

COMMISSION ON HUMAN RIGHTS

Third session

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CHINA AND THE UNITED STATES: PROPOSAL ON IMPLEMENTATION
FOR THE COVENANT ON HUMAN RIGHTS

1. Procedures for dealing with violations of the Covenant should be developed gradually in the light of experience.
2. To start with, provision may be made on the following lines for dealing with complaints by Covenanting States of violations of the Covenant:
 - (a) Covenanting States shall settle complaints arising under the Covenant so far as possible by direct negotiation;
 - (b) Provision for the appointment of a Committee by Covenanting States shall be made in the Covenant, to which a matter not settled by negotiation or otherwise within a reasonable time should be referred by a Covenanting State or States concerned. The Committee shall consider a complaint referred to it and, in view of all the circumstances, make a recommendation addressed to the State or States concerned, looking to an amicable solution;
 - (c) States may in any event have such recourse to the International Court of Justice as is provided in the Charter of the United Nations and the Statute of the Court;
 - (d) Any State charged with a violation of the Covenant or the Committee referred to in Paragraph (b) may request the Economic and Social Council to secure an Advisory Opinion from the International Court of Justice, as provided in the Charter of the United Nations and the Statute of the Court, on any legal question involved.
3. A reasonable time after the coming into force of the Covenant, Covenanting States should consider whether further measures of implementation are desirable, including measures concerning petitions from individuals, organizations and groups.
4. It is not necessary to create an International Court of Human Rights or a special chamber of the International Court of Justice at least until some experience has been gained of the operation of the Covenant and of the implementation machinery described above,