DRAFT FIRST INTERNATIONAL COVENANT ON HUMAN RIGHTS
AND MEASURES OF IMPLEMENTATION

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Memorandum by the Secretary-General

This document discusses certain problems raised by sections E and B of resolution 421 (V) of the General Assembly.

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I. Introduction

1. In document E/CN.4/513, the Secretary-General has furnished to the Commission on Human Rights a general survey of the actions taken at the fifth session of the General Assembly and at the eleventh and twelfth sessions of the Economic and Social Council. The present memorandum treats in greater detail the question of the inclusion in the draft covenant of provisions concerning economic, social and cultural rights. This question was mentioned in paragraphs 6, 20-22 and 34 of document E/CN.4/513.

2. The text of resolution 421 (V) of the General Assembly appears under heading 1 in document E/CN.4/525. Of this resolution, section E and possibly section B (see document E/CN.4/513, paragraphs 14, 15 and 16) have a relevance to the question of the drafting of provisions on economic, social and cultural rights.

3. The question of co-operation between the Commission on Human Rights and the specialized agencies and other organs of the United Nations in the consideration of economic, social and cultural rights is the subject of a separate memorandum by the Secretary-General (E/CN.4/534).

II. Certain previous developments relating to the question of the conventional treatment of economic, social and cultural rights

4. The developments in the General Assembly leading up to the adoption of resolution 421 (V) have been outlined in document E/CN.4/513, paragraphs 8-10. Earlier debates on the question of economic, social and cultural rights took place in the Economic and Social Council at its eleventh session (E/AC.7/SR.139-141, 147 and 151). The relevant debates of the Council at its twelfth session are reported in the records of the 438th to 442nd meetings of the Council, inclusive.

5. In the course of its debates on the question of drafting articles on economic, social and cultural rights, the Council at its eleventh session had before it a report submitted by the Director-General of the United Nations Educational, Scientific and Cultural Organization on Regulations concerning economic and social rights in the international covenant on human rights (E/1752 and Corr.1) and heard statements by the representatives of the International Labour Organization (E/AC.7/SR.139, page 13, and E/AC.7/SR.140, pages 4-6) and of the United Nations Educational, Scientific and Cultural Organization (E/AC.7/SR.140, pages 4-5). The Third Committee of the General Assembly at its fifth session, when examining the question of economic, social and cultural rights and the assistance to be given in connexion therewith by specialized agencies, heard statements by the representatives of
representatives of the International Labour Organization and the United Nations Educational, Scientific, and Cultural Organization. At its twelfth session (439th meeting), the Council heard a statement by the representative of the Food and Agriculture Organization.

III. Observations on the substance of the problem

6. During the discussions of the question of the draft covenant, it was stressed by many representatives that the enjoyment of economic, social, and cultural rights was a prerequisite for that of civic and political freedoms, that it would be an anachronism in the twentieth century to provide for the protection of the one without the other, and that such an omission would deeply disappoint the public and would leave the principles of the Universal Declaration, according to which man's rights were conceived of as an integrated whole, only incompletely reflected in the covenant.

7. The fact that that trend of opinion prevailed in the General Assembly is reflected in the wording of resolution 421 (V).

8. It is not intended here to describe in detail the substance of all the numerous individual expressions, by governments or their representatives, of opinions as to the feasibility or desirability of drafting articles on economic, social, and cultural rights, but it may be of assistance to the Commission briefly to recapitulate such of the main trends of opinion as may be of interest within the context of the problem at present before the Commission. The quotation below of statements by governments or representatives relating to the various aspects of the problems reviewed does not necessarily signify that the representatives or governments concerned were in favour of the treatment of economic, social, and cultural rights in the same covenant as the civic and political freedoms.

9. It will be noted that the third paragraph of the preamble in section E of General Assembly resolution 421 (V) states that "the enjoyment of civic and political freedoms and of economic, social, and cultural rights are interconnected..."
and interdependent" and that, in section E, it is envisaged that the covenant shall include "a clear expression of economic, social and cultural rights in a manner which relates them to the civic and political freedoms proclaimed by the draft covenant". This wording seems to envisage that the drafting of the covenant should in some manner make clear the relationship between civic and political freedoms on the one hand and economic, social and cultural rights on the other.

