

Human Rights

During 1951 and the first part of 1952 the General Assembly, the Economic and Social Council and the Commission on Human Rights have devoted a great deal of time and effort to the task of formulating fundamental human rights and freedoms in an international instrument which would be binding upon all signatories. The name originally chosen for the instrument was the International Covenant on Human Rights. Subsequently a majority of the United Nations decided that there should be two instruments rather than one, each to be known by the term Covenant. Because of the novelty of trying to protect and extend the enjoyment of human rights by international action, the effort to draft satisfactory treaties has been complicated by the submission of a multitude of suggestions, frequently reciprocally contradictory, for inclusion in the Covenants. It is, however, not surprising that the members of the United Nations — with widely different legal, economic and social backgrounds, various philosophical and intellectual approaches, differing or opposed ideologies, each country preoccupied with peculiar problems of its own within its national framework — have found it difficult to arrive at a formula which will provide even the necessary minimum of satisfaction for all.

Those countries which have been able to vouchsafe to their citizens the enjoyment of the civil liberties which have become traditional in the western world have been anxious lest the international enunciation of these liberties should fall short of the standard they already possess and thus restrict rather than expand freedom. These countries, including those of Western Europe, the United Kingdom, Canada and the United States, also happen to be more economically advanced than most of the nations of the world and are under less compulsion to attempt to codify man's economic and social rights. Furthermore, the nations which consider that the economic system of free enterprise best meets the needs of their inhabitants are concerned that the international formulation of economic and social rights may lead to widespread intervention by governments in the economic and social life of the individual. For such nations a move in this direction would be retrogressive. This same group of nations, to which Canada belongs by reason of historical traditions and background, is more concerned than others that whatever instrument or instruments the United Nations may adopt should be in a form capable of precise legal interpretation and with clearly defined measures of implementation. The respect for law which is inherent in the legal and constitutional traditions of the Commonwealth, the United States and Western Europe strongly argues against the inclusion in the Covenants of articles which are essentially declaratory in nature and which do not impose a precise, practical, enforceable legal obligation on the signatory.

Another and perhaps larger body of opinion in the United Nations ardently supports the insertion of economic, social and cultural rights in the Covenants, preferably in one single Covenant which also embraces political rights. Support for this view is drawn principally from the nations of Asia and Latin America. These