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President: Mr. S. Amjad ALI (Pakistan).

Present: The representatives of the following countries:

Argentina, Belgium, Canada, China, Cuba, Czechoslovakia, Egypt, France, Iran, Mexico, Pakistan, Philippines, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Observers from the following countries:

Chile, India, Lebanon, Turkey.

The representatives of the following specialized agencies:

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization.

**Report of the Commission on Human Rights
(eighth session) (E/2256, E/L.449, E/L.457)**

[Agenda item 12]

1. The PRESIDENT invited the Council to decide upon the procedure it would adopt for discussion of the report of the Commission on Human Rights (E/2256) and the various draft resolutions relating to it.

2. After a brief discussion on procedure, the President noted that it had been proposed that the length of the discussion should not be limited and that, without holding a general debate, the Council should immediately proceed to the discussion of draft resolution C (E/2256, annex V), which the Commission on Human Rights recommended the Council to adopt, and the relevant draft resolutions submitted by the delegations of the Philippines, Sweden and the United States of America (E/L.449) and the USSR (E/L.457).

It was so decided.

DRAFT RESOLUTION C (E/2256, annex V)

3. The PRESIDENT proposed that the Council should first hear a general statement which the International Confederation of Free Trade Unions (ICFTU) wished to present.

It was so decided.

4. Miss SENDER (International Confederation of Free Trade Unions) said that the idea of producing an international bill of human rights had captured the interest of people all over the world and it was regrettable to note that that interest was beginning to weaken as time went on and the covenants on human rights were still not finished. Faith in the ability of the United Nations to achieve the task seemed to be fading. She asked what could be done to remedy such a situation.

5. It must of course be remembered that the drafting of a document of that kind was comparable only to the drafting of a national constitution, which took months and even years of lengthy sessions on the part of the parliament concerned. The Commission on Human Rights, however, sat only for a few weeks once or twice a year.

6. Nevertheless, that was not the only cause of the difficulties. The world was confronted by a special situation, in which one group of nations was prepared to establish far-reaching obligations for the other nations, though they themselves refused to assume them, sheltering behind the principle of non-interference in their domestic affairs. A covenant was valueless unless it contained compulsory measures of implementation. Those who expressed far-reaching ideas whilst at the same time refusing any supervision of their implementation within their own frontiers, were acting like demagogues and making no contribution to the earnest endeavour to widen the realm of freedom and improve conditions for the people.

7. Such an attitude falsified the situation by introducing two concepts of political ethics. On the one hand the United Nations exercised control of Trust and Non-Self-Governing Territories; on the other the peoples of territories annexed, often against their will, had no right to self-determination. On the other hand, emphasis was placed upon citizens' rights and on the other solely on the guarantees offered by the State. That conflict became particularly obvious in the Commission on Human Rights when it was formulating the right to work, because in the dictatorial State the right to work became a duty, in other words, forced labour. But as the divided state of the world was a fact, the Commis-

sion on Human Rights had to try to find a solution in spite of the complexities of the situation.

8. Although the ICFTU would have preferred to have both categories of rights—the political and civil and the economic and social—in one document, at the current stage it was ready to accept the division into two covenants, on the understanding that both would be ratified at the same time. It also agreed to having the draft covenants referred back to the Commission on Human Rights for completion but would like to present a few suggestions in that connexion which, it hoped, would facilitate the drafting of acceptable instruments.

9. First of all the Commission should pass the texts to a drafting committee so that they should be more clearly worded. As they stood they contained some obscurities, even for those who had followed the work of the Commission very closely.

10. The ICFTU wished next to draw the Council's attention to the tendency of States to accept only such texts as were compatible with their own laws. If that attitude were generalized, no progress would be possible and the United Nations would be working in vain.