10. One relevant relationship may be that the protection of economic, social and cultural rights is a prerequisite for the enjoyment of civic and political freedoms. Another relevant relationship may be that, conversely, the protection of the civic and political freedoms is a prerequisite for the protection of economic, social and cultural rights.

11. A number of representatives put forward the general proposition that the enjoyment of economic, social and cultural rights was a prerequisite for the enjoyment of civic and political freedoms. (See in particular the statements by the Mexican representative in the Social Committee of the Economic and Social Council at its eleventh session in document E/AC.7/SR.151, page 11, and by the representative of the USSR in the Third Committee of the General Assembly.2)

12. Several representatives in the Third Committee of the General Assembly related the protection of particular civic and political freedoms to the enjoyment of particular economic and cultural rights. The effectiveness of the present article 3 of the draft covenant, dealing with the right to life, was said to depend upon the guarantee of health, work and education - the means towards living (representative of Iraq),1 upon a guarantee of the right to subsistence - the right to work and receive a wage (representative of the Ukrainian SSR)2 and upon the protection of the right to work and to choose one's occupation (representative of the USSR).3 The effectiveness of the present article 5 (prohibition of slavery, slave-trade and servitude) was said to depend on the protection of such complementary rights as the right to work and to receive sufficient payment to maintain an adequate standard of living (representative of the Byelorussian SSR).4

2/ Ibid., 256th meeting, paragraph 32.
1/ Ibid., 298th meeting, paragraph 64.
3/ Ibid., paragraph 51.
4/ Ibid., 297th meeting, paragraph 54.
5/ Ibid., 291st meeting, paragraph 33.
In the same way the right to join a trade union and the right to social protection were related to the right to vote or to hold any governmental office (representative of Mexico),8/ and the right, irrespective of race, colour or sex, to participate in the government of the State, to elect and be elected, to work and not to be exploited were related to the right to freedom of thought, conscience and religion (representative of Syria).9/ The representative of Israel pointed out that an illiterate person could derive little benefit from the right to vote; only men who were economically and socially free and had been educated to exercise their own judgment would be capable of maintaining civic freedom and of governing themselves by democratic processes.10/ The Netherlands representative stated that the idea of freedom of conscience as envisaged in the draft covenant would be incomplete if the right of parents were not recognized to choose the kind of education that shall be given to their children; his delegation therefore urged the inclusion of that right in the draft covenant.11/  

13. The view that the protection of the civic and political freedoms was a prerequisite for the protection of economic, social and cultural rights was put forward in the Third Committee of the General Assembly by the representatives of Brazil12/ and Greece.13/  

2. The question of the choice for inclusion in the draft covenant of rights of an economic, social and cultural nature  

14. When the Commission begins the drafting of articles on economic, social and cultural rights, the question of the precise scope of those articles will arise.  

15. In the course of the meeting of the Social Committee of the Council at its eleventh session, the Australian representative said that he was conscious of the difficulty of formulating definitions of economic and social rights which would prove universally acceptable, and of the differences between the various countries of the world in economic and social development and security. He thought, however, that it would be possible to agree upon the inclusion of a few fundamental economic and social rights (E/AC.7/SR.151, page 7).  

8/ Ibid., 298th meeting, paragraph 13.  
9/ Ibid., 299th meeting, paragraph 55.  
10/ Ibid., paragraph 25.  
11/ Ibid., 290th meeting, paragraphs 18-19.  
12/ Ibid., 297th meeting, paragraph 9.  
13/ Ibid., 298th meeting, paragraph 20.
16. Certain expressions of views at the Third Committee of the General Assembly at its fifth session may also be quoted. The representative of Belgium, explaining his vote on the draft resolution adopted by the Third Committee on the draft covenant, stated that his delegation considered that in the first covenant only general principles applying to economic, social and cultural rights should be given.14/ (Compare statements made by the Belgian representative at the eleventh session of the Council in E/AC.7/SR.151, pages 9 and 16.)

