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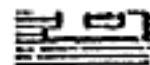


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COMMISSION ON HUMAN RIGHTS

Seventh Session

SUMMARY RECORD OF THE TWO HUNDRED AND THIRTY-NINTH MEETING

held at the Palais des Nations, Geneva,
on Friday, 11 May 1951, at 8.30 p.m.

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Present:

Chairman: Mr. MALIK (Lebanon)

Members:

Australia	Mr. SHITLAM
Chile	Mr. VALENZUELA
China	Mr. YU
Denmark	Mr. SÖRENSEN
Egypt	AZMI Bey
France	Mr. CASSIN
Greece	Mr. EUSTATHIIDES
Guatemala	Mr. DUFOUR-WILLIAMS
India	Mrs. MENTA
Pakistan	Mr. WAHEED
Sweden	Mrs. RÖSSEL
Ukrainian Soviet Socialist Republic	Mr. KOVALENKO
Union of Soviet Socialist Republics	Mr. MOROSOV
United Kingdom of Great Britain and Northern Ireland	Miss BOWIE
United States of America	Mrs. ROOSEVELT
Uruguay	Mr. CIASULLO
Yugoslavia	Mr. JEVREMVIC

Representatives of non-governmental organizations:

Category A

International Confederation of Free Trade Unions	Miss SENDER
World Federation of United Nations Associations	Mr. BALDWIN

Representatives of non-governmental organizations (continued):

Category B and Register

Carnegie Endowment for International Peace	Miss CARTER
Catholic International Union for Social Service	Mrs. SCHRADER
Commission of the Churches on International Affairs	Mr. NOLDE
Co-ordinating Board of Jewish Organizations	Mr. WARBURG
International Association of Penal Law	Mr. POSNER
International Bureau for the Unification of Penal Law	Mrs. ROMNICIANO
International Council of Women	Miss CARTER
International Federation of Business and Professional Women	Miss TOMLINSON
International League for the Rights of Man	Mr. de MADY
International Union of Catholic Women's Leagues	Miss ARCHINARD
World Jewish Congress	Mr. BIENENFELD Mr. RIEGNER

Secretariat:

Mr. Humphrey	Representing the Secretary-General
Mr. Das	Secretary to the Commission

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION
(item 3 of the agenda):

- (c) Consideration of provisions for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the Covenant - studies on questions relating to petitions and implementation (E/CN.4/617, E/CN.4/617/Corr.1, E/CN.4/620) (resumed from the 215th meeting)

The CHAIRMAN invited the Commission to resume its consideration of part III of the draft Covenant. Articles 19 to 25 had already been disposed of (E/CN.4/L.18). The proposed text of articles 26 to 41 (measures of implementation) was reproduced in document E/CN.4/617, together with the amendments that had been submitted earlier by the delegations of the United States of America (E/CN.4/550), India (E/CN.4/551), the United Kingdom (E/CN.4/558), Denmark and France jointly (E/CN.4/560/Rev.1), Uruguay (E/CN.4/565) and Guatemala (E/CN.4/566). The Commission had also to take into consideration the amendments to the Danish-French joint proposal submitted by the United Finnish Delegation (E/CN.4/620).

He suggested that the Commission take articles 26-41 one by one, together with the relevant amendments.

It was so agreed.

Article 26

The Danish-French amendment to paragraph 1 of article 26, subject to the substitution of the figure 24 for the figure 25 in the second line, was adopted by 15 votes to none with 2 abstentions.

The Danish-French amendment to paragraph 2 was adopted by 15 votes to 2.

Article 27

Mrs. ROOSEVELT (United States of America) did not consider it proper that a new member of the Committee, having no knowledge of a particular case before the Committee, should participate in the drafting of the report on that case. Moreover, the original text was based on Article 13 of the Statute of the International Court of Justice. Consequently, she preferred the original text to the Indian amendment.

Mrs. MENA (India) felt that the original text would give rise to difficulties in that were it adopted, there would be an indeterminate number of members of the Committee, with consequent complication of the calculation of emoluments and the duration of their office; again, it could not be known how long a case might continue. Those were the grounds on which her delegation's amendment rested.

