moreover, under the existing rules, technical assistance could be provided only at the specific request of the Government concerned. It might therefore be necessary to lay down that in certain cases technical assistance could be given to a State without any such request. However, such provision could be made within the framework of the existing machinery for the review of governmental action by the specialized agencies or other bodies, and for the submission of recommendations from those specialized agencies and the Economic and Social Council to the Technical Assistance Administration.

In conclusion, he must insist that the fullest possible use be made of the adequate machinery which already existed for the implementation of economic, social and cultural rights.

Miss BOWIE (United Kingdom) observed that Article 60 of the Charter vested the Economic and Social Council, under the authority of the General Assembly, with the original and continuing responsibility for the discharge of all functions of the United Nations relating to international economic and social co-operation. At the same time, Article 57 established a direct relationship between the specialized agencies and the United Nations. That relationship had been implemented by a series of instruments recognizing the

executive competence of each agency for action under its Constitution. But the Charter also contained Article 59, which provided for the possible establishment of new agencies. Taking Articles 57 and 59 in conjunction, she thought she was right in interpreting them as implying that the United Nations had been of the opinion that specific functions should be undertaken by the bodies set up for that purpose. She did not think therefore that there could be any suggestion that the original and continuing authority of the Economic and Social Council would be jeopardized if it were decided that the existing specialized agencies should be used to carry out the functions arising out of the Commission's work.

The work of the specialized agencies, and of the International Labour Organisation in particular, covered all the main fields of economic, social and cultural rights. Moreover, the principle of collaboration between the specialized agencies already existed, although there might be room for further discussion about the practice of such collaboration. The United Kingdom Government felt, therefore, that the fullest possible use should be made of the existing bodies.

All the implementation proposals before the Commission required the States parties to the Covenant to furnish reports. But it was generally agreed that governments were already over-burdened by requests for reports, and a report on the implementation of economic, social and cultural rights was bound to overlap with the other reports submitted to various United Nations bodies. Document E/CN.4/590 contained a list of the reports furnished by governments to the specialized agencies. It had been suggested that the committee to be set up under the Lebanese proposal could make use of those reports to obtain the information it required. On the other hand, every one of those reports was written from a special point of view, and the information on which they were based might have to be extensively re-edited before they could be used by the committee.

Referring to that part of article 4 of the Lebanese proposal which stated that "The Committee shall consider the reports submitted to it .... and shall report to the Economic and Social Council whether ..... each of the States Parties has made adequate progress in the fulfilment of its obligations .....", she pointed out that in order to undertake such a task the committee would require a large staff of experts, to examine the reports. Such experts could only be obtained

from the specialized agencies for which they were already working. Any attempt on the part of that committee to build up a large secretariat of experts would therefore be prejudicial to the work of the United Nations as a whole. It was accordingly imperative that the specialized agencies should be used in their existing forms. Admittedly, the primary responsibility for the implementation of human rights rested with the General Assembly and the Economic and Social Council; but the executive responsibility rested with the specialized agencies.

The CHAIRMAN, speaking as representative of Lebanon, referred the United Kingdom representative to paragraph 4 of article 2 of the Lebanese proposal, which stated: "Where relevant information has already previously been furnished to the United Nations or to any specialized agency, the action required by the present article may take the form, where desired by the State Party concerned, of a precise reference to the information so furnished."

Miss BOWIE (United Kingdom) pointed out that the kind of report which the proposed committee would require might differ considerably from that referred to in the passage quoted by the Chairman.

The CHAIRMAN stated that if necessary paragraph 4 of article 2 could be amended to meet that contingency.

Mrs. MEHTA (India) remarked that the United Nations was responsible for the protection of economic, social and cultural rights, and that any machinery set up would be responsible to the United Nations. Such being the case, the protection of the other rights must also remain the responsibility of the United Nations.