17. The representative of France stated that all the rights covered in the Declaration could obviously not be included in the first covenant, nor could the rights included be guaranteed to their fullest extent. Since standards of living and codes of law differed greatly in various parts of the world, it would not be possible to include in the draft first covenant all the economic and social rights for which mankind was waiting. All that could be expected in 1951 was an initial statement of some of these rights.15/

18. The representative of Greece stated that, in view of the scope of economic, social and cultural rights, the Commission on Human Rights could not be expected to specify them completely and finally in the covenant. It therefore appeared that certain economic, social and cultural rights would not take their final form in the covenant or could not be included in it and should be the subject of subsequent instruments and conventions.16/

19. The representative of India stated her conclusion that basic economic, social and cultural rights must be included in the covenant. That would not prevent the drafting of a separate convention or conventions on the same question. There was already a precedent for such a step in the case of article 14 of the draft covenant, concerning freedom of information.17/

20. The representative of Mexico, while believing that a covenant on human rights which did not safeguard economic, social and cultural rights would be of no greater service to the cause of individual liberty than the old liberal constitutions of the nineteenth century, acknowledged that it was conceivable that

14/ Ibid., 318th meeting, paragraph 28.
15/ Ibid., 298th meeting, paragraphs 2 and 8.
16/ Ibid., 312th meeting, paragraph 37.
17/ Ibid., 313th meeting, paragraph 37.
for economic reasons, for example, a State might not be in a position immediately
to undertake to respect all the economic rights which were worthy of inclusion in
an international instrument effectively guaranteeing the protection of human
rights. That was why, for the time being, the wisest course seemed to be the
preparation of a covenant which the greatest possible number of States could sign
at once, to be completed later by protocols to which governments could accede as
soon as they felt in a position to do so.18/

21. The representative of New Zealand stated that he feared that it would be
impossible to provide for the inclusion of all economic, social and cultural
rights in the draft covenant in the time available. Hence it might be preferable
to include only the most essential economic, social and cultural rights in the
draft covenant and to provide for the inclusion of additional rights in
supplementary instruments and measures.19/

22. The representative of the United States maintained that it was not possible
for all conceivable economic and social rights to be included in the draft
covenant. Even if it were possible to visualize the inclusion of all the rights
set forth in the USSR and Yugoslav proposals, there would still be many rights set
forth in the Universal Declaration of Human Rights which would not be covered by
the covenant.20/

23. The representative of Yugoslavia stated that his delegation, while realizing
that the covenant would not include all the rights covered by the Universal
Declaration of Human Rights, had considered that its underlying principles should
be the same.21/

24. Proposals for the treatment in the draft covenant of specific rights may be
said to have been implicit in the observations described in paragraphs 11 and 12
above.

25. In addition, mainly as examples of the economic, social and cultural rights
which should be treated in the covenant, reference was made, during the debates
in the Council and in the General Assembly, to a number of rights. Specific

18/ Ibid., 312th meeting, paragraph 53.
19/ Ibid., 313th meeting, paragraph 27. Cf. 312th meeting, paragraph 33.
20/ Ibid., 312th meeting, paragraph 49.
21/ Ibid., paragraph 27.
proposals by members of the Commission on Human Rights for the inclusion in the
draft covenant of additional articles on economic, social and cultural rights will
be found in annex III to the report of the Commission on Human Rights (sixth
session) (E/1681), and in the comments of the Philippines submitted to the
Commission at its sixth session (E/CN.4/365, part II, E.2). Specific proposals
for the inclusion of such articles also appear in the amendment introduced by the
representative of the Soviet Union at the third session of the General Assembly22/
and in the observations of the Government of the Ukrainian SSR on the draft
international covenant on human rights and measures of implementation as drafted
at the sixth session of the Commission on Human Rights (E/CN.4/515/Add.11).

26. The various proposals described in the preceding paragraph related to the
following rights or aspects thereof:

(i) The right to work (Australia in E/1681, annex III; Chile in
E/AC.7/SR.151, page 6 and A/C.3/SR.290, paragraph 56; Czechoslovakia
in A/C.3/SR.299, paragraph 33; Poland in A/PV.317, paragraph 63;
Syria in A/C.3/SR.299, paragraph 55; Ukrainian SSR in A/C.3/SR.291,
paragraph 8, A/PV.317, paragraph 73 and E/CN.4/515/Add.11, page 2;
USSR in A/C.3/L.96, page 3 and Yugoslavia in E/1681, annex III);

