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Held at Lake Success, New York,  
on Thursday, 4 May 1950, at 2.30 p.m.

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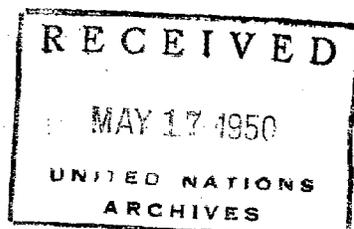
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Chairman:

Mrs. ROOSEVELT

United States of America

(15 p.)



Members:

Mr. WHITLAM	Australia
Mr. NISOT	Belgium
Mr. VALENZUELA	Chile
Mr. TSAO	China
Mr. SORENSON	Denmark
Mr. RAMADAN	Egypt
Mr. CASSIN	France
Mr. KYROU	Greece
Mrs. MEHTA	India
Mr. AZKOUL	Lebanon
Mr. MENDEZ	Philippines
Miss BOWIE	United Kingdom of Great Britain and Northern Ireland
Mr. ORIBE	Uruguay
Mr. JEVREMOVIC	Yugoslavia

Also present: Mrs. GOLDMAN Commission on the Status of Women

Representative of a specialized agency:

Mr. ARNALDO United Nations Educational, Scientific  
and Cultural Organization (UNESCO)

Representatives of non-governmental organizations in Category B:

Mrs. AIETA	Catholic International Union for Social Service
Mr. HALPERIN	Co-ordinating Board of Jewish Organizations
Miss TOMLINSON	International Federation of Business and Professional Women
Miss ROBB	International Federation of University Women
Mr. BEER	International League for the Rights of Man
Mrs. FREEMAN	International Society of Criminology
Miss ZIZZAMIA	International Union of Catholic Women's Leagues
Mr. PERLZWEIG	World Jewish Congress

Secretariat: Mr. SCHWELB Assistant Director, Division of  
Human Rights

Mr. LIN MOUSHENG }  
Mr. DAS } Secretary of the Commission

REPORT OF THE AD HOC COMMITTEE ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (E/CN.4/450, E/CN.4/463/Rev.1, E/CN.4/464, E/CN.4/467) (continued)

Draft resolution E (continued)

1. The CHAIRMAN called on the members of the Commission to proceed with their discussion of draft resolution E (pages 9 and 10 of the Ad Hoc Committee's report (E/CN.4/450)).
2. Mr. JEVREMOVIC (Yugoslavia) proposed the deletion of the last part of the fifth paragraph on page 9, which would then read as follows: "Decides accordingly not to forward these two resolutions to the Economic and Social Council". He thought all members of the Commission were agreed that the definition of minorities adopted by the Sub-Commission was not satisfactory and he failed to see how the Commission could, even tentatively, approve such a definition.
3. He agreed with Mr. Azkoul that each Government had its own idea of what a minority was, but he felt that if no objective definition of minorities could be found that did not mean that an unsatisfactory definition should be adopted.
4. Mr. NISOT (Belgium) agreed with the representative of Yugoslavia.
5. Mr. CASSIN (France) could well understand the misgivings entertained by the Yugoslav and Belgian representatives, but feared the Sub-Commission might become discouraged if the Commission were to reach the drastic decision not to forward the draft resolutions it had adopted. The adoption by the Commission of the Yugoslav and United Kingdom amendments would be tantamount to stating that the Sub-Commission had done bad work and should now do nothing more. He suggested, therefore, that the Sub-Commission should be authorized to use its own work as a basis for the development of a new definition.
6. Mr. SORENSON (Denmark) was in full agreement with the representative of France. He felt that it was the Commission's duty to encourage the

Sub-Commission to proceed with its work and to make it benefit from the discussion which had taken place in the Commission. If the Commission refrained from expressing any opinion on the work of the Sub-Commission, the latter would not know where to direct its efforts. In those circumstances he would prefer the text submitted by the Ad Hoc Committee or a text amended in the light of the suggestions made by the French representative.

7. Mr. KYROU (Greece) also felt that directives should be given to the Sub-Commission. Those, however, should be of a positive character and not negative as in the existing text of the draft resolution.

8. Miss BOWIE (United Kingdom) believed that the Commission could approve the Sub-Commission's work provisionally, but she would abide by her proposal to delete the fifth paragraph on page 9 (E/CN.4/L.64).

