

Draft Covenants on Human Rights

The Commission on Human Rights, one of the functional commissions of the Economic and Social Council, decided at its second session in December 1947 that the task of drawing up an International Bill of Human Rights should be carried out in three stages: a "Declaration", a "Covenant", and "Measures of Implementation". On December 10, 1948, the General Assembly completed the first stage¹ when it adopted by a vote of 48 in favour, 0 against, with 8 abstentions (Byelorussian S.S.R., Czechoslovakia, Poland, Saudi Arabia, Ukrainian S.S.R., Union of South Africa, U.S.S.R., Yugoslavia), a Universal Declaration of Human Rights; December 10 is now known throughout the world as Human Rights Day.

The General Assembly then requested ECOSOC and the Commission on Human Rights to start on the second stage and prepare a draft covenant. The Commission devoted six sessions, from 1949 to 1954, to the preparation of the covenant; the work on the covenant has been divided into two parts—a draft covenant on civil and political rights, and a draft covenant on economic, social and cultural rights. All members of the United Nations were invited to submit their comments on these two draft covenants² which in 1954 were sent by ECOSOC to the General Assembly.

The General Assembly decided there should be a first reading of the two draft covenants at its ninth session in 1954. The first reading was to start with a general debate and be followed by detailed consideration of the articles of the covenants. Because of the length of the general debate, the remaining meetings of the Third (Social, Humanitarian and Cultural) Committee were limited to the submission of amendments. A detailed examination of the articles of the two covenants was begun at the tenth session of the General Assembly in 1955. The Third Committee approved the preamble, subject to final review, and postponed a final decision on Article 2 until all of Part III of each covenant has been considered. The Third Committee approved, over the objections and the negative votes of 12 countries (including Canada), a section on self-determination which is to become Article 1 of both covenants. The vote on this self-determination section included 13 abstentions as well as 12 negative votes. The Canadian view was that self-determination is a collective, rather than an individual, right, and therefore has no place in an international instrument dealing with individual rights³. While the examination of the draft covenants is to be resumed at the eleventh session of the General Assembly, it will probably not be completed for some years to come.

Draft Convention on the Nationality of Married Women

The idea of a draft convention on the nationality of married women was first proposed in a resolution of ECOSOC in 1949⁴. The purpose of the Convention is to eliminate conflicts in law arising out of provisions regarding the loss or acquisition of nationality by women as a result of marriage, the dissolution of marriage, or the change of nationality by the husband during marriage. The Commission on the Status of Women was largely responsible for preparing the draft Convention, after the International Law Commission had notified ECOSOC in 1953 that it could not consider the nationality of married women separately from the general problem of nationality and state-

¹See *Canada and the United Nations 1948*, pp. 90-91.

²See *Canada and the United Nations 1953-54*, pp. 46-48, 49-50.

³For further details concerning the Canadian view on self-determination, see "Self-Determination of Peoples and Nations" below, pp. 55-57.

⁴ECOSOC resolution 242C (IX). See also *Canada and the United Nations 1953-54*, p. 62.