Referring to the question of setting up a committee which might duplicate the work of other bodies, she reminded the Commission that at a previous discussion the representative of the International Labour Organisation had drawn attention to two distinct aspects of the implementation of human rights: application and supervision. The application of the rights could be left to the specialized agencies, but the United Nations would have to undertake their supervision. If one body was set up to deal with all human rights, both economic and political,

undue multiplication and overlapping would be avoided. If the task of the proposed committee was to be to receive reports and to make recommendations to the Economic and Social Council, that work might well be done by the Committee on Human Rights. The Commission should, she felt, make itself responsible for the supervision of action taken to implement the provisions of the Covenant when the drafting of the Covenant had been completed and the Covenant itself adopted.

The CHAIRMAN, speaking as representative of Lebanon, stated that, if necessary, he would remove all reference to the committee from his proposal. In any case, the idea of the committee was of secondary importance; the fundamental principle set out in the proposal was that of the responsibility of the Economic and Social Council.

AZMI Bey (Egypt) said that the various proposals submitted to the Commission (E/CN.4/AC.14/2/Add.5) contained a variety of points, which could be classified in one of four groups:

In the first place, there were statements of principle already made in various articles of the draft Covenant or in the general clause. Such were article 2 of the United States proposal, article 18i of the Danish proposal and paragraphs 1, 2 and 3 of article 2 of the Australian proposal.

Secondly, there were clauses to the effect that the provisions of the Covenant concerning implementation should not impair the constitution of the specialized agencies. Such clauses appeared in article 4 of the Australian proposal and Article (b) of the International Labour Organisation's tentative suggestions.

Thirdly, there was a declaration of the primary responsibility of the specialized agencies, (paragraph 1 of article (a) of the tentative suggestions of the International Labour Organisation).

Lastly, there were clauses concerning the provision of information and reports in paragraph 3 of the United States proposal, paragraph 18j of the Danish proposal, paragraph 3 of the Australian proposal and paragraphs 2 and 3 of article (a) of the International Labour Organisation's tentative suggestions.

The tentative suggestions of the International Labour Organisation mentioned reports and information. The Lebanese proposal (E/CN.4/570/Rev.1) covered all stages of international action from the actual collection of information to the framing of recommendations after examination of the reports. Those were tangible and constructive suggestions. The apex of the structure envisaged by the Lebanese proposal was to be a committee on economic, social and cultural rights which would make studies, suggestions and recommendations.

Was that committee to be a new organ or, as the French representative had proposed, the Commission on Human Rights under a new name, If it were to be a new organ, would the sole provision relating to its membership (paragraph 2 of article 1 of the Lebanese proposal) be sufficient, or would the Economic and Social Council be made responsible for working out the details of its composition, It was still not clear whether the members would be elected, as paragraph 2 of article 1 seemed to suggest, or what qualifications candidates should possess.

The French representative had rightly pointed out that there were two aspects to implementation: the responsibility of States, and violations of the Covenant. Clearly, any organ could collect information and summarize it. The United Nations Secretariat might be given that task. But it would have to be decided who should study the information so assembled and pronounce judgment on complaints concerning failure to observe the undertakings of the Covenant.

He (Azmi Bey) therefore appealed to the authors of the other proposals to withdraw their texts so that the Commission could take the Lebanese proposal,

the only one which contained constructive suggestions, as the basis for its work.

Miss SENDER (International Federation of Free Trade Unions), speaking at the invitation of the CHAIRMAN, considered that a separate form of implementation for economic, social and cultural rights was required, not only because of the special nature of those rights, but also in view of the fact that the relevant articles concerned matters within the competencies of the specialized agencies, some of which had already established implementation procedures of their own. She understood that it was not the intention of the Lebanese proposal to abolish existing implementation procedures or to replace them by new ones.

She noted with some surprise that no provision had been made for dealing with violations of the rights set forth in the Covenant and complaints submitted to the specialized agencies. In that connexion, she wished to call attention to the machinery for handling complaints concerning infringements of trade-union rights, namely, the fact-finding and conciliation committee set up by the Governing Body of the International Labour Office at the request of the Economic and Social Council for the safeguarding of those rights in States Members of the International Labour Organisation or the United Nations. Complaints could be submitted to that committee by organizations of employers or employees, and, in the event of a government refusing to reply, a special provision could be invoked authorizing the committee to take any appropriate alternative action designed to safeguard the rights violated in that particular case. For example, such cases could be referred to the General Assembly. A number of complaints had been brought before the Twelfth session of the Economic and Social Council, and had been referred to the committee in question. She was convinced that no government wished to suppress well-developed machinery of that kind.

