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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourteenth session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 May 1996, at 10 a.m.

Chairperson: Mr. ALSTON

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GE.96-16522 (E)

The meeting was called to order at 10.30 a.m.

ORGANIZATION OF WORK (continued) (agenda item 2)

Meeting with the High Commissioner for Human Rights

1. The CHAIRPERSON gave a brief account of the discussion the Committee's delegation, composed of members of the Bureau and Mr. Simma, had had before the meeting with the High Commissioner for Human Rights. It had repeated the request the Committee had made for years, namely, that it absolutely must have expert assistance in order to carry out its work properly. The High Commissioner had explained that the current reorganization of the Centre for Human Rights was horizontal rather than vertical, in other words, the plan was to set up a unit to provide any committee or other body with back-up in their research work. The Committee on Economic, Social and Cultural Rights would therefore also benefit from unit's services. The reorganization should be completed by 1 October 1996.

2. The only point on which all were agreed was how very inefficient and obviously inadequate the existing structure was. For the rest, the delegation had received little assurance from the High Commissioner and could only hope that the services provided by the reorganized Centre for Human Rights would better respond to the Committee's needs.

3. Attention had also been drawn to the fact that the study of economic, social and cultural rights, which differed in many respects from everything done at the Centre for Human Rights, required the assistance of specialists well acquainted with the subject. No specific answer had been given on that point.

4. There was no doubt that consideration of the question should be pursued and that the Committee should tackle the matter at its next session as soon as the results of the reorganization were discernible. The Committee should also provide the secretariat with a clear indication of what exactly it expected of it and should also report to the High Commissioner. For the moment, the Committee had no alternative but to make do with the assurances it had been given.

5. Mr. SIMMA explained that the High Commissioner was unable to comply with the Committee's request as it was not consonant with the current reorganization. The Committee would have to "play along". He proposed that, at the end of September, the Committee should tell the Centre exactly what its needs would be at the next session in the light of the countries whose reports it would be considering, and see how the new procedure set up could support it.

6. The CHAIRPERSON, noting that the members of the Committee did not wish at that point to comment further on the matter, suggested that for the time being it should accept the proposals he and Mr. Simma had just made.

7. It was so decided.

GENERAL DISCUSSION: "DRAFT OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS" (agenda item 5)

Report submitted by Mr. Alston (E/C.12/1994/12)

8. The CHAIRPERSON said that he had submitted one written report on the draft optional protocol (E/C.12/1994/12) and would be submitting another at the Committee's next session. He hoped that a final report could be submitted to the Commission on Human Rights for consideration at its fifty-third session, in 1997.

9. Commenting on the very fruitful discussion on the subject that had taken place at the previous session, he said that ILO and several non-governmental organizations had made some highly pertinent remarks. Even though the discussion on the draft protocol had not answered all the main issues, it had highlighted some matters of concern to members of the Committee and taken up subjects which would be of major interest later. He would take them into account in his new report.

10. Contrary to the argument put forward by the ILO representative, several NGOs, including the American Association of Jurists, had considered that the scope of application of the procedure for the submission of communications should be broadened beyond what he had initially planned to enable NGOs that were not directly involved as victims of a human rights violation to submit a complaint. Such a procedure would go far beyond that provided for under the European Social Charter. In practice, Governments were extremely reluctant to adopt such an open procedure, and the Commission on Human Rights would not welcome such a draft. The maximalist approach therefore was not advisable, in his view.

11. Nor, because of their reluctance, was the minimalist approach - meaning the procedure Governments would be ready to accept. Between the two extremes lay an intermediate solution that he would recommend and that would require clarification. But it was for the Committee to choose between the three possibilities. He invited members of the Committee, observers and NGO representatives to express their views on the matter, taking care to disregard the political dimension of the Committee's work, although members were, above all, experts. The task before the Committee, therefore, was to decide whether the procedure for filing complaints would be open to all NGOs without restriction or whether they should comply with certain conditions - for instance, that they should be established in the country concerned, have a connection with the violation committed, or enjoy consultative status.

12. The American Association of Jurists had also raised the possibility of States submitting complaints. It was his impression that that option was not of particular interest to the Committee, for two main reasons: first, States could submit to the Commission on Human Rights complaints that could relate, inter alia, to economic, social and cultural rights and, secondly, the procedures for complaints between States had never really been applied in the human rights field. He invited the Committee to give him its views on the matter.