11. It was clearly impossible to incorporate all the rights in those first covenants. However, the ICFTU placed the right to collective bargaining and the right to strike among the economic, social and cultural rights that should be incorporated in the second covenant and considered them essential to the advancement of the worker. In the realm of civil rights, the right to freedom in scientific research should not be left out. It ought to be stated that no one should interfere with scientific research, especially if the intent was to prevent the publication of certain findings that might be contrary to the doctrines held by the government in power.

12. Lastly, the ICFTU had already had occasion to defend the right of asylum and to stress the importance of having it confirmed in the covenant: an attempt to that effect in the Human Rights Commission had not been successful but it should be repeated. Miss Sender considered that in the existing circumstances it should not be necessary to justify the need for such an article.

13. The most important task to which the Commission on Human Rights should devote itself, however, was to draft satisfactory articles on implementation. Without going into detail, she was certain that the members of the Council would agree with her that as they stood the draft articles did not ensure effective implementation. It was practically certain that no State would accuse another of violation of human rights; the right to make complaints should be extended, though at the same time certain necessary minimum requirements might be imposed. The right of complaint, however, was only one aspect of the problem. The procedure for enforcing decisions taken by a human rights committee needed to be determined. She questioned the wisdom of having the responsibility rest with an attorney-general, as had been proposed. No international enforcement agency yet existed. The Commission should consider the question further; it should also ask all governments—and not only those represented in the Commission on Human Rights—to study the problem again and attempt to find a way out of what was a very difficult situation.

14. The ICFTU intended to raise other points at the next session of the Commission on Human Rights. For the time being it would confine itself to requesting the Commission, through the Council, to attach appropriate importance to the need to inform public opinion of the nature, difficulties and progress of its work, so that the peoples of the world would be taken into the confidence of the United Nations and would properly appreciate the efforts of those in the Commission on Human Rights to achieve a bill of rights that would satisfy their aspirations.

15. Mr. SAKSIN (Union of Soviet Socialist Republics) introduced his delegation's draft resolution (E/L.457) suggesting that General Assembly resolution 543 (VI) should be revised with a view to the preparation of a single covenant on civil and political rights and on economic, social and cultural rights.

16. He recalled that General Assembly resolution 543 (VI) had been adopted by a very small majority after a lengthy and strenuous debate.¹ Previously twenty-five delegations, including Argentina, Cuba, Czechoslovakia, Iran, Mexico, Pakistan, Poland and the USSR, to mention only those which were members of the Council, had supported a Chilean amendment suggesting that the General Assembly should confirm resolution 421 (V), in which it had decided to include economic, social and cultural rights in the international covenant on human rights.

17. At the General Assembly's sixth session and at the Council's thirteenth session at Geneva, the USSR delegation had defended the thesis that the preparation of two separate instruments on human rights would make an artificial division contrary to the aims of the General Assembly and of the Commission on Human Rights. The enjoyment of economic and social rights was closely linked with that of civil and political freedoms.

18. The decision to draw up two separate covenants had resulted from efforts made by the United States and certain other delegations to prevent their governments from having to fulfil the obligations imposed on them by the conclusion of an international agreement on economic, social and cultural rights. As they could not object to the proclamation of those rights, they had arranged that they should be covered by a separate document. That fact would become clear if the history of the question was briefly reviewed.

19. The Universal Declaration of Human Rights, adopted by the General Assembly in 1948 (Assembly resolution 217 A (III)), proclaimed economic, social and cultural rights and also civil and political rights. The Declaration thus clearly laid down that the fundamental freedoms of the human being were indissolubly linked. After adopting the Universal Declaration of Human Rights at its third session, the General Assembly had decided in resolution 217 E (III) to entrust the Economic and Social Council with the preparation of a draft covenant on human rights and draft measures of implementation.

20. However, in spite of the fact that much time had been devoted to that work, the Commission on Human Rights had decided, at the instance of certain delegations, including that of the United States of America,

¹ See *Official Records of the General Assembly, Sixth Session, Plenary Meetings*, 375th meeting.

to consider only those parts of the Declaration which referred to civil and political rights. All attempts made by the USSR and other delegations to extend the draft covenant to economic, social and cultural rights had been rejected.

