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Chairman: Mr. Humberto DIAZ CASANUEVA
(Chile).

AGENDA ITEM 48

Draft International Covenants on Human Rights (A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/5411 and Add.1-2, A/5462, A/5503, chap. X, sect. VI; E/2573, annexes I-III; E/3743, paras. 157-179; A/C.3/L.1062, A/C.3/L.1172, A/C.3/L.1175) (continued)

PROPOSAL TO INCLUDE AN ARTICLE ON THE
RIGHT TO FREEDOM FROM HUNGER IN THE
DRAFT COVENANT ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS

1. The CHAIRMAN invited the Committee to consider the Saudi Arabian proposal to add an article on the right to freedom from hunger (A/C.3/L.1172) to the draft Covenant on Economic, Social and Cultural Rights and the proposal of Chile, Colombia, Ecuador and Uganda to add a paragraph on the same subject to combined articles 11 and 12 of that draft Covenant (A/C.3/L.1175).

2. Miss KRACHT (Chile), speaking on behalf of the sponsors of the latter proposal, said that their intention had been to incorporate such of the ideas expressed by the Director-General of FAO (1232nd meeting) as were suitable for inclusion in a convention. Many delegations had informally indicated their desire for certain changes in the text, and the sponsors therefore suggested that their proposal should be referred to a working group composed of all interested delegations, with a view to producing a non-controversial text that could command unanimity.

It was so agreed.

3. Mr. BARODY (Saudi Arabia) felt that the Director-General of FAO should be commended for having awakened the Committee to the need for international action to help the millions living in penury, whose plight could not possibly be relieved by private philanthropy. His delegation had been happy to incorporate the Director-General's suggestions in its own proposal as a possible basis for an agreed text, and it would be

equally pleased to participate with the sponsors of the other proposal and with interested delegations in the proposed working group.

4. Mr. ATAULLAH (Pakistan) observed that, in the view of his delegation, the draft Covenants should be restricted to the clear enunciation of fundamental human rights and of the basic principles underlying them, without any mention of the specific measures States were required to take for the protection and promotion of such rights. Measures to ensure freedom from hunger would have to form part of general plans for rural economic development, which would naturally differ from country to country, and it would therefore be wrong to attempt to include in the draft Covenant on Economic, Social and Cultural Rights uniform directives which States would be bound to follow. Such questions as increasing world food supplies and ensuring their equitable distribution, or reforming existing systems of land tenure, were proper subjects for discussion by the Second Committee and by specialized organs, which were in fact dealing with them as a matter of urgency. There was no real need to amplify or add to the very lucid and succinct statement of the right of everyone to freedom from hunger, and to an adequate and improving standard of living, contained in combined articles 11 and 12, approved by the Committee during the eleventh session of the General Assembly (743rd meeting).

5. His delegation was not opposed to the ideas set out in the two proposals, but it would have to abstain in the vote on them because it saw no need for the inclusion of any such article in the draft Covenant.

6. U MYAT TUN (Burma) expressed his Government's complete sympathy with the high ideals and objectives enunciated by the Director-General of FAO. With regard to the phrase "ensure that... food supplies are shared on a rational and equitable basis", which was common to the two proposals before the Committee, his delegation was anxious that the significance of the word "shared" should be made clearer by the insertion after it of the words "in keeping with the interests of both food producers and consumers".

7. Mr. YAPOU (Israel) said that the principle of freedom from hunger was of paramount importance, as it derived from two basic freedoms to which all Member States had subscribed on joining the United Nations—freedom from want and freedom from fear. In preparing an amended draft, the proposed working group should make a clear distinction between the expression of the principle itself and the operative part of the text. The Committee would be formulating the right to freedom from hunger for the first time, and it should not try to cover all possible measures for dealing with the problem; rather, it should seek to enlist the help of other international bodies and, in the first instance, the Economic and Social Council, for a more thorough study of the whole question. It

would also be useful to have a more detailed report from FAO at the nineteenth session, so that the Committee might reach some specific conclusions. The ideas which emerged from the present debate might be referred to the forthcoming United Nations Conference on Trade and Development for consideration.