13. The American Association of Jurists had further suggested that international financial institutions, among others, could be the subject of complaints. Although he was not opposed to the idea in principle, he personally could not endorse the legal basis for such an analysis. In his view, the Committee could not, in law, ask the World Bank or IMF to give an account of their activities vis-à-vis the Covenant; in the case of those institutions, some other course should be followed.

14. From the legal standpoint he supported the principle of international solidarity and joint responsibility in the matter of violations of the economic, social and cultural rights, as referred to by the American Association of Jurists and would like to see the Committee steer its thinking along those lines. But that would not be a pragmatic approach and States would be strongly opposed to it.

15. A non-governmental organization of jurists from Catalonia had said that it was very much in favour of the draft protocol and had supported some of the ideas put forward by the American Association of Jurists. It had suggested, among other things, that the Committee's capacity to declare a communication inadmissible should be strictly limited. In his own view, the reply to that question should not be fixed in the protocol once and for all but should evolve with the Committee's rules of procedure. Another non-governmental organization, the FIAN - Foodfirst Information and Action Network - was very much in favour of the draft protocol and endorsed the maximalist solution.

16. Another fundamental question to keep in mind, but one to which there had as yet been no answer, was whether, in the event of a presumed violation, all rights could be the subject of a procedure and to what extent. Mrs. Jimenez Butragueño had referred in that connection to the fall-back in the level of social welfare protection throughout the world. The Committee could not, of course, approve of that, but it could not ignore the facts either. In that connection, Mr. Adekuoye had pointed out that countries did not have the same financial capacity to ensure respect for a given right, Mr. Ceausu had referred to article 2, paragraph 1, of the Covenant under which States undertook to take steps "to the maximum of [their] available resources", which provided a partial reply to that vital question. Mr. Ceausu had also proposed that States should be offered the possibility of expressly choosing those rights laid down in the Covenant in respect of which they would accept complaints.

17. In many respects, the draft optional protocol providing for the submission of communications which was being considered by the Committee on the Elimination of Discrimination against Women could be compared to the draft protocol under discussion. Judging by the reaction of a number of Governments, there again it was important not to go too far or too hastily. After summing up the positions of the NGOs, commenting on the progress of work in drafting an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and recalling a number of comments made by the Committee at its thirteenth session, he went on to inform the Committee of his own views in the matter. Mrs. Jimenez Butragueño had brought up the question of the economic crisis being experienced by many States and the resultant reductions in social welfare expenditure. It was true that, notwithstanding the good intentions of Ministries of Labour and of Health,

it was the Ministry of Finance which nowadays had the last word in many countries. It should therefore be borne in mind that States would be hesitant about any commitment that might restrict their freedom of action in the economic field. Another idea put forward by Mr. Ceausu was that the optional protocol could deal solely with certain rights or certain degrees of realization of those rights and that States could undertake to accept obligations in respect of some rights only, even if the number of such rights was increased later. The objection to that was that, if the content and scope of the rights in the optional protocol were of less importance, States would tend to regard the protocol as the norm and to disregard the obligations set forth in the Covenant. That objection could, however, be rebutted by certain arguments, namely, that there were already international instruments to which States could accede while formulating reservations and also that the optional protocol would meet an entirely different objective from the Covenant and, therefore, could not be dealt with on the same level.

18. In his view, if it was decided that the optional protocol should deal solely with certain rights or with a hard core of rights, or with certain aspects of the rights, the question that arose was whether article 1 of the Covenant, on the rights of peoples to self-determination, or article 2, on non-discrimination, or even the first six articles of the Covenant, should be dealt with separately. The question would also arise whether a distinction should be drawn between the various rights set forth in article 11, namely the right of everyone to an adequate standard of living, including food, clothing and housing. Similarly, could or should the right to education be subdivided into rights to a primary education, a secondary education, and a higher education? Moreover, allowing States to choose for themselves the rights they undertook to realize could make for easy solutions: some States might accept the communications procedure only with respect to rights that were somewhat ill-defined or relatively easy to implement, such as the right to work or the right to social security. It was also conceivable that some rights, such as the right to non-discrimination under article 2 of the Covenant, would be forced on all States without exception in conjunction with the other rights.