21. On 4 December 1950 the General Assembly, after examining the report of the Commission on Human Rights, had adopted the detailed decision of principle contained in its resolution 421 (V).² In that resolution the General Assembly, considering that the "enjoyment of civil and political freedoms and of economic, social and cultural rights are interconnected and interdependent" had rightly decided to "include in the covenant on human rights economic, social and cultural rights and an explicit recognition of the equality of men and women in related rights as set forth in the Charter of the United Nations". In the same resolution the General Assembly had instructed the Council "to request the Commission on Human Rights, in accordance with the spirit of the Universal Declaration, to include in the draft covenant a clear expression of economic, social and cultural rights in a manner which relates them to the civil and political freedoms proclaimed by the draft covenant".

22. In spite of such definite directives, the United States and United Kingdom as well as some other delegations had continued at the seventh session of the Commission on Human Rights to oppose the inclusion in the draft covenant of provisions relating to economic, social and cultural rights. The majority of the members of the Commission had opposed those efforts which ignored the aspirations of hundreds of millions of human beings. It was then that the idea of drawing up two separate covenants had first been advanced. It could be said that the Anglo-American bloc's second line of battle had rallied around that idea. The majority of the Commission had succeeded, however, in wrecking that manoeuvre. At the end of the seventh session, an Indian proposal, supported by the United States and United Kingdom representatives, recommending to the General Assembly to reconsider its decision to include economic, social and cultural rights in the draft covenant had been rejected after a roll-call vote by 12 votes to 5, with 3 abstentions.

23. The United States and United Kingdom delegations had not given up the struggle, however. They had returned to the charge at the Council's thirteenth session and at the General Assembly's sixth session, and had succeeded in obtaining the adoption, by an insignificant majority, of resolution 543 (VI), by which the General Assembly amended its resolution 421 (V). Six months had elapsed since then and the majority of the members of the Commission on Human Rights, at the end of the eighth session recently held in New York, had confirmed the unjust and arbitrary decision taken by the General Assembly that two separate covenants should be drawn up. It was to be noted in that connexion that eight of the eighteen members of the Commission—Chile, Egypt, Pakistan, Poland, the Ukrainian SSR, the USSR, Uruguay and Yugoslavia, had previously supported a Soviet Union proposal that General Assembly resolution 543 (VI) should be revised.

² *Ibid.*, 317th meeting.

24. At its eighth session the Commission on Human Rights had examined a series of important provisions on economic, social and cultural rights. That work had supplied additional proof that the United States and United Kingdom delegations, among others, still opposed the recognition of economic, social and cultural rights as obligations to be assumed by States acceding to an international covenant on human rights. In proof of that it need only be recalled that when the articles referring to economic, social and cultural rights were being studied, the United States and United Kingdom delegations had refused to approve a whole series of provisions of a progressive nature, all of which had been based on the Universal Declaration of Human Rights. Those delegations had formed part of the minority which had voted against article 1, paragraph 2, concerning non-discrimination of any description. They had also been among the minority that had voted against a provision laying down that education should be an element in the campaign against hatred or hostility, and against a provision on the right to education encouraging the full development of the human personality and the respect of human rights and fundamental freedoms and excluding all propaganda based on racial or other hatred. They had also opposed a provision proclaiming the principle of free compulsory elementary education, a provision guaranteeing men and women equal rights and a provision proclaiming the principle of equal pay for equal work. He could quote many more examples, and again recalled that on many occasions the United States delegation had indicated in the Commission on Human Rights that its Government would not ratify the covenant on economic, social and cultural rights if its wishes were not met.

25. It was therefore clear that the delegations which insisted that economic, social and cultural rights should be included in a separate instrument were trying by all means in their power to weaken the already harmless provisions of the draft covenant. The Council could not tolerate such action which would be a retrograde step as compared with the recommendations adopted by the General Assembly in 1948 (resolution 217 A (III)).