On the other hand, there was a certain danger of overlapping between the work of the bodies set up for purposes of implementation. The relationship between the specialized agencies and the Economic and Social Council would therefore have to be worked out in detail, and modified in the light of

experience, but everything possible should be done to ensure the protection of human rights and the effective carrying-out of the decisions taken by the various bodies of the United Nations.

The CHAIRMAN drew the attention of the representative of the International Confederation of Free Trade Unions to the footnote to the Lebanese proposal, which indicated that it did not relate to the right to freedom of association.

Mr. BALDWIN (International League for the Rights of Man), speaking at the invitation of the CHAIRMAN, said that, as the representative of an organization which regarded implementation as the core of the Covenant, he supported the general principles laid down in the Lebanese proposal, which accorded with his organization's views. That proposal recognized the equality of economic, social and cultural rights with civil and political rights, and met the requirements of co-ordination and over-all supervision involved in ensuring their observance. Economic, social and cultural rights had a shorter history, and were more in need of special treatment, than civil and political rights, which had already long been recognized.

The Lebanese proposal also dealt with the technical assistance aspect of implementation, which was important, since without it many countries would be incapable of making those rights a reality. He did not believe that the procedure suggested in the Lebanese proposal would entail duplication. Indeed, it would be effective in preventing it. It rightly emphasized the over-riding responsibility of the United Nations in seeing that all the rights set forth in the Covenant were observed. The proposal also made provision for those matters which were not explicitly covered by the terms of reference of the various specialized agencies.

There were those who feared that if the implementation provisions involved very close supervision by the United Nations, many countries would be reluctant to ratify the Covenant. But he believed that it would be preferable

to have an all-embracing covenant ratified by only a few countries in the near future, than a limited covenant ratified by many. If the draft Covenant were to justify the high hopes of humanity engendered by the adoption of the Universal Declaration of Human Rights and the action of the General Assembly in adopting resolution 421 (V), it must include provisions relating to economic, social and cultural rights, together with provisions prescribing effective means for their implementation.

The representative of the World Federation of United Nations Associations had asked him to state that the Federation, while not endorsing any of the proposals before the Commission, was in favour of according to economic, social and cultural rights treatment equal to that accorded to civil and political rights.

Mrs. ROOSEVELT (United States of America) said that, although she had not been able to give close study either to the tentative suggestions put forward by the International Labour Organisation or to the Lebanese proposal, she would make a few introductory comments on them.

Turning first to the former, she observed that paragraph 1 of article (a) had been conceived somewhat too broadly, in that it suggested that technical assistance was exclusively the function of the specialized agencies. She doubted whether her Government could subscribe to that implication. Paragraph 2 of article (a) proposed that reports on implementation should be sent to the specialized agencies concerned. The whole question of reporting was a matter which called for close examination, since it was often very costly both for governments and for the specialized agencies. One possible difficulty would have to be taken into account in that connexion, namely, cases where a signatory State of the Covenant was not a member of the specialized agency concerned. Paragraph 3 of article (a) seemed to imply that the obligation to report on implementation would be stricter for signatory States which were members of specialized agencies than for other governments. It was doubtful whether such an approach could be accepted. Finally, in her view, article (b) was unnecessary. Thus, the



suggestions as a whole would require some revision before they could be considered satisfactory.

The Lebanese proposal appeared at first sight to entail a certain amount of duplication, in as much as it proposed the establishment of a separate committee to deal with violations of economic, social and cultural rights. If, as was suggested members of that committee were elected annually, they would have no opportunity of gaining experience, and if the specialized agencies were also to participate in their election, the difficulty would again arise of countries which were not members of the specialized agencies concerned.

The machinery for implementation should be simple, and should not duplicate that of other United Nations organs. In devising it, the prime consideration should be the promotion of human rights, rather than the censuring of governments which failed to meet their obligations in that respect. The rôle of the specialized agencies was vital, but they should direct their attention to assisting governments rather than to finding fault with them. The machinery for implementation must be consonant with the defined functions of the specialized agencies, and no attempt should be made to set up new organs where existing ones could do the work required. The Lebanese proposal merited close examination, but she believed that the procedure laid down in it could be simplified.

