

detailed examination of the draft covenants<sup>1</sup>. The Third (Social, Humanitarian and Cultural) Committee approved the preamble and, against the opposing votes of 12 countries, including Canada, approved a first article dealing with self-determination. The Canadian view was that the concept of self-determination was not defined sufficiently clearly for inclusion in a legally binding international instrument and that, insofar as it could be considered a right, it was a collective, rather than an individual, right, and therefore had no place in an instrument dealing with individual rights. The Third Committee then proceeded with a discussion of a second article, dealing with the steps which states would agree to take in order to achieve the realization of the rights enumerated in the draft covenants, but agreed to postpone a final decision on the second article until all the substantive articles contained in Part III of the drafts of each covenant had been approved.

At the eleventh session the Third Committee started a detailed examination of the substantive articles of the Draft Covenant on Economic, Social and Cultural Rights, having agreed to defer consideration of the remaining articles in Part II until the substantive articles had been approved. It soon became apparent that many of the drafts of the substantive articles for the Covenant on Economic, Social and Cultural Rights which the Commission had prepared did not meet with the complete approval of the majority of the members of the United Nations, and that the process of redrafting in the Third Committee was going to be difficult and very time-consuming. Almost forty meetings were devoted to this task during the period from December 11, 1956 to January 31, 1957. During this time the committee succeeded in reaching majority agreement on texts for only seven articles (Articles 6 to 12 inclusive).

In general, the Canadian Delegation took the view, which, although shared by many other delegations, was nevertheless a minority one, that it was unwise to attempt to spell out in detail the steps which should be taken by states to implement the rights enumerated in the Covenant on Economic, Social and Cultural rights. By their nature they were not rights which could be guaranteed unequivocally by legislation and might more appropriately be considered as objectives to which governments and peoples should strive, by legislative or other means, as appropriate to the conditions and systems of individual countries. Many of the articles as finally drafted contained provisions which implied for their implementation a degree of interference by states which was incompatible with the concept of the role of government in society which underlies the governmental system of a parliamentary democracy such as Canada.

The Canadian Delegation was faced with another difficulty in its consideration of the draft articles discussed. Most of the articles in the Covenant on Economic, Social and Cultural Rights deal with matters which are within the legislative jurisdiction of the Canadian provinces; for this reason it would be impossible for the Government of Canada to undertake obligations in those fields, unless the constitutional position were safeguarded by a provision designed to take into account the constitutional difficulties of federal states such as Canada. The present drafts of the covenants contain no such provision, and the Canadian Delegation made it clear that

<sup>1</sup>See *Canada and the United Nations 1954-55*, p. 51.