19. Another point that called for reflection concerned the interpretation of the obligations incumbent on States. During informal meetings he had held with representatives of various States, he had noted that Governments feared that the Committee might interpret the content of the rights too broadly. For instance, did ensuring realization of the right to food mean feeding the starving or ensuring that everyone had a balanced and varied diet? And in the case of the right to education, would States find themselves being reproached for not gradually introducing free higher education, when they had to increase university fees because of economic difficulties? Such fears acted as an inducement to limit the content of the rights in order to arrive at a minimum content. But while such a limitation might be conceivable intellectually it would not be easy to put into practice. For example, in the case of the right to education it was simple to distinguish between different levels of education - primary, secondary and higher - but the same could not be said of the right to adequate housing, for which it would be difficult to arrive at a minimum standard with which States would have to comply. One answer to the problem would be for the Committee to draft a general observation on the

content of minimum rights, or of a hard core of rights, or even for it to gradually refine its interpretation of the rights, as the Human Rights Committee did.

20. In general, he had no definite position on the various questions he had raised. He opened the discussion on the draft optional protocol providing for the consideration of communications.

21. Mr. WIMER ZAMBRANO said that the Chairperson's introductory statement with its wealth of ideas had opened up many avenues for reflection. He suggested that the Committee should first hear the non-governmental organizations and then hold a discussion based on a few topics.

22. The CHAIRPERSON invited non-governmental organizations to state their views.

23. Mr. TEITELBAUM (American Association of Jurists) said that he had already spoken at length on the draft optional protocol providing for the consideration of communications during the discussion on the draft held at the Committee's thirteenth session; in that connection he would refer members of the Committee to summary record E/C.12/1995/SR.50. His statement would therefore pursue the arguments already advanced but would include new ones. The effective implementation of the future protocol was of paramount importance, in the opinion of his organization.

24. He wished to stress five main points in particular. First, to save time but also because most of the rights enshrined in the Covenant were essentially collective rights, the Committee's main task, once the protocol came into force, would be to consider the situations that appeared to reveal a collective, generalized and/or systematic violation of one or more of the rights set forth in the Covenant, in accordance with a procedure based on that laid down in Economic and Social Council resolution 1503 (XLVIII). The Committee should also examine individual complaints when the gravity of the facts reported and/or the extent to which an individual case could be indicative of a generalized situation justified the intervention of the Committee.

25. Second, it would be advisable if, in addition to the victims and their representatives, NGOs and other organizations could be authorized under the draft protocol to submit complaints or denunciations. Certain regional instruments, such as the Additional Protocol to the European Social Charter approved in 1995, already provided for that option, which also existed in some ILO and UNESCO mechanisms. The tendency to broaden the participation of the NGOs could also be seen in the work of the Human Rights Committee and even the Committee on Economic, Social and Cultural Rights. Moreover, article 44 of the American Convention on Human Rights conferred on every non-governmental entity the right to submit to the Commission petitions containing denunciations or complaints. Consequently, it would certainly not be maximalist to allow the NGOs to submit complaints. Indeed, to deprive them of that right would be a step backwards compared to the tendency seen throughout the international organizations. It should be noted in that connection that,

at the ILO, the categories represented - employers, workers and States - were not the only ones that could submit complaints, national trade unions also being authorized to do so.

26. Third, States too should be empowered to submit complaints in line with a procedure similar to that provided for under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. States should also be able to bring proceedings for violations that took place on their own territory. For instance, a transnational corporation could be more powerful than the State on whose territory it was established and the State might have need of an international body to defend itself against that corporation. Given that States were the signatories of the Covenant, it would be paradoxical to exclude them from the complaints procedure. Furthermore, States were the main subjects of international law and it would therefore be contrary to the law and unreasonable to exclude them from the procedure set up under the protocol.

27. Fourth, having regard to articles 18 and 19 of the Covenant and to paragraph 97 of the 1979 report of the Secretary-General (E/CN.4/1334), his Association trusted that it would be possible to submit complaints against international financial institutions and other organizations in the United Nations system. That could perhaps be achieved through an extension of the jurisprudence of the International Court of Justice.