Miss HOWELL (World Health Organization), speaking at the invitation of the CHAIRMAN, apologized for the absence of the Director-General of the World Health Organization (WHO), who had to attend the World Health Assembly.

There was a long tradition of co-operation between the specialized agencies and United Nations bodies. That co-operation, particularly in the elaboration of joint programmes, was becoming increasingly close and direct, and the methods were becoming crystallized. The Danish representative had indicated that, in implementing economic, social and cultural rights, governments would need assistance in the form of the development of certain definite standards. That was already being done within WHO by means of consultation between government representatives, experts and the Secretariat, who together assessed the present state

of progress and determined what standards could usefully be established and what types of technical assistance could be given. Reports furnished by governments to specialized agencies formed an integral part of that process. By its representation at the Economic and Social Council, where those reports were discussed, WHO was enabled to give technical advice on measures to implement the right to health.

The CHAIRMAN, speaking as representative of Lebanon, drew the attention of the representative of WHO to the provisions of article 3 of his proposal, which would make it obligatory for the Economic and Social Council "to request the specialized agencies concerned to report on the progress made on a world-wide basis in the promotion and observance" of economic, social and cultural rights. It was because he was convinced that such reporting could only be carried out through the specialized agencies that he had devoted a separate article to the subject in his proposal.

Mr. WHITLAM (Australia) wished to make some preliminary observations on the question of implementation. With reference to the Egyptian representative's suggestion, he could agree that attention should be concentrated on the constructive Lebanese proposal, with the basic aims of which he was in full sympathy. Its starting point was clearly that governments should be assisted to implement economic, social and cultural rights, rather than blamed for failing to do so. The proposal reflected the close inter-dependence of countries in the international community of the present day.

The Chilean representative, in speaking of the relations between the United Nations and its specialized agencies, had emphasized the need for the former to maintain its dominant position. Although he (Mr. Whitlam) would not contest that view on grounds of principle, he would like to say that his Government was not so much concerned with the demarcation of functions between the United Nations and its specialized agencies, and the strict observance of their constitutional relations, as with the efficient execution of their tasks. The goal should be to make maximum use of the specialized agencies, whose activities formed part of an over-all programme, within which various adjustments could be made without

difficulty. His Government was firmly convinced that duplication must be avoided and that every effort should be made to achieve close co-operation which did not involve the setting up of elaborate machinery. It was somewhat concerned about the tendency to multiply administrative units the effect of which was to widen the gap between the recognition of needs and the satisfaction of those needs. He would illustrate that point by reference to his own country, where an elaborate system had been built up for the prevention and settlement of industrial disputes. But that system had recently been found defective, because it virtually ruled out prompt action when disputes arose. It had accordingly been found necessary to devise machinery by means of which disputes could be dealt with at once. Similarly, in dealing with the implementation of the Covenant, it was essential to avoid long and complex administrative processes.

He feared that there would be some danger in setting up a separate committee for dealing with violations of economic, social and cultural rights. If existing machinery could be used within the framework of the procedure envisaged in the Lebanese proposal, that proposal would be given serious consideration by the Australian Government. The possibility of the Commission itself, assisted by representatives of the specialized agencies, fulfilling the functions of the committee suggested in the Lebanese proposal, deserved examination. If certain specialized agencies lacked machinery for obtaining reports from governments, that might be done through United Nations organs.

Mr. CASSIN (France) said that the measures of implementation for all the rights recognized in the Covenant might be set out in two parallel columns.

The first column might be headed "Supervision". In his view, the Commission on Human Rights should be the central body responsible for supervising the observance of all rights. So far as civil, civic and political rights were concerned, the Commission should be entitled to receive reports from all States Members of the United Nations, whether signatories to the Covenant or not, in pursuance either of a provision of the Covenant, in the case of

signatory States, or of a General Assembly resolution containing a similar provision, in the case of non-signatory States. On the other hand, so far as concerned economic, social and cultural rights, as well as the other rights for the protection of which specialized agencies were responsible, the competent agencies should normally carry out the preliminary work and transmit to the Commission on Human Rights reports on events within their purview.