MEASURES OF IMPLEMENTATION

8. The CHAIRMAN invited the Committee to consider the measures of implementation set forth in part IV of the draft Covenant on Economic, Social and Cultural Rights. He drew attention to the explanatory paper on measures of implementation (A/5411) prepared by the Secretary-General in compliance with General Assembly resolution 1843 B (XVII) and, more particularly, to paragraphs 4 to 10 of that document, which, referred to the basically different character of the rights treated in the two draft Covenants and the different measures proposed for their implementation.

9. Economic, social and cultural rights had been formulated in general terms, and it had been recognized that some countries had not yet reached a stage of development in which they could give immediate effect to them. Civil and political rights had been defined more precisely. The former rights were to be achieved progressively, the latter as soon as the Covenants had taken effect. Another point of particular importance was the role of the specialized agencies in the implementation of economic, social and cultural rights, which covered matters within their purview. He hoped that the representatives of the ILO and UNESCO would be able to report to the Committee on the experience acquired in the operation of the measures ensuring implementation of ILO and UNESCO conventions.

10. Mr. Antonio BELAUNDE (Peru) thought that it would be desirable to have a general debate on the measures proposed for the implementation of both Covenants, before discussing part IV of the present draft Covenant article by article.

11. The CHAIRMAN suggested that, in view of the different nature of the two draft Covenants, the general debate should concentrate on the implementation of economic, social and cultural rights in the first instance. The matter had been discussed for many years, until it had finally been decided to propose a reporting system for those rights and a combination of a reporting system with machinery for the submission of complaints in the case of civil and political rights.

12. Mr. OSTROVSKY (Union of Soviet Socialist Republics) was convinced that it would be wrong to try to force the debate on implementation into a rigid framework, in which one set of rights was wholly separated from the other. Some ten years had passed since the Commission on Human Rights had prepared the relevant articles of the two draft Covenants, and many changes had occurred both inside and outside the United Nations. When the General Assembly had decided to ask Governments of Member States for their comments, it had clearly had a new approach to the question in mind, involving the submission of new proposals which would take the views of Member States into account. It was conceivable that the Com-

mittee would wish to adopt different solutions from those proposed in the draft before it. Economic, social and cultural rights required a gradual approach, but that did not mean that the measures of implementation should be less stringent. On the contrary, they might well have to be stricter, lest some Governments should use the principle of progressive implementation as an excuse for doing nothing. If compliance with the provisions of both draft Covenants was to be assured, the same basic principles should be adopted for the implementation of both.

13. He agreed on the value of the experience acquired by the ILO and UNESCO. The Committee might find it necessary to review the methods proposed, in order to take that experience into account.

14. Mr. MELOVSKI (Yugoslavia) suggested that a number of meetings should be set aside for a general exchange of views on the vital question of implementation. The Committee would, of course, be unable to complete consideration of the item during the session, but it should attempt to decide on its future method of work.

15. Mr. DAS (Secretary of the Committee) pointed out that the Committee had agreed to consider the report of the United Nations High Commissioner for Refugees (item 38 of the agenda of the General Assembly) and the draft Declaration on the Right of Asylum (item 45 of the agenda of the General Assembly) during the High Commissioner's stay in New York and had set aside a total of eight meetings for that purpose. The High Commissioner was due to arrive at Headquarters in the coming week and, even if the Committee decided not to deal with any of the remaining items on its agenda, not more than sixteen or seventeen meetings would be left for the further consideration of the draft Covenants.

16. Mr. CAPOTORTI (Italy) thought that it would not be possible to take up any of the remaining items. The Committee would do well to concentrate on the draft Covenants after devoting the necessary time to the High Commissioner's report and to the draft Declaration on the Right of Asylum.

17. He hoped that the general discussion of the problem of implementation would not be confined to abstract ideas, but that specific proposals would emerge. While a reporting system clearly occupied a prominent place in the implementation of economic, social and cultural rights, it remained to be seen whether sole reliance on that method was still regarded as acceptable. In that connexion, members might well wish to refer to the relevant provisions of the draft Covenant on Civil and Political Rights.

18. In order to make the best use of what time remained, the Committee should either take up part IV of the draft Covenant on Economic, Social and Cultural Rights in detail immediately after the general debate or should at least try to lay a solid basis for the discussion of the item at the nineteenth session.

19. The CHAIRMAN said that, after consultation with the Secretariat, he would submit proposals for the order of work in the remaining weeks of the current session.

The meeting rose at 12.30 p.m.