28. Fifth, paragraph 1 of article 1 of the draft optional protocol, whereby communications could be submitted only by individuals or groups subject to the jurisdiction of the State responsible for the presumed violations, was not acceptable. True, there was a similar provision in the Optional Protocol to the International Covenant on Civil and Political Rights but the Human Rights Committee had had to circumvent that obstacle to its activities through a series of decisions as explained in detail at its latest session. Furthermore, the American Convention on Human Rights contained no such restriction and the Additional Protocol to the European Social Chapter applied it only to national organizations. It was inconceivable, at a time of globalization of the economy, that economic, social and cultural rights could be considered within the limits of the jurisdiction of one State.

29. His viewpoint could be underpinned by a scrutiny of the mechanism of transnational corporations. In a report entitled "World Investment Report - Transnational Corporations, Employment and the Workplace" (United Nations publication, Sales No. E.94.II.1.14, pp. 251-253), UNCTAD stated that, in the peripheral countries in particular, those corporations restricted the collective bargaining power of the workers they employed by threatening to leave if the claims of those workers were, in their opinion, excessive. Moreover, sometimes, States stimulated foreign investment by restricting trade union rights. For instance, in its 1995 annual report, the International Confederation of Free Trade Unions severely criticized the labour situation in the free zones in a number of countries. Also, in the ILO magazine "The World of Work" No. 10, December 1994, p. 13, the Secretary-General of the International Union of Food and Allied Workers

Association stated that low wages, poor working conditions and, for many part-time workers, a total lack of basic social welfare were features of employment in firms such as Kentucky Fried Chicken and MacDonald's.

30. At the meeting of the Commission on Human Rights on 28 March 1996, the representative of Nicaragua had stated that the Ministers of Labour of the Central American countries had adopted the Montelimar Declaration on 7 and 8 March 1996, denouncing offences against labour law and infringements of human rights committed by various transnational corporations established in free zones (E/CN.4/1996/SR.17, para. 30).

31. The Argentine Supreme Court, in the Swift-Deltec case in 1973, had ruled that, if a subsidiary went bankrupt, the effects of that bankruptcy should extend to the parent company, which must face up to its responsibilities. Similarly, it was clear from the jurisprudence of the Court of Justice of the European Communities that fines for breaching the rules of competition applied to a subsidiary having the nationality of a member State must be imposed on the parent company which had the nationality of a third State. In his view, therefore, it was wrong to have provided in the draft optional protocol that complaints or communications could be submitted only by individuals or groups subject to the jurisdiction of the State that was the object of the complaint. There should be no jurisdictional or territorial limit, and the optional protocol could draw on article 44 of the American Convention on Human Rights, which stated that any person or group of persons could bring a complaint before the Inter-American Commission on Human Rights for violations of the Convention by a State party. Accordingly, the responsibility for any violation of the rights set forth in the Covenant should be apportioned as between the State where such violations occurred and the transnational corporations or third States which contributed, by their decisions, to such violations.

32. He therefore suggested that, in article 2, paragraph 1, of the draft, a phrase along the lines of "... and any non-governmental entity legally recognized in one or more States parties ..." should be added after the words "Any individual or group claiming to be a victim of a violation". Furthermore, article 3, paragraph (a), lacked clarity since it implied that, for a communication to be declared admissible, there had to be a finding that there had been a violation of the rights recognized under the Covenant, whereas legal logic dictated that such a finding should be the result of the procedure provided for in the protocol, and not the contrary. In article 8 of the draft, the word "remedy" should be understood to mean measures designed, on the one hand, to put an end to the violation in question and, on the other, to ensure full reparation for the damage caused by that violation.

33. The protocol should refer to all rights, for he did not see how it would be possible to choose among them and "haggle" with member States already inclined to violate those rights. He was not, of course, forgetting General observation No. 3, according to which States had to implement those rights to the extent of their available resources.

34. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education (OIDEL)) said his organization was convinced that adoption of the protocol would do much to promote the realization of the economic, social and

cultural rights. The dignity of the lives of millions of persons depended upon it. Death from starvation was just as unacceptable as violent death and a delay in the adoption of the protocol would, in a sense, mean becoming an accomplice in the destitution, distress and death of human beings. What was required, therefore, was a political decision. OIDEL considered that the draft protocol was excellent and that the discussion in the Committee should be closed as quickly as possible so that the draft could be placed before the Commission on Human Rights as soon as possible. The time had come to work with States so that the draft protocol would become a reality and its basic provisions would be preserved, namely, the provision affirming the right of an individual or of a group to submit a written communication to the Committee and obliging States parties to take all steps necessary to enable any complainant to submit communications (art. 2, para. 2); the provision on the competence of the Committee to examine a communication when the procedure of international investigation was unreasonably prolonged (art. 3, para. 3 (b)); the provision whereby the Committee could request the State to take interim measures to preserve the status quo or to avoid irreparable harm (art. 5, para. 1); and the requirement that States should take all steps necessary to remedy any violation of the rights recognized in the Covenant (art. 8, para. 2).