The Commission on Human Rights might make an annual or biennial survey, for which it could call on the assistance of experts, representatives of the specialized agencies, or representatives of other functional commissions of the Economic and Social Council, such as the Commission on the Status of Women. Lastly, the Commission would report to the Economic and Social Council which, in turn, would report to the General Assembly.

The second column of the table might be headed "Study of Complaints". He considered that some common-law organ, such as the Human Rights Committee, should be set up to deal with all complaints except those concerning questions which had been specifically excluded from its purview, and for which special procedures would be employed, such as the one to which the representative of the International Confederation of Free Trade Unions had referred, namely, the fact-finding and conciliation body on freedom of association.

He considered that the Lebanese proposal would fit admirably into such a plan, and was pleased in that connexion to note that the Lebanese representative had agreed to substitute "Commission on Human Rights" for "Committee" in his proposal, under which the system of transmitting reports would be greatly simplified, since States would not have to submit two identical reports, one to the specialized agencies and the other to the United Nations.

If he separated economic, social and cultural rights from other rights, he did not do so because of their intrinsic nature, but because they were under

the protection of the specialized agencies. If, therefore, civil, civic and political rights were subsequently to come under the protection of a new specialized agency, the same procedure should be applied to them.

Since the instrument being drafted by the Commission would be a Covenant, the Commission would not be able to apply a procedure laid down therein to non-signatory States. But so far as concerned supervision, all States Members of the United Nations, whether they had signed the Covenant or not, should be obliged to conform to the same procedure, thus obviating any differentiation between the various States Members of the United Nations and the creation of a private society within the latter.

The CHAIRMAN, speaking as representative of Lebanon, said he could accept the suggestion that the Commission should fulfil the functions which, under his original proposal, would have been laid on a committee. Due regard, however, must be paid to a possible contingency, namely, that some States Members of the Commission might not sign the Covenant. He had been somewhat more cautious in his proposal because he had thought it would be the desire of the Commission that the organ concerned with implementation should be composed of signatory States. If that assumption was wrong, he would have no objection to following the Australian representative's suggestion.

The United States representative had expressed herself in favour of a single committee to deal with violations of all the rights laid down in the Covenant, but he would recall that, according to the provisions so far adopted, the members of the proposed Human Rights Committee would

be elected by the International Court of Justice from a panel submitted by signatory States, on the basis of their high moral standing and recognized competence in the field of human rights. At the time, no consideration had been given to special competence in respect of economic, social and cultural rights. Thus, if the United States representative's suggestion were followed, it would be necessary to reconsider the provisions of article 19, since it could not be taken for granted that the qualifications for members of the Committee would be the same if that Committee had to deal with violations not only of civil and political rights, but also of economic, social and cultural rights.

Mr. YU (China) said that the question of implementation was of extreme importance, and he did not believe that the time was ripe for the Commission to take a decision on it. He, personally, would be unable to vote in favour of any of the proposals in their present form, as none of them was entirely satisfactory. More time was needed for their examination, and also perhaps for informal consultation among members. He had no strong views as to whether there should be one or two committees to deal with implementation, but he believed that some criticism might be provoked if two bodies were set up for the purpose. As economic, social and cultural rights should be treated on the same footing as civil and political rights, the possibility of establishing a single body to deal with their implementation must be explored before it was rejected out of hand.

He had doubts as to whether it would be proper to ask governments to report on implementation through the specialized agencies. Governments might prefer to report direct to the United Nations through the Secretary-General, who could then circulate the reports received.

Bearing in mind the great importance of protecting human rights if civilization was to continue to make progress, he would suggest that the Commission should take upon itself the task of dealing with their implementation. By that means it would raise itself to the level of other important United Nations organs. If the Commission were to extend its activities in that direction, it could make a great contribution towards world peace and security.

In view of the vital importance of the issues at stake it might be found useful to set up a small committee to study the proposals before the Commission in the hope that a single compromise text might be evolved.

