

others. The views of the Canadian Government on this question were included in a memorandum which was sent to the Secretary-General of the United Nations in a note of March 14, 1951¹. The extract relating to economic, social and cultural rights reads:

12. The General Assembly decided to include economic, social and cultural rights in the covenant and the Commission is to be instructed to make provision for them in the draft covenant. It is to be hoped that the General Assembly will reconsider, and indeed reverse, this decision.

13. The advancement of economic, social and cultural rights is a matter of great importance. The traditional civil liberties cannot be fully exercised in the modern world, unless economic and social rights are also promoted and enjoyed. There is therefore a close relationship between the two categories of rights. Generally speaking, however, economic and social rights cannot be protected and encouraged in the same way as civil and political rights. The latter involve limitations on the powers of governments and legislatures to interfere with the rights of the individual. Economic, social and cultural rights, on the other hand, are not so much individual rights as responsibilities of the state in the field of economic policy and social welfare which usually require for their effective implementation detailed social legislation and the creation of appropriate administrative machinery. There is thus a fundamental difference in the nature of the two categories of rights.

14. An attempt to include economic and social rights in the first covenant will jeopardize, if not make impossible, its completion. It will be extremely difficult to reach any general agreement, at least without lengthy delays, on the formulation of these rights in a way that will give rise to workable and enforceable legal remedies.

The Economic and Social Council at its thirteenth session in 1951 recognized the difficulty of including economic and social rights in the same Covenant as civil and political rights, as well as the problems of establishing different implementation procedures for these two different sets of rights. The Council requested the General Assembly to reconsider its decision to include the two types of rights in one instrument. After a long and sometimes emotional debate the sixth session of the General Assembly decided by a close vote to instruct the Commission on Human Rights to draft two Covenants, one to contain civil and political rights, the other to contain economic, social and cultural rights, and to present the Covenants simultaneously to the seventh session for approval and opening for signature. The Commission on Human Rights was able to complete the substantive articles for both Covenants but had insufficient time to begin to draft the articles concerning implementation. Since the Commission was unable to complete its task, the fourteenth session of the Economic and Social Council requested the Commission to complete its work on the two Covenants in 1953. It will therefore be the eighth session of the General Assembly in 1953, and not the seventh session in 1952, which will be called upon to open the two Covenants for signature.

¹The full text of this memorandum appears in U.N. Document E/CN.4/515/add.13 of 16 March, 1951.