26. Economic, social and cultural rights were essential to man's very existence, and the enjoyment of civil and political liberties was dependent upon the exercise of those rights. Consideration of the draft covenant on economic, social and cultural rights revealed how mistaken and arbitrary was the distinction made between them and civil and political rights. As an example, it would be enough to consider the right to live: he asked how the declaration of that right could be separated from the declaration of the right to work, which was the basis of all human activity. Yet those rights would appear each in a separate instrument. It was obvious that the distribution of rights over two covenants would result in weakening both instruments and would make it impossible to give to the texts the necessary singleness of purpose.

27. Whatever might be said in defense of the preparation of two separate covenants, it was a fact that the idea had been imposed upon the United Nations by the United States and the United Kingdom because they were not prepared to undertake to guarantee to their peoples the enjoyment of elementary economic and

social rights. The United Nations could not thus allow itself to be hampered in the action it had undertaken and relinquish its decision to draft a single covenant on human rights, merely because certain governments did not see their way to assuming obligations in such essential matters as economic, social and cultural rights. The Organization should not be turned aside from its duty by considerations which bore no relation to the Universal Declaration or the principles of the Charter of the United Nations.

28. Those were the reasons why the USSR delegation was taking its stand in support of the many delegations which considered it necessary to prepare a single covenant. In his opinion it was a matter of urgency to reconsider resolution 543 (VI) of the General Assembly. It would be unreasonable to require the Commission on Human Rights to continue the preparation of two separate covenants when the mistaken nature of that decision had been so clearly revealed at the Commission's eighth session. The General Assembly should reconsider its decision while there was yet time, that is to say, before the ninth session of the Commission on Human Rights, so that that body would be able to reorient its work in a direction which would genuinely serve the purpose of the Charter.

29. The USSR delegation was therefore making an urgent appeal to all delegations in favour of the preparation of a single covenant to vote for the draft resolution which it was submitting to the Council (E/L.457). His delegation hoped that the majority of Council members would vote for that draft resolution.

30. In conclusion he pointed out that the French and English texts of document E/L.457 required amendment: the words *demande* and "requests" in the last paragraph should be replaced by the words *invite* and "invites", which were more suitable for a request addressed by the Council of the General Assembly.

31. Mr. MEADE (United Kingdom) recalled that at the sixth session of the General Assembly, the United Kingdom representative had, at the 361st meeting of the Third Committee, stated the reasons why his delegation supported the decision on the preparation of two covenants on human rights, one on civil and political rights and the other on economic, social and cultural rights. He referred briefly to the arguments which his delegation had at that time put forward. Economic, social and cultural rights should be contained in a separate instrument because they could not be dealt with in the same way as civil and political rights. The object of civil and political rights was personal freedom and therefore necessarily involved limitations on the power of the State; they were capable of precise definition and immediate application and should therefore be protected by legislative action of a permanent character.

32. The object of economic, social and cultural rights on the other hand was personal well-being, and their enjoyment called for positive action by the State at a national level. The promotion of those rights plus an evolutionary process called for continual adaptation to changing conditions. Their implementation depended on economic and social conditions in the country concerned and in the world. They must therefore be formulated as statements of aims to be progressively achieved. For all those reasons civil and political rights should be

formulated in one instrument and economic, social and cultural rights in another.

33. As regards the draft resolution submitted by the USSR delegation (E/L.457), nothing had happened since the adoption of resolution 543 (VI) which could justify a reconsideration of that decision. He did not dispute the fact that the enjoyment of civil and political liberties and that of economic, social and cultural rights were closely interrelated. But, in view, such interdependence was not an argument in favour of the preparation of a single covenant. That opinion was borne out by the attitude of the Commission on Human Rights at eighth session; it had maintained the distinction between civil and political rights on the one hand and economic, social and cultural rights on the other; it had rejected all proposals tending to abolish that distinction, including a draft resolution submitted by the USSR similar to the draft at that moment before the Council.