(ii) The right to choose one's employment (Poland in A/PV.317, paragraph 63;
Ukrainian SSR in E/CN.4/515/Add.11, page 2; and USSR in A/C.3/L.96,
page 3);

(iii) The right to minimum working conditions (Australia in E/1681, annex II;
Philippines in E/CN.4/365, part II, B.2; Poland in E/SR.439, page 14;
and Yugoslavia in E/1681, annex III);

(iv) The right to protection against exploitation (Yugoslavia in E/1681,
annex III);

(v) The right to equal pay for equal work (Chile in E/AC.7/SR.151, page 6;
Czechoslovakia in A/C.3/SR.299, paragraph 33; Iraq in A/C.3/SR.313,
paragraph 13; Philippines in E/CN.4/365, part II, B.2; Ukrainian SSR in
E/CN.4/515/Add.11, page 2; the USSR in A/C.3/L.96, page 3 and Yugoslavia
in E/1681, annex III);


/(vi) The right to
(vi) The right to a minimum wage (Australia in E/1681, annex III; and Philippines in E/CN.4/365, part II, B.2 and A/C.3/SR.291, paragraph 19);


(viii) The right to holidays with pay (Philippines in E/CN.4/365, part II, B.2; and Yugoslavia in E/1681, annex III);

(ix) The right to suitable housing (Byelorussian SSR in A/C.3/SR.291, paragraph 54 and A/C.3/SR.299, paragraph 18; Poland in A/PV.317, paragraph 63; Ukrainian SSR in E/CN.4/515/Add.11, page 2; and USSR in A/C.3/L.96, page 3);

(x) The right to medical care (Czechoslovakia in A/C.3/SR.299, paragraph 33);


(xiii) The right to creative expression (Czechoslovakia in A/C.3/SR.299, paragraph 33);

(xiv) The right to speak one's own language and to study and develop one's own culture (Syria in A/C.3/SR.299, paragraph 55);

(xv) The right to
(xv) The right to "benefit from scientific development" (Ukrainian SSR in E/CN.4/515/Add.11, page 2; and USSR in A/C.3/L.96, page 3);
(xvi) The right to freedom of scientific research (Czechoslovakia in A/C.3/SR.299, paragraph 33);
(xvii) The right to own property (characterized as a social and economic right by the Netherlands in A/C.3/SR.297, paragraph 27);
(xviii) The right to marry and found a family (characterized as a social and economic matter by the Philippines in E/CN.4/365, part II, B.2 and A/C.3/SR.291, paragraph 19);
(xx) The right of mothers and expectant mothers to special treatment (Czechoslovakia in A/C.3/SR.299, paragraph 33; Yugoslavia in E/1681, annex III);
(xx) The right of children to special treatment (Philippines in E/CN.4/365, part II, B.2, articles 3 and 4 (3) and A/C.3/SR.291, paragraph 19; and Yugoslavia in E/1681, annex III);
(xxii) The right of women to certain special privileges as regards conditions of employment (Philippines in E/CN.4/365, part II, B.2 and A/C.3/SR.291, paragraph 19);
(xxiii) The prior right of parents to choose the kind of religious education that shall be given to their children (El Salvador in A/C.3/SR.291, paragraph 59. Compare the wider statement of the Netherlands representative set out in paragraph 12 above);
(xxiv) Rights relating to citizenship (characterized by a social and economic matter by the Philippines in E/CN.4/365, page 76 and A/C.3/SR.291, paragraph 19).

27. It may be recalled also that at the twelfth session of the Council, (439th meeting), the representative of the Food and Agriculture Organization made certain proposals for the drafting of provisions on food and the rights of food producers and that the United Nations Educational, Scientific and Cultural Organization explored the question of the feasibility of drafting provisions on subjects within its field of interest (E/1752 and Corr.1). /28. It will be
28. It will be observed that section B of resolution 421 (V) of the General Assembly stated that in the drafting of the covenant account should be taken of the Principles and Purposes of the Charter of the United Nations and that those Principles and Purposes should be consistently applied and assiduously protected. In section E of the resolution the General Assembly calls upon the Economic and Social Council to request the Commission on Human Rights, "in accordance with the spirit of the Universal Declaration" to include in the draft covenant articles on economic, social and cultural rights.

