

We have in the past pointed to the obstacles in the way of translating economic, social and cultural rights into legal terms, the implementation of which would not give rise to serious difficulties. In our view, the draft Covenant on Economic, Social and Cultural Rights contains vague generalities which will need clarification if the provisions of this covenant are to have, as they should, the same meaning for all parties. As things now stand, it is difficult for us to conceive of a clear-cut interpretation of many articles bearing in mind the different standards of measurement applying in various countries. This is particularly true of Articles 13 and 16 and also of the articles using such terms as "fair wages", "decent living", "healthy working conditions", "adequate food and housing", and "adequate standard of living".

Similar considerations apply to the Covenant on Civil and Political Rights in the case of articles which contain expressions susceptible of different meanings depending on the interpretation given to them under various legal systems or in different languages. Here again an attempt might be made to define such terms as "arbitrary" or "public order" which are consistently used, if the obligations undertaken under these articles are to have anything approaching the precise meaning the provisions of the Covenants on Civil and Political Rights should have.

The Canadian Government has at one point expressed its general support of the contents and scope of the Covenant on Civil and Political Rights. Since then a number of articles have been added and while we find ourselves in agreement with many of these additions there are certain provisions in the new drafts which we think should preferably be deleted. In the first place we do not consider that the International Court of Justice should be asked to elect members of the proposed Human Rights Committee. To our mind this is a non-judicial task which should preferably be left to political organs such as the General Assembly or to the states parties to the Covenant. In the second place we are inclined to regard Articles 24 and 26 as superfluous or inconsistent with other provisions of the Covenant. Article 24 might be invoked to prevent authorized derogations to some of the rules of the Covenant, such as that provided for in Article 12. The prevention of discrimination aimed at in Article 24 is, to our mind, adequately covered by Article 2. We think it is altogether impracticable to define the terms of Article 26 and in particular the so-called "incitement to hatred and violence". The purpose of this article may well be regarded as being achieved by Article 19.

The Canadian Government has submitted a number of observations on the draft Covenant on Civil and Political Rights in addition to those which I have already made. These observations form part of the documentation available