Mr. CIASULLO (Uruguay) said that the Commission had to solve a problem of co-ordination, which had its roots in the article of the Charter of the United Nations relating to the Economic and Social Council; from them sprang the relations between the Commission on Human Rights and the specialized agencies in the matter of the implementation of economic, social and cultural rights. That problem of co-ordination came within the general framework of the problem of implementation of human rights as a whole.

He shared the view held by various other members of the Commission that it would be preferable not to set up a separate committee to deal with economic, social and cultural rights. The Commission and the Human Rights Committee respectively could discharge the two separate functions referred to by the French representative.

The Lebanese representative had argued that the provisions relating to the establishment of the proposed committee failed to take into account the

peculiar technical features of economic, social and cultural rights. But, as had been pointed out, there was nothing to prevent the Human Rights Committee which was to be set up to supervise the observance of civil, civic and political rights, from co-opting, if it thought fit, experts from or representatives of the appropriate specialized agencies for the examination of technical problems.

It was apparent that the proposals before the Commission were not entirely acceptable to the majority of its members, even though they contained very interesting ideas, especially the Lebanese proposal. Hence he did not think the Commission could decide at once on the proposals before it. Taking up the idea put forward by the Chinese representative, he proposed that the Commission should set up a working party consisting of a small number of members, including in particular the Chairman in his capacity as Lebanese representative, to draw up a new draft article on the implementation of the provisions relating to economic, social and cultural rights, on the basis of the various proposals submitted so far and of the views expressed in the course of the discussion.

The CHAIRMAN pointed out that as the Commission was not yet in a position to give any clear directives to such a working group, that procedure proposed was unlikely to be of any particular assistance at the present stage of the discussion.

Mrs. ROOSEVELT (United States of America) asked whether the tentative suggestion of the International Labour Organisation had been sponsored by any member of the Committee.

The CHAIRMAN replied that no one had yet sponsored the suggestion, which could not be put to the vote until that had been done.



Mr. PICKFORD (International Labour Organisation), speaking at the invitation of the CHAIRMAN, asked whether, in the event of a working group being set up, he would first be given an opportunity of making a general statement on implementation.

The CHAIRMAN replied in the affirmative.

Mr. YU (China) supported the Uruguayan representative's proposal. He believed that the Commission should first take a decision on certain important questions of principle, such as whether there were to be one committee or two for dealing with implementation, and whether governments should report through specialized agencies or through the Secretary-General of the United Nations, after which a working group could be set up and given general directives.

Mr. EUSTATHIADES (Greece) felt that the Uruguayan proposal would be very valuable if the Commission's work were further advanced. A working group might take the form either of a committee of the whole although that would hardly represent any perceptible progress or of a group with limited membership, which again might give rise to difficulties, since not all members of the Commission had stated their views on implementation and some of them would consequently be reluctant to allow themselves to be represented by persons who were not fully conversant with their opinions.

The problem of implementation was an extremely delicate one. To substantiate that observation he need only quote the fact that several delegations had expressed different opinions on the subject according to what body they were addressing. In those circumstances, he felt that it would be premature to set up a working group.

## 2. FUTURE PROGRAMME OF WORK

Mr. DUPONT-WILLEMIN (Guatemala) agreed with the Greek representative that the establishment of a working group would not help to solve the problem confronting the Commission. He therefore suggested that further consideration

of the question of implementation be deferred until Monday, 14 May, in order to give the members of the Commission an opportunity for an informal exchange of views.

Mr. CIASULLO (Uruguay) associated himself with the Guatemalan representative's suggestion.

The CHAIRMAN reminded the Commission that it was approaching the final week of its session; it must therefore decide which items on its agenda it could take up at the meeting which it had decided to hold that evening, and at the morning meeting of Saturday, 12 May, before it could be agreed to defer further consideration of the proposals relating to implementation until the morning of Monday, 14 May.

AZMI Bey (Egypt) suggested that the Commission begin examination of the Indian proposal (E/CN.4/619) forthwith, and then take up items 3 (e) and 3 (d) of the agenda.