29. One aspect of the principle of non-discrimination has been accorded specific reference in section E of the resolution, in that the General Assembly has decided to include in the covenant an explicit recognition of equality for men and women in related rights, as set forth in the Charter of the United Nations. This decision may be interpreted as relating to equality in respect of all rights, and not only in respect of economic, social and cultural rights; but in relation to the latter the application of this principle involves, inter alia, the protection of the specific rights of equal pay for equal work for men and women workers (concerning which see also paragraph 26 above) and of equality in the field of educational rights. The events leading up to the insertion in resolution 421 (V) of the wording relating to equality for men and women has been described in document E/CN.4/513, paragraph 22. It may be added that the representatives of the Byelorussian SSR and of the USSR on the Third Committee of the General Assembly and the Government of the Ukrainian SSR stressed the importance of the right of men and women to equal treatment.

30. The representative of New Zealand on the Third Committee of the General Assembly said that it was a matter of regret to his delegation that the draft covenant did not include any general article barring discrimination in economic and social matters. His delegation would support any motion calling for the inclusion of such an article (A/C.3/388, paragraph 29). The New Zealand Government in its observations on the draft International covenant on human rights and measures of implementation, as drafted at the sixth session of the Commission on Human Rights, stated that the direction given by the General Assembly in resolution 421 (V) of 5 December 1950, section E, paragraph 7 (b) could be fulfilled by the inclusion in the first covenant of a general article forbidding discrimination in regard to economic, social and cultural rights, it being

23/ Ibid., Third Committee, 299th meeting, paragraph 18. Cf. 291st meeting, paragraph 34.

understood that detailed provisions on those rights would be included in a later covenant. If such a general article in suitable form were proposed by the Commission, the New Zealand Government would support its inclusion in the first covenant (E/CN.4/515/Add.1, page 3).

3. The claim that the protection of economic, social and cultural rights calls for detailed regulations

31. It has been maintained by certain participants in the discussion on economic, social and cultural rights that the complexity of the problem of the protection of those rights makes it impossible to embody an effective guarantee in a relatively short text containing statements of rights in general terms.

32. The Belgian representative on the Social Committee of the Council at its eleventh session stated that the very complexity of the problem of economic and social rights sufficed to show the impossibility of embodying an effective guarantee in a general text, or of establishing that guarantee in detail in a single convention (E/AC.7/SR.147, page 10).

33. The Canadian Government in its observations on the draft international covenant on human rights and measures of implementation, as drafted at the sixth session of the Commission on Human Rights, stated that economic, social and cultural rights were not so much individual rights as responsibilities of the State in the field of economic policy and social welfare, which usually required for their effective implementation detailed social legislation and the creation of appropriate administrative machinery (E/CN.4/515/Add.13, page 5).

34. The New Zealand Government in its observations on the draft international covenant on human rights and measures of implementation, as drafted at the sixth session of the Commission, expressed the belief that "such detailed provisions" as the New Zealand Government was anxious to see made for the protection of economic, social and cultural rights should be considered for inclusion in a separate instrument (E/CN.4/515/Add.12, page 3).

35. The United Kingdom Government in its observations on the draft international covenant on human rights and measures of implementation, as drafted at the sixth session of the Commission, stated that it remained of the opinion that the definition of economic, social and cultural rights and the permissible limitations thereto, in terms which were of sufficient precision to constitute an effective guarantee of such rights and which were at the same time likely to obtain general acceptance, was a difficult if not an impossible task, and one which was unlikely
to be accomplished at a single session of the Human Rights Commission. It was, stated the United Kingdom Government, in any event undesirable to attempt to incorporate them in this covenant (E/CN.4/515/Add.8, page 4).

36. The representative of the International Labour Organisation at the Third Committee of the General Assembly stated that international instruments dealing with economic and social rights must be spelled out in detail, as varying interpretations of broader statements would thwart the goal of benefiting people everywhere. The lessons learned by ILO made it clear that general principles were not enough to secure the extension of economic and social rights.25/ (Compare the statement of the ILO representative in the Social Committee of the Council at its eleventh session, in document E/AC.7/SR.140, page 6).