34. He also pointed out that the Commission on Human Rights had already advanced considerably in its work on preparing two separate covenants. Any change in its instructions would cause chaos, in particular on the question of measures of implementation. If the two kinds of rights were considered separately it might be possible to devise workable measures of implementation, but that would be impossible if all the rights were jumbled together. That argument should appeal to anyone who sincerely desired to see the rights in the covenants effectively implemented—a description which did not include the delegations of the USSR, Poland and Czechoslovakia, which openly opposed all measure of implementation.

35. For all those reasons, the United Kingdom delegation would vote against USSR draft resolution (E/L.457).

36. His delegation would support the joint draft resolution submitted by the delegations of the Philippines, Sweden and the United States (E/L.449), which reproduced draft resolution C of the Commission on Human Rights, and which would have to be adopted if that Commission's work was to continue. He took the occasion to congratulate the Commission on having completed the first phase of its work by drafting the substantive articles of the two covenants on human rights. It was true that his delegation had reservations about the content of some of the articles, in particular the article on self-determination and article 2 of the second covenant, whereby the States Parties to the Covenant undertook an immediate obligation to obtain application of all the rights enunciated therein without discrimination of any kind; that was an obligation which many States would find it impossible to apply at once, even though they could fully accept the principles of the articles in question. He did not wish, however, to start a discussion on the text of the articles drafted by the Commission. The Commission on Human Rights should be allowed to complete its work and it could then be examined as a whole.

37. Mr. NUÑEZ PORTUONDO (Cuba) recalled that his delegation had at the sixth session of the General Assembly, declared itself in favour of a single covenant on human rights.³ As the majority had preferred

³ *Ibid.*, Third Committee, 366th and 393rd meeting.

to have two covenants, the Cuban delegation had bowed to the will of the Assembly. His delegation did not think that the Economic and Social Council had any power to change a decision taken by a majority of the General Assembly. If the Council assumed an insubordinate attitude to the General Assembly, it would be setting a dangerous precedent. Hence, although he agreed in theory with the USSR delegation, he thought that from a procedural point of view, the decisions of the General Assembly had to be respected.

38. The Cuban delegation would accordingly vote against the USSR draft resolution (E/L.457) and in favour of the draft resolution submitted by the delegations of the Philippines, Sweden and the United States of America (E/L.449).

39. Mr. LESAGE (Canada) recalled that his delegation had already explained its reasons for being in favour of two covenants. In conformity with the directives given by the General Assembly, the Commission on Human Rights had endeavoured to draft two separate covenants; it would be premature to go back on the General Assembly's decision at the current stage, before the Commission on Human Rights had completed its task.

40. He would therefore vote against the USSR draft resolution, but would vote for the joint draft resolution submitted by the delegations of the Philippines, Sweden and the United States of America (E/L.449).

41. Mr. RODRIGUEZ FABREGAT (Uruguay) observed that it was the Charter of the United Nations that had proclaimed for the first time in history the importance of respecting human rights and fundamental freedoms. The peoples of the world had sought to embody in the Charter the principles underlying justice and social progress so as to reaffirm their faith in the triumph of democracy. Subsequently, the United Nations had adopted the Universal Declaration of Human Rights, and the Commission on Human Rights had continued its work of drafting a covenant. Admittedly, it had been slow and difficult work, so slow, as the ICFTU representative had just pointed out in her statement to the Council, that the confidence of the peoples in the United Nations might have been shaken. Yet the Commission had succeeded in drawing up a number of the articles that were to be included in the covenants on human rights and had thus gradually reached concrete results. The serious question of implementation had arisen. It was easier to proclaim principles than to apply them, but he was convinced that the Commission on Human Rights would not fail in its task.