35. OIDEL hoped that the Committee would not be led astray by two mirages - the non-justiciability of economic, social and cultural rights, which was the same argument as that used long ago to prevent women from voting and to deny Africans human dignity, and the impossibility of finding valid indicators to examine progress towards the realization of those rights. In that connection, he would refer the Committee in particular to UNDP's human development index. OIDEL was ready to join with the Committee in efforts to persuade governments to adopt the draft protocol. OIDEL coordinated a working group composed of various non-governmental organizations, UNDP, the InterParliamentary Union, academics and foundations.

36. Mr. SIMMA said that, thus far, the Committee's approach to the implementation of economic, social and cultural rights had been not so much maximalist as optimal. Therefore, an optimal, or a more modest, approach had to be chosen. A genuine "division of labour" was needed as between States, diplomats, governmental experts and independent experts. The task of the Committee was not to play a political role, but it should aim at improving and expediting the procedures and at innovation. He favoured a more modest approach to the application of economic, social and cultural rights since what he had heard from senior government officials about the draft protocol was negative. Those officials spoke of the particular nature of economic, social and cultural rights: unlike civil and political rights, which cost the State nothing, they had significant financial implications. He was also in favour of allowing States to give preference to certain rights over others - for instance, in the case of article 11, to the right to food rather than the right to housing. The option of defining the minimum core content of each right set forth in the Covenant would lead to erosion of the Covenant. Instead, therefore, he favoured the idea of allowing States to give preference to some rights over others, in accordance with their possibilities.

37. The CHAIRPERSON said he hoped that Mr. Grissa would speak at greater length on the concept of non-discrimination set forth in article 2 of the Covenant, later in the session.

38. Mrs. TAYA said that, if non-governmental organizations were to be excluded from communication procedures under the optional protocol, it would be better not to have a protocol at all.

39. Furthermore, while the World Bank was becoming increasingly concerned with human rights in its development programmes and the developing countries were becoming increasingly dependent on international financial institutions, the Committee's final observations were addressed not to the World Bank or the International Monetary Fund but only to States parties. It would be better to help those institutions to contribute to the effective realization of economic, social and cultural rights, as provided for in article 22 of the Covenant. In that connection, the non-governmental organizations were in a position to provide information on the activities of financial institutions. If the protocol allowed for the exclusion of non-governmental organizations from the communications procedure, another type of procedure should be contemplated with a view to improved application of article 22 of the Covenant.

40. Mr. ALVAREZ VITA said that he was very much in favour of the adoption of an optional protocol as he had himself made such a proposal for the first time at the Committee's third session. At the same time, some of the questions raised left him with the impression that the discussion was moving backwards instead of forwards; that applied, for example, to the idea of giving priority to certain rights and the degree of scepticism about the acceptability of the protocol to developed countries.

41. The participation of NGOs in the activities of the Commission on Human Rights, the Committee on Economic, Social and Cultural Rights and other human rights bodies was essential. As pointed out by the International Organization for the Development of the Freedom of Education, by delaying the adoption of the protocol the Committee would be contributing to the poverty of society and the death of many human beings. The Committee had procrastinated too much; it should now move ahead, towards the adoption of an optional protocol. He fully supported the position of the American Association of Jurists.

42. He suggested that the Committee should consider incorporating in the protocol an article based on article 41 of the Covenant, in which the protocol would allow States parties complete latitude in deciding the extent to which NGOs could participate in the implementation of the Covenant. Such a solution would offer a way out of the problems of NGO participation so that an acceptable draft could be submitted rapidly to the Commission on Human Rights.