9. The Sub-Commission had warned against the creation of minorities. To send questionnaires would draw too much attention to the existence of certain groups and would encourage the creation of minorities. Minorities should be assimilated as much as possible to the majority of any given country, though at the same time their own characteristics should be respected.

10. Mr. NISOT (Belgium) agreed with the United Kingdom representative that the last three paragraphs of draft resolution E might promote the artificial creation of minorities. He proposed the deletion of the words "but to give tentative approval to these resolutions" from paragraph 4 and the addition of the word "possible" before the word "basis" in the third line of that paragraph.

11. Mr. JEVREMOVIC (Yugoslavia) explained that he had not wished to criticize the Sub-Commission. Its failure to solve the whole problem was not due to lack of good will. He agreed in principle with the suggestion made by the French representative.

12. Mr. AZKOUH (Lebanon) believed that the notion of provisional approval was a dangerous one from the practical point of view and, consequently, supported the proposal to delete the words "but to give tentative approval to these resolutions".

/13. He also

13. He also criticized the words "basis for the development". The Commission had not studied the substance of the question and could not, therefore, express any opinion. He realized, however, that the Sub-Commission must not be discouraged.

14. There was a difference in meaning between the word "nouvelles" in French and "further" in the corresponding English text. The French text seemed to refer to different proposals.

15. He supported the United Kingdom amendment proposing the deletion of the fifth paragraph on page 9.

16. Mr. NISOT (Belgium) proposed the following text: "Decides accordingly not to forward these two resolutions to the Economic and Social Council for their use by the Sub-Commission as a basis for the development of further proposals on minorities, drawing the attention of the Sub-Commission to the discussions of these resolutions in the Commission on Human Rights".

17. The CHAIRMAN, speaking as the representative of the United States of America, was prepared to accept the draft resolution as submitted by the Ad Hoc Committee. Tentative approval, in her opinion, could not possibly be construed as final approval. Furthermore, the Commission was bound to give instructions to the Sub-Commission.

18. Mr. KYROU (Greece) would support the text proposed by the Belgian representative. The Commission had not in fact discussed the substance of the subject on which the Sub-Commission had been working.

19. Mr. SORENSON (Denmark) disagreed with the Greek representative, since the Ad Hoc Committee had discussed the subject very fully. He would like the draft resolution to mention that discussion.

20. Mr. JEVREMOVIC (Yugoslavia), while approving the text suggested by the Belgian representative, thought the question of tentative approval by the Commission should not be confused with that of the substance.

21. With regard to the substance, all the factors requisite for the drafting of a definition of minorities had not yet been sifted. Minority status had not been accorded, for example, to emigrants, who did not usually form compact groups.

/22. He was not

22. He was not prepared to give his support to tentative approval as he agreed with several other members of the Commission that the definition proposed by the Sub-Commission was not fully satisfactory. Approval, even if tentative, would imply that the Commission approved that definition until a better one was submitted to it.

23. Mr. CASSIN (France) proposed that the words "ses propositions ultérieures" should be substituted for the words "de nouvelles propositions", in the French version of the Belgian text.

24. Mr. NISOT (Belgium) accepted the French amendment.

25. The CHAIRMAN, in reply to a question by Miss BOWIE (United Kingdom), said that the summary record of the discussion in the Ad Hoc Committee would also be transmitted to the Sub-Commission.

26. The CHAIRMAN put to the vote the text proposed by the Belgian representative for the fifth paragraph, as amended.

The Belgian text was adopted by 10 votes to 3, with 2 abstentions.

The United Kingdom amendment was adopted by 6 votes to 5, with 4 abstentions.

27. Mr. AZKOUL (Lebanon) had voted in favour of the United Kingdom amendment. His vote did not mean that the Commission was refusing the Sub-Commission the right to make recommendations. He thought there was no need to give the Sub-Commission any indication on the subject.

Draft resolution E, as amended, was adopted by 12 votes to none, with 3 abstentions.

Draft resolution B (continued)

28. The CHAIRMAN recalled that the Commission had already decided to address the draft resolution to the Secretary-General only through the medium of the Economic and Social Council. It had also decided to replace the date indicated in paragraph (a) by "1 January 1951"; to add the words "to furnish him, as soon as practicable," at the beginning of paragraph (a) (ii); and also to make paragraph (a) (i) begin from the words "to furnish him, as soon as practicable,".