42. He then went on to explain his attitude towards the draft resolutions before the Council. The USSR draft sought to reopen the question of preparing a single covenant which would list all human rights. But that was a question for the General Assembly to decide and it had already taken a decision in favour of drafting two covenants. He did not think there was any point in asking the General Assembly to go back on that decision inasmuch as the Council was considering the report of the Commission on Human Rights (E/2256), which would complete its work in 1953. The USSR representative had utilized the opportunity to speak before the Council for a principle he held dear but the representative of Uruguay felt that the question would be in order only in the General Assembly.

43. Accordingly, the delegation of Uruguay would vote against the USSR draft resolution (E/L.457).

44. On the other hand, it would support the joint draft resolution submitted by the delegations of the Philippines, Sweden and the United States (E/L.449) because he considered the work done by the Commission satisfactory on the whole. Still, he wished to point out, as he had already done in the Commission on Human Rights, that in his view the articles already drawn up by the Commission should be more categorical in certain respects. The contracting parties must be made to feel that they were irrevocably bound. The Commission on Human Rights should therefore beware of working at a theoretical level; it should affirm more strongly the United Nations position on such serious questions as child labour, the death penalty and the right of peoples to self-determination.

45. Mr. JUVIGNY (France) said that his delegation had already had an opportunity to state its position on the question whether a single covenant or two separate covenants should be adopted. It had come out in favour of two covenants and had already given the reasons for its choice.⁴

46. He agreed that there was a connexion between the enjoyment of economic, social and cultural rights, and that of political and civil rights. Still, he did not think that the existence of that theoretical connexion could lead to the drawing up of a single covenant. If there were two kinds of rights there should be two covenants, although the greatest degree of unity between them should be ensured. That was why the French delegation had recommended, at the sixth session of the General Assembly, a combined solution which provided for two covenants containing as many similar provisions as possible, particularly in so far as implementation was concerned, and for simultaneous opening to signature. The General Assembly had adopted that proposal and he thought that it would be inadvisable to go back on that decision. It was not the time to do that because the value of the two-covenant system could not be assessed until the Commission on Human Rights had considered the question of implementation. It was therefore better not to suggest any change in the instructions from the General Assembly. He wished to take the opportunity to note the progress the Commission had made in its procedural approach.

47. Accordingly, his delegation would vote against the USSR draft resolution and for the draft resolution submitted by the delegations of the Philippines, Sweden, and the United States.

48. Mr. FAROOQ (Pakistan) observed that at its eighth session the Commission on Human Rights had not completed the task assigned to it by the General Assembly and the Council. In particular, it had taken no decision on measures of implementation and the federal clause of the covenants on human rights. That was naturally disappointing, but the Council and the General Assembly were as much to blame as the Commission on Human Rights.

49. At its fifth session, the General Assembly had invited the Commission to draw up one draft covenant on human rights (Assembly resolution 421 (V)). At

⁴ *Ibid.*, 375th meeting.

its sixth session, it had, on the recommendation of the Council, adopted by a narrow majority exactly the opposite decision (Assembly resolution 543 (VI)), calling on the Commission to draft two covenants. The Council and the Assembly had thus slowed down the Commission's work.

50. The delegation of Pakistan had opposed the decision taken by the General Assembly at its sixth session. It had thought that as civil and political rights were closely connected with economic, social and cultural rights, it would be better to prepare only one draft covenant. His delegation had felt that the decision taken by the General Assembly at its fifth session was correct, and had feared that by upsetting that decision the General Assembly would make it impossible for the Commission on Human Rights to complete its work at its eighth session. That fear had proved to be well-founded.

51. His delegation's stand remained unchanged. It felt that it would have been preferable to ask the Commission to draft only one covenant. However, it did not consider it timely to reverse the decision taken by the General Assembly at its sixth session; to do so would entail further delay in the Commission's work. If the Council and the General Assembly considered it desirable, they would have an opportunity at a later stage to merge the two draft covenants on human rights into a single instrument.