37. The representative of the United Nations Educational, Scientific and Cultural Organization at the Third Committee of the General Assembly made reference to the view of UNESCO that the covenant would be incomplete and would fail to meet the aspirations of mankind if it omitted provisions covering economic, social and cultural rights, which had been sanctioned by the United Nations in principle. He wished to make it clear, however, that the implementation of all the principles contained in articles 26 and 27 of the Declaration could be achieved only by means of a number of technical conventions which could not be formulated immediately, and the preparation of which was, under its Constitution, the task of UNESCO. The problems raised in article 26, paragraph 1, alone would require several conventions. 26/

4. The relevance of the differing stages reached in the economic and social development of different countries

38. It has been pointed out by a number of governments and representatives that since all States have not reached the same stage of economic and social development it would be unrealistic to expect all States to accept the same standards within the field of economic, social and cultural rights.

39. The representative of Argentina on the Third Committee of the General Assembly at its fifth session stated that it was true that under-developed countries which were still in the process of developing their economy might find less simple the guaranteeing of economic, social and cultural rights; therefore, the United Nations must make every effort to find a technical formula which would permit the universal

25/ Ibid., Third Session, Part II, Third Committee, 198th meeting, paragraph 31.
26/ Ibid., Fifth Session, Third Committee, 299th meeting, paragraphs 36-37.
40. The representative of China on the same committee pointed out that countries which had accumulated great wealth as a result of the industrial revolution had been able to use that wealth in part to secure better primary education for their citizens. The growth of education had facilitated the attainment of respect for human rights in the advanced countries so that the under-developed countries were placed at a relative disadvantage. That inequality due to economic factors might cause under-developed countries to hesitate before joining the more fully developed countries in a covenant on human rights. He did not believe that the situation could be remedied merely by the exertion of pressure in the form of a multitude of complaints.

41. Representatives of India on the Social Committee of the Council at its eleventh session and on the Third Committee of the General Assembly drew attention to the great differences existing between the economic and social structures of Member States. Economic structure varied so greatly that universal economic standards were extremely difficult to lay down, as was shown by the work of the International Labour Organisation. The observance of economic and social rights might entail material and financial commitments which it might be beyond the power of many governments to fulfill (see documents E/AC.7/SR.147, page 30; E/AC.7/SR.151, page 5 and A/C.3/SR.299, paragraph 12. Compare document E/AC.4/515/Add.14, page 3).

42. The representative of Lebanon stated at the 317th plenary meeting of the General Assembly that social, cultural and economic rights differed from personal and civil rights in the sense that their implementation implied the existence of economic, political and social conditions which did not depend merely on the will of authorities or governments.

43. The representative of the Netherlands in the Third Committee of the General Assembly maintained that the protection of economic, social and cultural rights largely depended on the political, social, financial and economic conditions prevailing in each country. That was especially true of rights such as the right application of those rights.

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27/ Ibid., paragraph 41.
28/ Ibid., 301st meeting, paragraph 22.
29/ Ibid., 299th meeting.
30/ Ibid., Plenary Meetings, 317th meeting, paragraph 119.

/to work and
to work and the right to social security, the realization of which might involve considerable sacrifice by the national community as a whole.\(^{31/}\)

44. The representative of New Zealand on the same Committee stated that it was impossible to define the scope of the economic and cultural rights which States ought to accord to their nationals without taking into account the differences that existed between their various economic and political systems.\(^{32/}\)

45. The representative of the United States on the Social Committee of the Council also drew attention to the wide economic differences between the various States Members of the United Nations which would make it difficult if not impossible to draft easily a workable text incorporating economic rights agreed upon by all (E/AC.7/SR.151, page 4.)

46. The representative of Venezuela on the Third Committee of the General Assembly pointed out that the social rights under discussion had an economic basis and entailed expenditures on the part of the State. For example, article 25 of the Universal Declaration of Human Rights, if included in a covenant, would have important economic and financial consequences.\(^{33/}\)

47. The representative of Yugoslavia on the same Committee stated that his delegation realized that, in view of the great differences in the way of life in the various countries, it would be far from simple to incorporate in the covenant fair and acceptable provisions on economic and social rights. Nevertheless, he added, the effort must be made.\(^{34/}\) It will be recalled that the Yugoslav delegation introduced in the Third Committee of the General Assembly an amendment\(^{35/}\) which, as amended, became section E of resolution 421 (V).