29. Mr. AZKOUL (Lebanon) proposed that the words "in the light of the provisional definition of minorities adopted by the Sub-Commission at its third session" should be deleted from paragraph (a) (ii).
30. Mr. NISOT (Belgium) recalled the proposal he had made in connexion with paragraph (a) (ii).
31. Mr. CASSIN (France) thought the Belgian proposal was too limited, for the information requested of Governments could also be utilized to elaborate measures for the protection of minorities.
32. Mr. SORENSON (Denmark) thought there were two distinct problems which should not be confused. If the Belgian representative preferred that the information requested should also serve for the establishment of a definition of minorities, a third sub-paragraph should be added.
33. Mr. AZKOUL (Lebanon) indicated that the information requested from Governments was independent of the purpose for which it would be used, and he wondered therefore whether it was really necessary to mention purposes in the draft resolution.
34. The CHAIRMAN proposed the adoption of a third sub-paragraph reading as follows: "(iii) and, in particular, such information as could serve as a basis for the establishment of a definition of minorities".
35. Mrs. MEHTA (India) recalled that when the question of a time limit had been discussed in the Sub-Commission, the Secretariat had stated that it would like an exact date to be set.
36. The CHAIRMAN admitted that it was the Economic and Social Council which fixed the date of the Sub-Commission's sessions. However, since it was customary for the latter to meet in January, it was to be expected that it would continue to do so in the future, and it was on the basis of that hypothesis that the date in question had been indicated.

37. Mr. KYROU (Greece) could see the strength of all those arguments, but he wondered whether, if an exact date were mentioned, an advantage was lost that was granted elsewhere. Moreover, the draft resolution was addressed not to the Secretary-General but to the Economic and Social Council.

38. The CHAIRMAN proposed that in the circumstances the Commission should take a vote on whether or not the date of 1 January 1951 should be retained in the text of the draft resolution.

It was decided to retain the date of 1 January 1951, by 7 votes to 2, with 5 abstentions.

39. The CHAIRMAN then put to the vote draft resolution B as a whole, as amended.

Draft resolution B was adopted by 14 votes to none, with 1 abstention.

Draft resolution submitted by the Lebanon (E/CN.4/465)

40. Mr. AZKOUL (Lebanon) pointed out that the question whether the Commission on Human Rights and its sub-commissions were competent to instruct the Secretary-General to communicate directly with governments had already been raised. His delegation had prepared a draft resolution on the question, which it was submitting for the Commission's consideration.

41. Mr. NISOT (Belgium) proposed that the draft resolution should simply request a ruling from the Economic and Social Council as to whether the Commission on Human Rights was entitled to instruct the Secretary-General to communicate directly with Governments.

42. Mr. CASSIN (France) thought it would clearly be advisable to obtain a legal opinion on the question; it did not, however, seem feasible for the Commission to renounce a right it had acquired by usage. He was doubtful whether a clear-cut answer could be given to the question in the form suggested by the Belgian representative. Although the Economic and Social Council had indicated that it did not wish to deal with communications of a certain type, he thought it inconceivable

/that the

that the Commission could be denied the right to communicate its proposals or projects directly to governments. While he agreed that the Commission should ascertain the extent of its right to do so, he did not think that the right itself could be refused, as a refusal might result in a procedural deadlock, which would delay the Commission's work considerably.

43. Mr. VALENZUELA (Chile) proposed that consideration of the Lebanese draft resolution should be postponed until the Secretariat had indicated its views and had expressed a legal opinion on the matter. The question was not in any way urgent.

44. Mr. OPIBE (Uruguay) supported the Chilean representative's proposal. It would in his opinion be advisable for the Commission to have a reply in writing.

45. Mr. SCHWELB (Secretariat) said that the Legal Department was ready to express its views verbally or in writing.

46. Mr. WHITLAM (Australia) considered that the request should be made in its amended form and supported the proposal of the Chilean and Uruguayan representatives. The question was of some importance and might give rise to considerable discussion. It would therefore be preferable to wait until full information was available.

47. Mr. NISOT (Belgium) pointed out that the Secretariat's opinion should be based on legal arguments deriving from the provisions of the Charter. The Sub-Commission had previously proposed to address questionnaires directly to governments, but the Secretariat had expressed the view that it was not competent to do so.