Mr. CASSIN (France) realized that the argument of the United States representative would not apply to a body like the Human Rights Committee with the same force as it would to a court of law, but pointed out that the precedent of the International Court of Justice was a time-honoured one which should be taken into account. Clearly, the confusion which might arise from a change of membership would not favour conciliation. Difficulties of the kind mentioned by the Indian representative, however, had never so far arisen.

He therefore felt it would be preferable to retain the original text of article 27.

The Indian amendment to article 27 was rejected by 11 votes to 1 with 5 abstentions.

Article 27 was adopted by 14 votes to 2 with 1 abstention.

Article 28

The Danish-French proposal that the words "and the International Court of Justice" be added was adopted by 13 votes to 2 with 3 abstentions.

Article 28, as amended, was adopted by 15 votes to 2 with 1 abstention.

Mr. SØRENSEN (Denmark) pointed out that the Danish-French amendment to article 30 omitted the reference to the Assistant-Secretary, since its sponsors did not consider it advisable to request the International Court of Justice to make a formal appointment to that post. If that amendment were carried, it would be logical to delete the words "and the Assistant-Secretary" from the Danish-French amendment to article 29. He therefore suggested that the Commission should first deal with article 30.

It was so agreed.

Article 30

Miss BOWIE (United Kingdom) said that her delegation's amendment to the Danish-French amendment (E/CN.4/620) to article 30 was intended to clarify the reference to article 24. Article 24, as adopted by the Commission at its 215th meeting, made reference to equitable geographical distribution, which obviously would not apply in the case of article 30.

Mr. CASSIN (France) pointed out that the reference to the Assistant Secretary in the original text had been dropped from the Danish-French amendment. The Danish and French delegations considered that as little as possible should be required of the International Court of Justice: it would be unwise to ask it to appoint officials.

He considered the United Kingdom amendment justified, and was prepared to accept it.

Mr. SØRENSEN (Denmark) also accepted the United Kingdom amendment.

The CHAIRMAN put to the vote the Danish-French version of article 30, as further modified by the United Kingdom amendment.

It was adopted by 13 votes to 3, with 2 abstentions.

As adopted, article 30 read:

- "1. The Secretary of the Committee shall be appointed by the International Court of Justice from a list of three names submitted by the Committee.
- "2. The candidate obtaining the largest number of votes and an absolute majority of the votes of all the members of the Court shall be declared elected.
- "3. The quorum of nine laid down in Article 25, paragraph 3, of the Statute of the Court shall apply for the holding of the election by the Court."

Article 29

The CHAIRMAN felt that as the intention of the Indian amendment was apparently the same as that of the Danish-French amendment, it would be sufficient to take a decision on the latter.

Mr. VALENZUELA (Chile) was anxious that two points should be cleared up before he took a definite position on article 29. In the first place, did the Secretary-General of the United Nations, the Assistant Secretaries-General and the Principal Directors enjoy the same privileges and immunities as government representatives accredited to the United Nations? Unless that were the case, the granting to the Secretary of the Committee of equality of treatment in that respect with the members of the Committee (who were government representatives) might confer on him treatment more favourable than that enjoyed by the Secretary-General himself.

It was also necessary to know the exact position with regard to diplomatic privileges under the Convention concluded between the United States of America and the United Nations.

Mr. YU (China) thought that the Danish-French amendment should be expanded by some mention of immunities, especially in view of the varying attitudes of countries on the somewhat delicate issue of immunities and privileges as a whole.

Mr. EUSTATHIADES (Greece), referring to article 35, which provided that the Committee was to meet at the permanent Headquarters of the United Nations or at Geneva, urged the desirability of determining exactly what status the members of the Committee would have when the Committee met at Geneva. Could a State not party to the Covenant, such as Switzerland, be required to grant certain diplomatic privileges and immunities in virtue of a covenant concluded by other States? That, he felt, was a point which should be taken into consideration. Should it be impracticable to clear that point up immediately, the formula adopted should at least be a general one, reserving the possibility of concluding an agreement with Switzerland which, given its tradition of hospitality, would hardly refuse.

The CHAIRMAN thought that the answer to the Chilean representative's question was to be found in General Assembly resolution XIII 6(I) relating to the adoption of the general convention on privileges and immunities of the United Nations, adopted on the report of the Sixth Committee of the General Assembly on 13 February 1946 (A/64, pages 25-30). In section 19 of that Convention it was laid down that in addition to the immunities and privileges specified in section 18 thereof, the Secretary-General and all Assistant Secretaries-General should be accorded, in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law. Presumably the adoption of that Convention would have the same validity as all other international legislation adopted by the United Nations. Consequently, if such a country as Switzerland were obligated to the United Nations under international law, it was equally to be presumed that it would be bound by the terms of that Convention.