Mrs. ROOSEVELT (United States of America) disagreed with the Egyptian proposal. Her delegation felt that it would be preferable for each member of the Commission to consider the proposals on implementation in detail, with a view to submitting, if necessary, new proposals the following morning. The Commission had certainly decided to hold a meeting that evening, and it was therefore with regret that she now felt obliged to propose that it be cancelled, and a meeting held instead the following afternoon, Saturday, 12 May, to consider such new proposals. If the Commission agreed to defer further consideration of the implementation of economic, social and cultural rights until Monday, 14 May, it should take up the question of implementation of the other rights in the draft Covenant during the intervening period.

Mr. MOROSOV (Union of Soviet Socialist Republics) expressed his concern that the Commission should again find itself in a position of not being able to act on proposals, because they had been insufficiently worked out.

He supported the Egyptian proposal, and believed that the Commission could examine items 3 (e) and (d) of its agenda at the evening meeting. The first would not give rise to any discussion, since there was a clear instruction from the General Assembly on the matter. The second had already been discussed at great length at previous sessions, and it should be possible to reach a decision rapidly. Those two matters having been disposed of, the Commission could return to the question of implementation at the beginning of the following week.

Mr. HOWARD (United Kingdom) said that in the interests of the orderly consideration of the items of the agenda, it would be preferable for the Commission to cancel the evening meeting, and to devote two meetings the next day, Saturday, 12 May, to the proposals relating to implementation. He would therefore oppose the Egyptian proposal.

Mr. SÖRENSEN (Denmark) thought the evening meeting should still take place. The Commission was clearly not yet ready to finish its consideration of the implementation of economic, social and cultural rights, and it would therefore be logical to defer further discussion on that item until Monday, 14 May. In the interval, the Commission should take up an item of the agenda on which the preparatory work was more advanced. He would therefore formally propose that it take up item 3 (c) at the evening meeting and at the morning meeting the following day, further consideration of the proposals on implementation being deferred until the morning of Monday, 14 May.

Mrs. ROOSEVELT (United States of America) withdrew her proposal.

Mr. CIASULLO (Uruguay) also withdrew his proposal.

Mrs. MEHTA (India) said she was not in favour of the Commission considering her draft resolution (E/CN.4/619) before it had disposed of item 3 (c) of the agenda.

The CHAIRMAN, speaking as representative of the Lebanon, requested that the Egyptian proposal be voted on by division.

He then, as Chairman, put to the vote the Egyptian proposal that further discussion of the proposals relating to the implementation of economic, social and cultural rights should be deferred until the morning of Monday, 14 May, and that the Commission take up forthwith the consideration of the Indian draft resolution (E/CN.4/619).

The proposal was rejected by 10 votes to 7 with 1 abstention.

The CHAIRMAN then put to the vote the Egyptian proposal that the Commission take up item 3. (e) of its agenda at the evening meeting that day, and at the morning meeting on 12 May.

The proposal was rejected by 9 votes to 8 with 1 abstention.

The CHAIRMAN put to the vote the Egyptian proposal that the Commission should take up item 3 (d) of the agenda at the above-mentioned meetings.

The proposal was rejected by 11 votes to 6 with 1 abstention.

Mr. MOROSOV (Union of Soviet Socialist Republics) asked that the Danish proposal also be put to the vote by parts.

The CHAIRMAN put to the vote the Danish proposal that further consideration of the proposals relating to the implementation of economic, social and cultural rights be deferred until the morning of Monday, 14 May.

The proposal was adopted by 16 votes to 1 with 1 abstention.

The CHAIRMAN put to the vote the Danish proposal that at the two succeeding meetings the Commission should take up item 3 (c) of its agenda.

The proposal was adopted by 14 votes to 2 with 2 abstentions.

The CHAIRMAN pointed out that it was understood that all new proposals relating to the implementation of economic, social and cultural rights must be submitted by 9.00 a.m. on Monday, 14 May.

Mr. PICKFORD (International Labour Organisation) asked whether the suggestion put forward by his Organisation would be before the Commission when it reverted to the consideration of the proposals on implementation.

Mr. WAHEED (Pakistan) said he would be prepared to sponsor the International Labour Organisation's suggestion (E/CN.4/AC.14/2/Add.5) in the form in which it had been originally put forward.

The meeting rose at 6.15 p.m.