48. Mr. KYROU (Greece) was prepared to accept the proposal of the Chilean and Uruguayan representatives. He also shared the view of the Belgian representative. It was undesirable to follow precedents too closely; they might be bad and no useful purpose would be served by following them,

49. Mr. NISOT

49. Mr. NISOT (Belgium) thought that the deletion of the reference to its Sub-Commissions would reflect the views of the Commission. The request need not raise a matter not directly concerning the Commission.

50. The CHAIRMAN pointed out that the Commission was not, for the present, called upon to consider the actual text of the Lebanese draft resolution, but merely had to decide whether to postpone consideration of that resolution until the Legal Department had prepared an opinion based not on precedents, but on strictly legal considerations.

51. Mr. AZKOUL (Lebanon) agreed that the consideration of his draft resolution should be postponed.

The Commission decided to postpone consideration of the Lebanese draft resolution (E/CN.4/465).

Draft resolution C (Co-operation of non-governmental organizations)

52. Miss BOWIE (United Kingdom) referred to the amendment she had submitted calling for the deletion of draft resolution C (E/CN.4/464). She considered the text unnecessary, not because she was against co-operation of non-governmental organizations, but because it was completely superfluous to recall the need for such co-operation. The non-governmental organizations could be consulted at any time, according to the status which they enjoyed, and they were authorized to submit written statements on questions within their competence. It was therefore probable that non-governmental organizations interested in the question would prepare and submit statements when the information at their disposal was required, if indeed they had not already done so.

53. Mr. NISOT (Belgium) also considered the draft resolution unnecessary,

54. The CHAIRMAN, speaking as the representative of the United States of America, likewise favoured the deletion of the draft resolution. She called upon the Commission to vote on the retention of draft resolution C.

The Commission decided to delete the draft resolution by 8 votes to 4, with 2 abstentions.

Draft resolution D (Educational measures for the prevention of discrimination):

55. The CHAIRMAN read the original text of the draft resolution and drew the Commission's attention to the United Kingdom amendment (E/CN.4/463/Rev.1).

56. Miss BOWIE (United Kingdom), in explanation of her amendment, stated that it was not proper for the Commission on Human Rights to make budgetary recommendations in respect of a specialized agency. Such interference would be unwarranted. Nor could the Commission on Human Rights submit recommendations concerning the work programme of UNESCO.

57. Mr. MOSOT (Belgium) shared the United Kingdom representative's view and supported her amendment. He also moved an amendment to the first operative paragraph of the draft resolution. The phrase "Calls upon all Member States to take all steps available..." was unnecessarily emphatic and inconsistent with Article 2, paragraph 7, of the Charter; he therefore proposed to amend the paragraph to read as follows: "Notes the desirability of all Member States' taking all steps available...".

58. Mr. ORIBE (Uruguay) was prepared to accept the amendment proposed by the Belgian representative but he wished to point out that he was unable to agree to the latter's implicit interpretation of the provisions of Article 2 of the Charter to which he had referred.

59. The CHAIRMAN, speaking as the representative of the United States of America, and Mr. KYROU (Greece) accepted the amendment proposed by the United Kingdom delegation.

60. Mr. VALENZUELA (Chile) accepted both the United Kingdom and the Belgian amendments. His delegation wished, moreover, to submit an amendment to delete the word "social" in sub-paragraph (1) of the second paragraph of the preamble. Throughout the draft resolution, reference was made to discrimination in general, and to qualify discrimination in the sub-paragraph concerned was unnecessary in view of the fact that social discrimination was actually covered by the expression "all forms of discrimination."

61. The CHAIRMAN put to the vote the Chilean amendment to delete the word "social" in sub-paragraph (1) of the second paragraph of the preamble of the draft resolution D beginning with the words "Affirms its conviction".

The Chilean amendment was adopted by 12 votes to none, with 2 abstentions.

62. Mrs. MEHTA (India) explained that she had abstained from voting on the amendment, because she felt that, in schools, it was social discrimination that had to be combated.

63. The CHAIRMAN stated that the expression "all forms of discrimination" in the next paragraph covered social discrimination.

64. Mr. KYROU (Greece) submitted an amendment to replace paragraph 3 of draft resolution D, beginning with the words "Calls upon all Member States" by the following: "Draws the attention of Member States to the urgent need to take all steps available to them to eliminate all forms of discrimination from their schools". He considered that wording to be more in accordance with the Universal Declaration of Human Rights and the provisions of Article 2, paragraph 7 of the Charter.

