1. I wish to refer to the discussions we had on the workload which has been given to the seventh session of the Commission on Human Rights by the General Assembly resolution of 4 December 1950 on the Future Work of the Commission on Human Rights (document A/1620). I am submitting to you in the later part of this memorandum a description of the situation this created in order that these considerations may be placed before the representatives of the Departments of Conference and General Services, of Administrative and Financial Services and the Legal Department.

2. These observations will show that the decisions of the General Assembly have fundamentally altered the task to be performed by the Commission on Human Rights at its 1951 session and that the Commission on Human Rights cannot cope with even a fraction of this programme in a five weeks session conducted on the usual lines. It might be recalled for purposes of comparison that at its sixth session, the Commission held 66 plenary meetings which were mainly devoted to the re-drafting of substantive provisions of the Covenant which had already been examined, discussed and decided upon at the second, third, and fifth sessions. At its seventh session, however, the Commission is facing the task of not only re-doing what it had previously done at four sessions, but to add provisions on several additional categories of rights, most of which have never been explored with a view to incorporating them in a general international instrument.
If therefore a most deplorable debacle of the human rights programme of the United Nations is to be avoided and if the Commission is to be in a position at least seriously to attempt to comply with the mandate given to it by the General Assembly, then quite extraordinary measures and arrangements must be made.

3. As a basis for discussion at the proposed inter-departmental meeting, I herewith submit the following suggestions, fully realizing that they will meet with difficulties of an administrative, budgetary and even legal character. I feel, however, that the Secretariat must make every effort to help overcome the critical situation in which the Commission finds itself.

The gist of my suggestions is that it should be recommended to the Chairman of the Commission and, if she approves, to the Governments represented on the Commission, to send to the seventh session of the Commission on Human Rights delegations of such strength that the Commission could create two committees of the whole and that the Commission and these two committees could sit simultaneously.

4. I realize that rule 20 of the Rules of Procedure of Functional Commission provides that committees of the Commission should be composed of members of the Commission. I submit for consideration, however, whether this difficulty could not be overcome by suspending rule 20 under rule 76. The legal question is complicated, of course, by the fact that under the arrangements made at the second session of the Council, the members of the Commission on Human Rights are both supposed to be Government representatives and experts
confirmed by the Economic and Social Council. The committees of the whole which I suggest, would, of course, be useful only if the alternates and advisors sitting on these committees would have the right to vote. Otherwise the whole proceedings of the committees would have to be repeated in the Commission in plenary.

5. I think that it is premature to outline the division of work between the plenary Commission and the two committees. I imagine that one of the committees could deal with substantive articles and measures of implementation; the other committee with the problem of economic, social and cultural rights and their implementation. While the two committees are at work, the plenary could take up these items of the agenda which do not refer to the International Covenant of Human Rights.

6. This programme would involve about 50 meetings of the plenary Commission and 40 meetings of each of the committees of the whole - together 130 meetings. I do not deny that this would place a great strain on both the substantive and the technical staff and that also the number of staff attending would have to be considerably increased.

7. Without wishing to enter into the technical question of the budgeting I think that in the light of the emergency which has been or stated, the money would have to be found, if necessary, from the Working Capital Fund. In this connection, I would like to draw attention to the fact that a certain amount of money has been saved in the field of human rights by the Council's recent decision not to convene the Sub-Commission on Freedom of Information and of the Press in 1951.
8. The observations which follow intend to substantiate the statement made above that the General Assembly, by its resolution (Document A-1620), has overridden and fundamentally altered the work programme which the Commission itself and the Economic and Social Council had mapped out for the Commission on Human Rights at their 1951 sessions.

9. In Section A (2) of document A-1620, the Economic and Social Council is called upon to request the Commission on Human Rights to continue to give priority in its work to the completion of the draft Covenant and Measures for its Implementation in order that the General Assembly may have before it at its sixth session the revised draft of this Covenant. The substantive decisions which the General Assembly took are such, however, that the Commission on Human Rights will not only have fundamentally to revise and to change everything it has so far done in this field at its 1947, 1948, 1949 and 1950 sessions, but will have to expand the Covenant in a very considerable way.

10. In Section B (3) (a), the General Assembly states that the list of rights in the Covenant does not contain certain of the most elementary rights. This means that the Commission on Human Rights, in order to comply with the General Assembly's instructions, will have to examine, to discuss and to formulate a considerable number of new provisions which so far have not been examined, discussed and decided upon at the Commission's second, third, fifth and sixth sessions.