48. The representative of Belgium at the Council at its eleventh session, on the other hand, asked whether divergencies, as wide as the degrees of economic and social development existing in the various countries, did not also exist in other fields, such as those of juridical development or civil rights (E/AC.7/SR.151, page 8).

\(^{31/}\) Ibid., Third Committee, 297th meeting, paragraph 26; and 307th meeting, paragraph 3.

\(^{32/}\) Ibid., 297th meeting, paragraph 12.

\(^{33/}\) Ibid., 298th meeting, paragraph 43.

\(^{34/}\) Ibid., paragraph 19.

\(^{35/}\) Ibid., Annexes, agenda item 63, document A/6.3/L.92.
49. The Secretary-General ventures to draw attention to the fact that the Universal Declaration of Human Rights, in article 22, states, inter alia, that everyone is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality "in accordance with the organization and resources of each State".

50. It is respectfully submitted that the problem of the different stages reached in the economic and social development of different countries may have a bearing on the implementation of economic, social and cultural rights (see paragraphs 51-71 below).

5. Implementation of economic, social and cultural rights

51. As a result of the distribution of the questionnaire on measures of implementation (E/1371, annex III, part II), certain comments were received from governments on the question of the implementation of economic and social rights, should such rights be included in the covenant.

52. The Governments of India and Yugoslavia considered that economic and social rights, if treated in the covenant, should be implemented in the same way as the other articles of the covenant (E/CON.4/353/Add.9, page 2, and E/CON.4/353/Add.5, page 2).

53. The reply of the Government of the Netherlands indicated that for the time being the Netherlands Government deemed it inadvisable that provisions concerning economic and social matters should be included in the covenant; it added that should this happen it would be difficult to adopt different measures of implementation with regard to the sections of the covenant concerned (E/CON.4/353/Add.6, page 5).

54. The Government of Israel replied that it was impossible to give a definite indication as to the implementation of economic and social rights as long as their nature and scope were not defined, but added that there should be no infringement of the implementation rights of the existing competent specialized agencies (E/CON.4/353/Add.4, pages 3 and 8).

55. The Government of the Philippines considered that the implementation of economic and social articles should be under the responsibility of the Economic and Social Council (E/CON.4/353/Add.3, page 11).

56. Certain relevant observations were also made in the course of the debates on the draft covenant in the Economic and Social Council at its eleventh session and the Third Committee of the General Assembly at its fifth session.

57. According to
57. According to some representatives the protection of economic, social and cultural rights called for measures of implementation different from those needed for the protection of civic and political rights.

58. The representative of Australia on the Social Committee of the Council at its eleventh session stated that the measures of implementation contained in the draft covenant would clearly need to be reviewed, and possibly revised, if, as some members wished, articles on economic and social rights were included in the draft covenant (E/AC.7/SR.147, page 13, and E/AC.7/SR.150, page 13).

59. The Canadian representative on the Social Committee of the Council at the same session said that, prima facie, if the method of implementation were not changed, it would seem simpler to include the articles on economic and social rights in the draft covenant; but if the method of implementation were strengthened, a separate covenant would probably be preferable. It might be wiser, in view of the fact that economic and social concepts and rights had been slower than civil and political rights in winning general recognition, and that the process had been uneven over the world, to provide different implementation machinery in respect of economic and social rights; his delegation however reserved its final opinion on that point until the Commission on Human Rights had completed its task (E/AC.7/SR.151, pages 9 and 10). In the course of his explanation of his abstention in the voting on the resolution adopted on the draft covenant by the Third Committee, the representative of Canada stated that on the separate parts of the resolution his delegation had several times cast a negative vote, as, for example, on the question of inclusion of economic, cultural and social rights, which, in its opinion, would make implementation of the covenant difficult, if not impossible.36/

60. In the Third Committee of the General Assembly the French representative said that, as economic and social rights were of a technical nature, some special machinery might have to be provided for their implementation.37/

61. The representative of Uruguay on the Third Committee of the General Assembly stated that effective results could be obtained only by drafting three separate covenants with different measures of implementation and varying mandatory power,

36/ Ibid., Third Committee, 398th meeting, paragraph 17.
37/ Ibid., 398th meeting, paragraph 6.
in respect of the three different types of rights: rights inherent in the human person as such, political rights, and economic, social and cultural rights. 