Mr. Bey (Egypt) thought that a distinction must be made between the members of the Committee and its Secretary. As the Secretary was an official, he should be granted the customary privileges and immunities enjoyed by the staff of the United Nations. Those privileges and immunities were not the same as diplomatic privileges, which, as the Chairman had just pointed out, were enjoyed only by the Secretary-General and the Assistant Secretaries-General.

He therefore proposed that, so far as concerned the members of the Committee, the original text of article 29 should be retained, but that an additional paragraph should be added, reading:

"The Secretary of the Committee shall enjoy privileges and immunities similar to those enjoyed by the staff of the United Nations."

In reply to a question by the CHAIRMAN, he explained that by "staff of the United Nations" he meant those United Nations officials who came immediately below the Assistant Secretaries-General and enjoyed privileges and immunities provided for in special Conventions concluded between the United Nations and various States.

He pointed out, moreover, that if such an expression were used, and if the Committee considered that its Secretary should enjoy the status of an Assistant Secretary-General, the Secretary would ipso facto enjoy full diplomatic privileges and immunities.

Mr. LÖNNER (Denmark) was somewhat apprehensive about the inclusion of a reference to the privileges granted to officials of the United Nations of corresponding status. The reason underlying the Danish-French proposal to grant such privileges at Secretary-General level was that the two delegations wished the Secretary of the Committee to have as high a standing and as secure a position as possible; that desire corresponded with the intention behind article 30 just adopted, which provided that he should be appointed by the International Court of Justice.

He felt that the point made by the Greek representative was not one of great importance. If the Swiss Government was not obligated to extend full diplomatic privileges in such a case, it would doubtless be possible to make special arrangements with it.

The SWISS believed that in the matter of privileges the Secretary should have the same status as members of the Committee.

AMR Bey (Egypt) would not press the point he had raised, since by virtue of the decision just taken, the Secretary-General was no longer mentioned in Article 30. He would, however, draw the Commission's attention to the fact that many countries, including his own, did not grant diplomatic privileges at all lightly, even to high officials of the United Nations.

Mr. STAMATIADIS (Greece) preferred the original wording of article 29, which was based on that of Article 19 of the Statute of the International Court of Justice.

It should be borne in mind that the Human Rights Committee, although primarily an organ of conciliation, would nevertheless be called on to consider legal questions.

Furthermore, if the Commission employed the phrase "diplomatic privileges and immunities", the meaning of which was clearly defined in ordinary international law, all the States parties to the Covenant would know exactly where they stood, particularly with regard to cases where the members of the Committee met away from its headquarters; then they should be given privileges and immunities. The same would not be true if it were stipulated either that members of the Committee and its Secretary should enjoy privileges and immunities similar to those granted to the staff of the United Nations, or that they should enjoy the privileges granted to government representatives accredited to the United Nations. As a matter of fact, it was not clear exactly what was the status granted by the various States to United Nations staff or to the government representatives accredited to the United Nations. It would

therefore be advisable to keep to the formula customary in ordinary international law, in order to ensure uniformity of treatment for the members of the Committee and its Secretary in all countries.

M. DUPONT-LILLEMIN (Guatemala) fully supported the Greek representative. The original text was to be preferred to the joint Danish-French amendment, which, despite its apparent simplicity, might raise some subtle problems in its application. The accredited representative of a government on a United Nations body might, for example, happen to be a national of another country, and, indeed, one of the very country in which the body was sitting. In such an event, to what extent would the host country consent to grant to one of its nationals, representing a foreign government, the immunities granted to a foreign representative? By keeping to the form and practice of public international law, all difficulties of application would be avoided.

So far as Switzerland was concerned, that country had always been very liberal in granting diplomatic immunities. There was therefore little reason to fear any difficulties should the Committee decide to sit in Geneva.

M. SUNDHOLM (Denmark) observed that, although he was willing that the Danish-French amendment should be withdrawn, his delegation none the less felt that it was an improvement on the original text. Since the elaboration of the Statute of the International Court of Justice, in 1920, most Member States had concluded more detailed agreements with the United Nations. The sponsors' intention had therefore been to deal with the question of privileges in clearer terms, consonant with those of the agreements in question.