11. The General Assembly further decided in Section B (3) (b) that the present wording of some of the first eighteen articles of the draft Covenant should be improved in order to protect more effectively the rights to which they refer. In connection with this decision, is the decision of the General Assembly in section B (4) (ii) that it is desirable to define the rights set forth in the Covenant and the limitations thereto with the greatest possible precision. This implies that many of the existing eighteen articles will have to be entirely re-drafted.

12. In Section E of resolution A-1620, the General Assembly decided to include
in the Covenant provisions on economic, social and cultural rights. This decision involves not only comprehensive studies in a field which has not yet been sufficiently explored with a view to inserting such provisions in a general international covenant, but calls also for unprecedented forms of cooperation between the Commission on Human Rights and specialized agencies for which provision is made in Section B (7) (c) and (d) of the resolution. The arrangements with specialized agencies which the Economic and Social Council is requested to consider at its twelfth session will probably involve the direct participation of representative organs of specialized agencies, in particular, of the International Labour Organization, in the meetings of the Commission on Human Rights.

13. In Section F (9) of the resolution, the General Assembly has instructed the Commission on Human Rights to proceed with the consideration of new provisions as to the implementation including proposals made by certain delegations at the fifth session of the General Assembly. These proposals include fundamental changes in the whole structure of the measures of implementation as contemplated by the Commission on Human Rights at its sixth session, e.g., the right of non-governmental organizations to petition the Human Rights Committee (proposals by Chile and Israel) and the establishment of an Office of Attorney-General or High Commissioner on Human Rights (proposal of Uruguay).

14. As indicated, the General Assembly has instructed the Commission on Human Rights to prepare a revised Covenant for the sixth session of the General Assembly. This instruction is given in section A (2) and is repeated in Section C (5) and G (9). In Section D (6), the Commission is instructed to prepare recommendations for consideration by the General Assembly at its sixth session also on a problem which is novel for the Commission on Human Rights, namely, to study ways and means which would ensure the rights of peoples and nations to self-determination.
15. By virtue of the decision taken by the General Assembly on the Secretary-General's 20-Year Programme (document A/1539), the Commission on Human Rights is also requested to give consideration to those portions of the memorandum of the Secretary-General with which it is particularly concerned. This is point 8 of the Secretary-General's memorandum (A/1304) "Vigorous and Continued Development of the Work of the United Nations for Wider Observance and Respect for Human Rights and Fundamental Freedoms throughout the World".

16. The tasks described below under 9 - 15 supra taken by the General Assembly at its fifth session. They are in addition to the very heavy agenda of the Commission which, as a consequence of earlier decisions by the Council and the Commission, will also include the following questions:

(a) **International Court of Human Rights** (item deferred to the seventh session of the Commission on Human Rights; document E/1681, paragraphs 46 and 80.)

(b) **Right of Asylum** (item deferred to the seventh session of the Commission from the agenda of its sixth session; E/1681, para. 80).

(c) **Local Human Rights Committees** (item deferred to the seventh session of the Commission from the agenda of its sixth session; E/1681, para. 80).

(d) **Draft Declaration on the Rights of the Child** (Economic and Social Council resolution 309 C (XI)).

(e) **Annual reports by Member States on the manner in which they have promoted respect for, and the progress of, human rights** (Economic and Social Council resolution 303 E (XI)).

(f) **Continuing Validity of Minorities Treaties and Declarations** (item deferred to the seventh session; Economic and Social Council resolution 116 C (VII); E/1681, para. 76).
(g) **Freedom to Choose a Spouse**, etc. (item deferred to the seventh session of the Commission from the agenda of its sixth session; E/1661, para. 80); Economic and Social Council resolution 154 D (VII).

(h) **Old Age Rights** (item deferred to the seventh session of the Commission from the agenda of its sixth session; E/1661, para. 80; General Assembly resolution 213 (III); Economic and Social Council resolutions 198 (VIII) and 309 D (XI)).

(i) **Bibliography on Human Rights** (E/1661, paras. 77, 78 and 79).

(j) **Yearbook on Human Rights—Working out a Programme for the next years** (Economic and Social Council Resolution 3.3 H (XI)).