Measures of Implementation

Drafting of the Articles on Implementation

Part II of the Convention (Articles 8 to 16) refers to measures of implementation.\(^1\) Such measures are an essential part of the Convention and without them, as some representatives stated, the Convention would not differ too much from a Declaration and would remain “a dead letter” or a “paper tiger.” But the Convention did not create a far-reaching machinery and implementation measures that could ensure universal protection against violations of the rights it proclaims. It represents progress compared to all other U.N. instruments in this respect, but it is less effective than the European Convention on Human Rights or the ILO system.

The Sub-Commission had before it a proposal submitted by Judge José Ingles (Philippines)\(^2\) based on the draft International Covenants on Human Rights prepared by the Commission on Human Rights,\(^3\) with modifications inspired by the 1962 Protocol to the UNESCO Convention. The Sub-Commission only discussed Article I of the proposed measures of implementation, and decided that this text should become Article X of the Convention.

The Sub-Commission also adopted a resolution on additional measures of implementation, transmitting to the Commission on Human Rights a preliminary draft “as an expression of the general views of the Sub-Commission on additional measures of implementation which will help to make the draft International Convention...more effective.”

The Commission on Human Rights did not examine the proposed Article X because of lack of time, and it recommended to the Economic and Social


\(^3\) The articles on implementation in the Covenants as finally adopted by the General Assembly in 1966 differ from the draft prepared by the Commission. We refer later to some of its provisions, considerably weaker than the Commission's draft.
Council the submission of the text of Article X to the General Assembly, with the records of the discussion thereon.

The need for a strong system of measures of implementation, including the right of individual petition against violations of the Convention, was stressed during the debate in the Commission.

While the Third Committee began the discussion of the Articles on measures of implementation it had before it the proposed Article X and the preliminary draft of additional measures of implementation. The representative of the Philippines submitted nineteen Articles on measures of implementation,\textsuperscript{4} based mainly on the documents prepared by the Sub-Commission. Several amendments were suggested to the Philippine proposal, including one from Ghana\textsuperscript{5} containing a comprehensive system of measures of implementation.

After a discussion it was suggested that members of the Committee who submitted texts should prepare a new draft which would provide a basis for the discussion in the Committee. Such a draft\textsuperscript{6} was submitted by Ghana, Mauritania and the Philippines, and the Third Committee considered it Article by Article.

\section*{2 Contents of Part II of the Convention}

The implementation system created by the Convention consists essentially of three means—a reporting procedure, an implementation machinery in the form of a Good Offices and Conciliation Committee, and the right of petition—communications in the language of Article 14—by individuals or groups within the jurisdiction of States Parties claiming to be victims of a violation by that State of any of the rights set forth in the Convention.

(a) \textit{The Reporting Procedure. The Committee on the Elimination of Racial Discrimination}

Articles 8 to 11 deal with the Committee on the Elimination of Racial Discrimination.

Article 8, as finally adopted, follows in general, excepting paragraphs 2 and 6, the revised draft submitted by Ghana, Mauritania and the Philippines. The Committee (paragraph 1) will consist of eighteen experts of \textit{high moral standing and acknowledged impartiality} elected by States Parties from amongst their

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