52. For those reasons the delegation of Pakistan did not approve the USSR draft resolution (E/L.457). As for the joint draft resolution (E/L.449), his delegation would like to see the reference in the operative part to two covenants eliminated.

53. The Commission had done noteworthy work under difficult conditions, although his delegation would, in due course, comment on those points with which it did not entirely agree. He hoped that the Commission would be able to complete its task at its ninth session.

54. Mr. MUÑOZ (Argentina) pointed out that his delegation had always advocated the drafting of a single covenant. In his opinion, the era of absolute individualism, with its exaggerated emphasis on civil and political rights, was over. It had yielded to an era which accepted the importance of ideas of social justice and placed due significance on the exercise of social, economic and cultural rights.

55. In examining the two draft resolutions before it, the Council should bear in mind two vital arguments. As the United Kingdom representative had said, the Commission at its eighth session had devoted itself to the preparation of two draft covenants; the Council would be making the Commission's task more difficult if it gave it new instructions. The representative of France had pointed out that despite the drafting of two covenants, it would be possible to ensure simultaneous implementation.

56. For those reasons, he agreed with the representative of Pakistan. The Council should not reverse the decision it had taken. Only when the Commission had submitted the draft covenants in final form would the Council be able to recommend to the General Assembly their amalgamation into a single instrument, if it considered that necessary.

57. He supported the joint draft resolution, which in his view was purely procedural. Consequently, even if it was adopted, the President could well put to the vote the USSR draft resolution (E/L.457), which the Argentine delegation would also support, because it emphasized the importance of adopting a single covenant of human rights.

58. Mr. INGLES (Philippines) stated that the difficulties the Council had to overcome at the current stage were similar to those it had faced during its thirteenth session. The Philippines delegation maintained the same point of view as it had held at that time. The General Assembly had at its fifth session called upon the Council to request the Commission on Human Rights to draw up a single draft covenant, concerning civil, political, economic, social and cultural rights. The Commission had complied with those instructions. The Council had at its thirteenth session invited the General Assembly to reconsider its decision. The Philippine delegation had opposed that recommendation in the Council, being of the opinion that it was not for the Council but for the General Assembly to consider such a proposal.

59. At its sixth session, the General Assembly had approved the Council's recommendation and had requested the Council to ask the Commission to draft two covenants. The Commission had followed those instructions, but had not yet completed its task. The Council had before it a draft resolution requesting the General Assembly to reverse its decision once more. The Philippine delegation felt that such a proposal, by which the Council would be asked to change its attitude for a second time, would lead to instability and diminish the respect due to resolutions of the General Assembly.

60. The Philippine delegation had never shown any marked preference for a single or for two draft covenants. It had always abstained on that question, which, in its opinion, was only a matter of architectural detail and had no bearing on the substance of the rights involved. His delegation, however, considered it essential that the Commission should be enabled to finish its work as soon as possible. He appreciated the attitude of those delegations which had always advocated the preparation of a single draft covenant, but did not believe that the Council should reconsider the decision it had adopted at its thirteenth session.

61. Mr. NOSEK (Czechoslovakia) said it was interesting to note that the Commission on Human Rights had followed the instructions given by the General Assembly at its sixth session more closely than the instructions adopted by the Assembly at its fifth session.

62. The Czechoslovak delegation had always urged the preparation of a single draft covenant, and had accordingly been in favour of the resolution adopted by the General Assembly at its fifth session. Before the Commission had been able to put that resolution into execution, however, the General Assembly had, at its sixth session, adopted a resolution asking the Commission to draft two covenants.

63. The Council had before it a draft resolution of the Commission on Human Rights (E/2256, annex V, draft resolution C) by which it would instruct the Commission to complete its work on the two covenants at its next session and to submit them to the Council. That

draft resolution was based upon resolution 543 (VI) of the General Assembly, which had been adopted by a very small majority.