65. Mr. NISOT (Belgium) accepted the wording proposed by the Greek representative and withdrew his own amendment.

66. The CHAIRMAN put to the vote the amendment proposed by Greece.

The amendment was adopted by 10 votes to 3, with 1 abstention.

67. The CHAIRMAN put to the vote the United Kingdom amendment to delete the words "as soon as it is available" from the seventh paragraph of draft resolution D.

The amendment was adopted by 13 votes to none, with 1 abstention.

68. The CHAIRMAN invited the Commission to take a decision on the United Kingdom proposal, as amended by the Philippines, to replace the words "Requests UNESCO to give priority" by the words "Recommends to UNESCO to proceed with". Some indication should be given to UNESCO, however, that it should proceed with its work as soon as possible.

69. Mr. SORENSON (Denmark) supported the new wording which he considered to be consistent with the provisions of Article 63, paragraph 2, of the Charter.

70. Miss BOWIE (United Kingdom) and Mr. MENDEZ (Philippines) agreed to the addition of the words "as soon as possible" after the word "proceed".

71. The CHAIRMAN put to the vote the United Kingdom amendment, as amended. The United Kingdom proposal, as amended, was unanimously adopted.

72. The CHAIRMAN put to the vote draft resolution D as a whole, as amended.

Draft resolution D, as amended, was unanimously adopted.

73. Mr. JEVREMOVIC (Yugoslavia) drew the Commission's attention to paragraphs 17 and 18 of the Ad Hoc Committee's report concerning the Sub-Commission's recommendations relating to the draft International Covenant on Human Rights and Measures of Implementation. He regretted that the Commission would not have sufficient time to consider those recommendations in detail.

GENERAL BIBLIOGRAPHY OF SCIENTIFIC WORKS RELATED TO THE PROBLEM OF THE PROTECTION OF HUMAN RIGHTS: DRAFT RESOLUTION SUBMITTED BY CHILE AND URUGUAY (E/CN.4/466)

74. Mr. ORIBE (Uruguay) invited the Commission to examine the draft resolution submitted by the delegations of Chile and Uruguay (E/CN.4/466) on the preparation of a bibliography of scientific works on human rights published since 31 December 1940. The need for such a bibliography had long been felt, but it had seemed impossible to publish one as an annex to the Yearbook on Human Rights which was already too bulky and expensive as it was.

75. He admitted that the date of 31 December 1940 had been chosen rather arbitrarily. However, the sponsors of the joint draft resolution had believed that it was after that date that States had taken up a definite position on the protection of human rights.

76. Miss BOWIE (United Kingdom) recalled that such bibliographies had already been published, one of them by the Secretariat the year before and another by UNESCO.

77. The CHAIRMAN said that the publication of a general bibliography of all the work on human rights might prove costly. It would therefore be preferable to replace the word "publish" by the word "circulate".

78. Mr. SCHWELB (Secretariat) explained that the joint draft resolution would have no financial implications, if the Commission was satisfied with mimeographed instead of printed documents. He also confirmed the United Kingdom representative's statement and recalled that the Secretariat had already issued a bibliography on human rights for the Conference of Non-Governmental Organizations held at Geneva and for the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities.

79. Mr. CASSIN (France) said he would vote in favour of the joint draft resolution, provided it had no financial implications.

80. However, he wished to point out that current work on human rights had started in France and in the United Kingdom in 1940. It would therefore be advisable to alter the date in the draft resolution. He would prefer the proposed bibliography to cover the works published after 1 September 1939, or possibly 31 December 1939.

81. Mr. VALENZUELA (Chile) supported the comments of the Uruguayan representative and urged the need of preparing a permanent document to assist the work of the Commission and its Sub-Commissions. He also accepted the French proposal that the bibliography in question should concern works published after 31 December 1939.

82. Mr. ORIBE (Uruguay) also accepted the French proposal. With regard to the Chairman's suggestion that the word "publish" should be replaced by "circulate" he pointed out that to publish did not necessarily mean to print. However, he was willing to adopt the suggestion.

83. The CHAIRMAN put to the vote the joint draft resolution of Chile and Uruguay, amended as follows: "publish" , in the first paragraph of the operative part, to be replaced by the word "circulate", and the date of 31 December 1940, in the second paragraph, to be changed to 31 December 1939.

The joint draft resolution, as amended, was adopted unanimously.

The meeting rose at 5.15 p.m.