With regard to the Greek representative's remarks, he would point out that those countries which did not accede to the Covenant would not be obliged to give diplomatic immunity or privileges to the members of the Commission.

If, then, the Commission was to vote only on the original text of article 29, he would propose the insertion of the words "and the Secretary" after the word "Committee" in the first line.

It was agreed that only the original text of article 29, as set out in documents E/1621 and E/O.4/617, should be voted on.

Mr. VALLEJUELA (Chile) asked that a separate vote be taken on the Danish proposal that the words "and the Secretary" should be inserted.

It was agreed by 13 votes to 4 that the words "and the Secretary" should be inserted after the word "Committee" in the first line of article 29.

Article 29, as thus amended, was adopted by 14 votes to 3 with 1 abstention.

Article 31.

The CHILIAN recalled that no amendments had been submitted to Article 31.

Article 31 was adopted by 16 votes to 2.

Article 32.

Mr. CASLIN (France) said that a few words in explanation of his delegation's proposal that a portion of the original text of article 32 should be deleted might not come amiss. It had originally been assumed that the Secretary of the Committee would be an official who would take up his duties on the same day as the Committee. That being so, it had been quite logical to provide for the establishment of the rules of procedure by the Committee as soon as it had elected its Chairman and Vice-Chairman. Since, however, it had subsequently been decided that the Secretary should be appointed by the International Court of Justice from a panel of three names to be submitted by the Committee itself, it would seem preferable for the Committee to confine its activities at its first meeting to the election of its Chairman and Vice-Chairman, and for it to draw up its rules of procedure only after the Secretary had been appointed.

The joint Danish-French amendment to Article 32 was adopted by 15 votes to none with 3 abstentions.

Article 22, as amended, was adopted by 16 votes to 2.

Article 23.

The introductory clause to article 23, up to and including the words "shall provide that:", was adopted by 16 votes to none, with 2 abstentions.

The CHAIRMAN remarked that the Guatemalan proposal to increase the quorum of the Committee to seven was consequential on the decision which the Commission had already taken to increase the membership of the Committee.

The Guatemalan amendment to paragraph (a) was adopted by 14 votes to none with 3 abstentions.

Paragraph (b) of article 23 was adopted by 16 votes to 2.

The CHAIRMAN drew attention to the United Kingdom amendment to the text for paragraph (c) proposed jointly by the Danish and French delegations.

Mrs ROY (United Kingdom), recalling that the Commission had, at its sixth session, stressed that it would be most undesirable to give undue publicity to cases under discussion by the Committee before the latter had finally established the facts of the case, said that she had submitted her present amendment because she did not agree with the Danish and French representatives that all States parties to the Covenant should have the right to make submissions to the Committee in writing. If all such States were to be free to intervene in the Committee's work on a case, the case might just as well be referred to the General Assembly direct. A report of each case dealt with by the Committee would presumably be sent to the Secretary-General, so that it could later be discussed by the General Assembly. If the Danish-French amendment was adopted as it stood, the whole concept of the Committee acting as a conciliation committee would be jeopardized. That was why she proposed that only States parties to the Covenant "having an interest in any matter referred to the Committee under article 23" should have the right to make written submissions to the Committee.

Mrs. ROOSEVELT (United States of America) appreciated the value of what the Committee could do as a conciliation commission; however, she was of the opinion that all States parties to the Covenant should be allowed to make written submissions to it in order that they might be enabled to present their views as to the meaning of the Covenant; that would not give the work of the Committee any undesirable publicity. She hoped that all members of the United Nations would ratify the Covenant as soon as possible, but since she did not expect that these hopes would be realized immediately, she must oppose the United Kingdom amendment, which would remove one of the advantages of accession to the Covenant.

The CHAIRMAN put the United Kingdom amendment to the joint Danish-French amendment to paragraph (c) of article 33 to the vote.

The United Kingdom amendment was adopted by 7 votes to 4 with 7 abstentions.

Mr. EUSTATHIADES (Greece), explaining his abstention, said that he had intended to ask the United Kingdom representative for an explanation of the exact meaning of the words "having an interest in any matter referred to the Committee under article 38." He did not quite see the connection between article 38 and the United Kingdom amendment to article 33. Under the former, the interested States could only be the two States immediately concerned. How then could there be any question of other States having an interest?