64. The reason why the General Assembly had reversed the decision it had taken during its fifth session was that the principal Powers signatories to the North Atlantic Treaty constantly violated human rights. The armaments race had repercussions on the exercise of economic, social and cultural rights; that was why the countries in question had endeavoured to have those rights excluded from the covenant on human rights. But their attempt had met with no success.

65. The preparation of the draft covenant should be viewed in relation to the political situation as a whole. There was nothing abstract about the principles governing the draft covenant. They were closely related to the practical application of a policy guaranteeing every human being the exercise of fundamental rights. The extent to which those rights would be guaranteed in the economic, social and cultural fields depended on the general policy of each State. It was scarcely surprising, therefore, that the proposal for the preparation of two draft covenants should receive the approval of those States in which economic, social and cultural conditions were becoming worse and worse. There was no doubt that the representatives of those States considered it advisable to make a distinction between civil and political rights on the one hand and economic, social and cultural rights on the other. They were thus able to conceal the fact that political rights considered essentially in the right to die of hunger, to be unemployed and to suffer from under-nourishment and disease.

66. Without measures for guaranteeing the exercise of economic, social and cultural rights, political rights were meaningless. The right to vote was one of the fundamental political rights. But the important thing was, not so much to vote, but rather by doing so, to exert an influence on the policy of the country and to induce the government to take steps to strengthen economic stability, raise the standard of living and culture and eliminate the risk of depression and of unemployment. The free exercise of political rights was not an end in itself. Those rights had to be linked to economic, social and cultural rights; otherwise, they would be mere catchwords, attractive, but devoid of substance.

67. The Czechoslovak delegation had already pointed out that the armament policy was having undesirable effects on the economy of the capitalist countries and that it was lowering the standards of living of their population. Such was the case in countries where the exercise of so-called political rights was guaranteed to a greater or lesser extent. It was not surprising that those countries advocated the preparation of two draft covenants and the division of rights into civil and political rights, on the one hand, and economic, social and

cultural rights, on the other. The adoption of such a principle enabled the governments of those countries to proclaim political liberties and at the same time to pursue a policy involving impoverishment of the population, exploitation of under-developed countries and preparation for war.

68. In Czechoslovakia, on the other hand, economic, social and cultural rights were inseparable from political rights. That was why in his country unemployment had been eliminated, the economy was developing very rapidly and the standard of living of the population was rising. He recalled that facts and figures presented to the Council during its current session showed that exactly the same thing was happening in all the peoples' democracies, in the USSR and in the People's Republic of China.

69. Such were the reasons why the Czechoslovak delegation was in favour of a single draft covenant. The division of such a draft into two was equivalent to the discarding of the draft. The United States delegation asserted that that was not its intention. However, he cited an article published in the *New York Herald Tribune* on 12 April 1952, according to which the United States had lost much of its enthusiasm for the draft covenant on human rights.

70. The tactics employed by the United States Government were thus clear: they consisted in manoeuvres designed to cause delay and to prove that it was impossible to arrive at a satisfactory draft covenant. That being so, the Czechoslovak delegation considered that the Council ought to confirm the decision taken by the General Assembly at its fifth session and ask the Commission on Human Rights to draw up a single draft covenant only. The Czechoslovak delegation therefore fully approved of the USSR draft resolution.

71. Mr. GOROSTIZA (Mexico) recalled that his delegation had always advocated the preparation of a single draft covenant. To divide human rights between two draft covenants was, in his opinion, a juridical mistake. Such a division was based not on the interests of the human person, which could be served better by a single covenant, but on political considerations, which had been allowed to override those interests in that case.

72. He did not believe that the USSR draft resolution (E/L.457) and the joint draft resolution (E/L.449) were contradictory. On the one hand, the Council could hardly do otherwise than instruct the Commission on Human Rights to complete its work. On the other hand, there was no reason why the Council should not recommend the General Assembly to reconsider its resolution 543 (VI).

73. He would therefore support both draft resolutions.

The meeting rose at 1 p.m.