62. Certain statements on the part of representatives may be quoted as seeming possibly to indicate a relationship between the provision of technical assistance and the promotion of economic, social and cultural rights.

63. The Belgian representative on the Social Committee of the Council at its eleventh session maintained that the prevailing hesitancy on the question of economic and social rights was hardly comprehensible at a time when the United Nations had shown itself capable of a certain boldness in the economic field on the questions of full employment and technical assistance (E/AC.7/38/151, page 8).

64. The representative of the United States at the twelfth session of the Council said that the United States was the first to recognize the right to decent standards of living; the remedy for hunger was not, however, legislation but positive action to raise the standard of living in the under-developed countries.

65. The Venezuelan representative on the Third Committee of the General Assembly stated that the problems confronting under-developed countries were chronic and lasting, and could not be solved by a covenant dealing with certain economic and social rights, but rather by the promotion of better living conditions in under-developed areas through international co-operation. Any other approach would either result in a legal instrument which would be a dead letter or drive many States into a position in which they would find it impossible to accept the covenants.

66. Other expressions of view, while not definitely suggesting a preference for the adoption of independent measures of implementation in respect of economic, social and cultural rights, may be thought to raise certain doubts concerning the appropriateness of providing the same measures of implementation for economic, social and cultural rights as for the civic and political rights.

67. The Australian representative at the Third Committee of the General Assembly, speaking on the question of petition, said that appeals should not be addressed lightly to the proposed human rights committee if it were to function effectively, and that this would be even truer if economic, social and cultural rights were included in the covenant.

38/ Ibid., 291st meeting, paragraph 44.
40/ See Official Records of the General Assembly, Fifth Session, Third Committee, 296th meeting, paragraph 44.
41/ Ibid., 301st meeting, paragraph 5.

68. The Indian
68. The Indian representative on the Social Committee of the Council at its
eleventh session pointed out that the substance of articles 1 to 18 of the draft
covenant and that of the measures of implementation in part III thereof were
inter-dependent, so that if economic and social rights were included in the covenant
the measures of implementation would also have to be revised (E/AC.7/SR.151,
page 74). The Indian representative at the Third Committee of the General Assembly
stated that the first eighteen articles of the draft covenant concerned rights for
the violation of which there were legal remedies and upon which there was a
consensus of agreement; there was however, she added, no direct legal remedy for
the violation of economic and social rights and no existing machinery for their
protection and enforcement. Their effectiveness depended rather on the extent to
which governments honoured their obligations. 42/

69. The representative of Mexico on the Third Committee stated that the Committee's
previous decisions that the first eighteen articles of the covenant were inadequate
and that articles dealing with economic, social and cultural rights should be
included made it impossible to decide just then on the adequacy of the measures of
implementation, since the Committee could not know what provisions there would be
to be implemented. 43/

70. In the Social Committee of the Council at its eleventh session, the
representative of the United States of America argued that it would be a mistake
to include economic and social rights in the draft covenant, on the grounds,
inter alia, that the implementation of provisions regarding economic and social
rights would be even more difficult than the implementation of provisions regarding
civil and political rights, and that there was not even complete agreement on the
latter. He, among other representatives, stressed the importance of the part of
the specialized agencies in the protection of economic, social and cultural rights
(E/AC.7/SR.151, page 4). The United States representative in the Third Committee
of the General Assembly draw attention of the fact that the activities of the World
Health Organization as a whole implied a recognition of the right to medical care;
she added that that example could be used as a basis for studying the methods to be
used with respect to other economic and social rights. 44/

42/ Ibid., 299th meeting, paragraph 12.
43/ Ibid., 314th meeting, paragraph 40.
44/ Ibid., 297th meeting, paragraph 18.
71. The Yugoslav representative in the Third Committee of the General Assembly acknowledged that the problem of the implementation of economic and social rights would present considerable difficulties; nevertheless, he added, the effort must be made.\footnote{Ibid., 298th meeting, paragraph 19.}