43. Mr. RATTRAY thanked the Chairperson for laying the groundwork for considering an extremely difficult and complicated matter and said he was grateful to the NGOs for their statements. A system for the submission of communications would make it possible to check more effectively that States parties were complying with their obligations under the Covenant. The nature of the obligations on States parties was, however, a relatively new subject, from the substantive standpoint, and the Committee would be able to establish

its own jurisprudence only slowly, gradually finding answers in that connection. For instance, the Committee had in the past adopted various formulas such as "minimum core obligations" which had reflected the difficulty of defining universal norms or even local country norms. The Committee must satisfy two essential requirements: on the one hand, it must define minimum standards for economic, social and cultural rights that were applicable to all individuals and, on the other, it must respect the right of developing countries, recognized under the Covenant, to determine the extent of the rights they could guarantee. In that regard, the protocol should not be allowed to become a tool for monitoring or evaluating the efficiency of the developing countries. Before the protocol came into force, certain qualitative questions should be settled, bearing in mind that the protocol would be credible and carry weight only if it had a universal character, in other words, if it had been ratified by a number of representative States from the developed countries and the developing countries as well as from the different regions of the world.

44. He was not sure that States would continue to cooperate with the Committee openly and sincerely once the protocol was adopted. They might be afraid, in doing so, of justifying in advance the complaints that might be submitted to the Committee by individuals under the protocol and even of encouraging potential complainants. As to choosing between maximalist and minimalist standards in the observance of economic, social and cultural rights, account should be taken of the scope of the protocol - in other words, of the rights that would or would not be covered - and of the exercise of the right to submit complaints to the Committee. If local standards were adopted it would be necessary to ensure that the procedure was used lawfully and with good reason and also to determine who could submit a communication and on what basis. NGOs should not be able to submit communications independently but should do so on behalf of individuals who complained of a violation. It would also be necessary to decide whether isolated violations of individual rights would be admissible or whether the procedure for the submission of communications should be confined to systematic violations.

45. As to the possible exclusion of certain articles, it was absolutely essential to keep article 2, which was the general provision on non-discrimination, for deleting it would diminish the very essence of the rights set forth in articles 6 to 15 of the Covenant.

46. Even if international financial institutions were not parties to the Covenant and, therefore, could not in principle be covered by the procedure for appeals to the Committee, it followed from the general provisions of the Charter of the United Nations that those institutions should be held responsible for any international effects their policies might have. On the whole, provided certain precautions were observed, he favoured the adoption of an optional protocol to strengthen the system used and to ensure the implementation of human rights.

47. Mrs. JIMENEZ BUTRAGUEÑO said she endorsed the thrust of the observations made by Mr. Simma and the other members of the Committee. In the light of all that had been said, the various elements of the proposed optional protocol should be considered article by article.

48. Mr. WIMER ZAMBRANO said he believed that the difficulties encountered by the Committee lay partly in the extremely heterogeneous character of the articles in the Covenant, which were in principle indivisible but to which all experts did not accord the same importance. He further believed that, despite the differences between the maximalist and the minimalist view concerning the future protocol, the members of the Committee favoured NGO participation on conditions that still had to be determined but particularly with reference to their reliability, representativeness and credibility, and bearing in mind that NGO action in the human rights field was essential.

49. The representative of the American Association of Jurists, who had proposed that violations should be classified according to their nature, had made a very interesting statement. It would, however, be preferable to draw a distinction between rights that could be invoked before the courts and other rights. Account should also be taken of the nature of the violations and the importance of each article in the Covenant.

50. Mr. ADEKUOYE said that, in the interests of balanced ratification of the Covenant by both the developed and the developing countries, account should be taken of the priorities set by Governments and in particular by those of the developing countries which might decide to favour some sectors over others. Certain economic, social and cultural rights in non-priority sectors for the developing country concerned might, then, turn out not to be applied.

51. It would also be necessary to decide on the body or mechanism that would ensure the application of the rules for the submission of communications under the protocol and to make sure that international NGOs would not be a tool for international interference in the internal affairs of the developing countries to the detriment of their sovereignty. The right to submit communications under the protocol should also be assigned to NGOs and national interest groups.

52. The Committee should give top priority to the provisions on non-discrimination, which constituted the linchpin of all the rights enshrined in the Covenant. It should also be possible to bring a complaint under the protocol against States which could prevent other less powerful States parties from complying with their obligations under the protocol, by imposing international measures such as embargoes, as well as against international financial organizations such as the World Bank and the International Monetary Fund, whose restrictive financial policies could adversely affect the application of the Covenant.

53. The CHAIRPERSON said that the general debate would continue at the following meeting, when more NGOs would speak.

The meeting rose at 1 p.m.