AZMI Bey (Egypt) was sorry that he had not had an opportunity of explaining his vote in advance. He had abstained because the outcome of the United Kingdom amendment to the joint Danish-French amendment would be a text which amounted to exactly the same thing as the original version given in document E/1681.

Mr. CIASULLO (Uruguay) said that he had abstained for the same reason as the Egyptian representative.

Mr. YU (China) said that he had voted in favour of the United Kingdom amendment on the understanding that if it were adopted the Committee would be expected to decide in each individual case which were the parties "having an interest" in that case, and because he believed that without it members of the Committee might be submitted to undue pressure.

Miss BOWIE (United Kingdom) said that, to answer the question raised by the Greek representative, she would point out that, as in any civil action, parties to the Covenant would be able to submit a claim that they had an interest in a case before the Committee; a set of circumstances arising in one State and referred to the Committee might arise simultaneously in another State, in which event the latter would have an interest in the case. She also had doubts concerning article 38, connected with the Greek representative's remarks; the Committee would probably find it necessary to amend that article.

Mr. EUSTATHIADES (Greece) said he had had in mind a ruling by the International Court of Justice to the effect that in the event of the violation of a treaty, all the parties to that treaty could have recourse to the Court if they so desired. If that rule of ordinary international law was to be regarded as a basic precedent for the interpretation of texts drawn up by the Commission, the United Kingdom amendment might mean that States other than the two parties to the dispute would be entitled to representation at the hearings of the Committee; and to submit proposals to it, either orally or in writing.

He wondered, therefore, whether the Commission had not taken a decision contrary to its intentions; and whether it would not be desirable to re-examine the question.

The CHAIRMAN ruled that the United States amendment to article 33 had been automatically disposed of by the adoption of the United Kingdom amendment.

He put to the vote the first sub-paragraph of the Danish-French version of paragraph (c), as amended by the United Kingdom proposal.

It was adopted by 7 votes to 2 with 9 abstentions.

The CHAIRMAN had doubts about the words "to make submissions orally" in the second sub-paragraph of the Danish-French amendment. He would be inclined to suggest that that sub-paragraph be amended to read "The States referred to in article 35 shall further have the right to participate in the

Committee's discussions without the right to vote"; but that would not be compatible with the text adopted at the sixth session for article 34.

He then put the second sub-paragraph of the Danish-French version of paragraph (c) of article 33 to the vote.

It was adopted by 14 votes to none with 4 abstentions.

The Danish-French amendment to paragraph (c) of article 33, as a whole and as amended, was adopted by 11 votes to 2 with 4 abstentions.

Paragraph (d) of article 33 was adopted by 16 votes to 2.

Article 33 as a whole, as amended, was adopted by 14 votes to 2 with 2 abstentions.

As adopted, it read:

"The Committee shall establish its own rules of procedure, but these rules shall provide that:

- (a) Seven members shall form a quorum;
- (b) The work of the Committee shall proceed by a majority vote of the members present; in the event of an equality of votes the Chairman shall have a casting vote;
- (c) All States parties to the Covenant having an interest in any matter referred to the Committee under article 38 shall have the right to make submissions to the Committee in writing.

The States referred to in article 38 shall further have the right to be represented at the hearings of the Committee and to make submissions orally;

- (d) The Committee shall hold hearings and other meetings in closed session."

Article 34

Mrs. MEHTA (India) said that she had proposed the deletion of article 34 for the simple reason that the Committee should not be actuated by national interests. The main point of the article was that a State party to the Covenant concerned in a case referred to the Committee might, if none of its nationals was a member of the Committee, designate a member to participate, with the right to vote, in the Committee's deliberations on that case. Members of the Committee, once they had been elected, should act as independent and impartial individuals, not as national representatives; they should certainly not try to promote their respective countries' interests. The adoption of article 34 in its present form would make many a State its own judge. States directly concerned in a case before the Committee should not be given more than the right, for which provision had already been made in article 33, to be represented at the hearings of the Committee and to make oral submissions.

. . CASSIN (France) quite appreciated that it was her concern for impartiality that had led the Indian representative to propose the deletion of article 34. In domestic national law, her proposal would perhaps be acceptable, despite the fact that the question was one of conciliation; but it was not so in international law. The Statute of the International Court of Justice stated, for example, that: "If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge." If such a provision had to be made in judicial matters, there was all the more reason for prescribing it for a body that would essentially be concerned with conciliation. After all, the only way of achieving true conciliation was to bring together the two parties to the dispute. He therefore urged that article 34 be retained.

Mr. VALENZUELA (Chile) agreed with the representative of India. It would be most improper to allow a State which had violated a human right to

vote when the Committee was taking a decision about that very act of violation.

Mr. SØRENSEN (Denmark) said that in an ideal world it might be possible to ensure the complete impartiality of an international body such as the Committee; in practice, the Commission would be more likely to ensure the greatest possible measure of impartiality by laying down that a member of the Committee who was a national of a State directly concerned in a case before the Committee should not participate in the Committee's deliberations on that case, rather than by deleting article 34 altogether; for there would be a danger of inequity if one member of the Committee was a national of one of the States directly interested in the case, but no other member was a national of the other State directly interested.

Mr. YU (China) agreed with the representative of India, since human rights were a matter of international concern. On their election, members of the Committee should assume an international personality, as did members of the United Nations Secretariat. The rejection of the Indian proposal would prejudice the spirit of dignity and impartiality which should attend the Committee's deliberations.

Mr. DUPONT-WILLENIN (Guatemala) felt that the Indian representative's objections were justified, particularly in view of the method of appointing regular members of the Committee. Those members were to be appointed by the International Court of Justice, whereas the additional member provided for in article 34 was to be designated by the State directly concerned. To meet the Indian representative's objection, it might be possible to devise a procedure for appointment which would put the additional member on exactly the same footing as a regular member. It might be provided, for instance, that the member from a State not represented on the Committee should be selected by the International Court of Justice from a panel submitted to it by that State.

Mr. CIASULLO (Uruguay) said that he would vote in favour of the Indian proposal; it would be most improper for a member designated by a State directly

concerned in a case referred to the Committee to vote when the Committee was deliberating on that case. If article 34 were adopted, it might well happen that a member designated by a State directly concerned would have the deciding vote.

Mr. CASSIN (France) pointed out that most representatives were only looking at one side of the problem. They invariably visualized the case where the representative of the State accused was a member of the Committee; but the opposite case might arise. It was therefore important to restore the equality of the two parties, because, in the case of a body which was not a court of law but was concerned with conciliation, such equality was of capital importance for the success of its work. It was only by restoring that equality that the way to mutual understanding could be paved. He therefore felt that, in the very interests of conciliation, the Indian amendment should be rejected.

Mrs. MEHTA (India) said that it would be better if any member of the Committee who was a national of a State directly concerned in a case brought before the Committee withdrew from the Committee's deliberations on that case.

The CHAIRMAN put article 34 to the vote, saying that if more votes were cast against than for it, the Indian proposal that the whole article should be deleted would in effect have been adopted.

Article 34 was rejected by 10 votes to 6 with 2 abstentions.

Article 35

The CHAIRMAN suggested that, since it had been decided to increase the membership of the Committee from seven to nine, it should be laid down that the Committee should be convened at the request of not less than five, or perhaps six, of its members, instead of four, as stipulated in article 35 as adopted at the sixth session.

Mr. CASSIN (France) said that the figure of four members seemed to him adequate, but he would not object to five.

Miss BOWIE (United Kingdom) said that the intention of the text suggested by the United Kingdom delegation for article 35 (E/CN.4/620) was exactly the same as that of the Danish-French amendment. However, the layout of the United Kingdom text might be improved by inserting an "(a)" before the words "at such times", deleting the figure "2" and the words "The Committee shall meet", and substituting "(b)" and "(c)" for "(a)" and "(b)" respectively. Paragraph 3 would then become paragraph 2.

She, too, was prepared to accept the figure of five members in paragraph 2(b) of her amendment.

Mr. CASSIN (France) had no objection to the United Kingdom amendment; but he wished to draw the attention of the United Kingdom representative to the words "under article 38". As the Covenant was worded, the Committee could only be seized of a matter referred to it under article 38, but it was possible that a protocol might, in the future, provide that the Committee could be seized of a matter following a petition lodged by States other than those parties to the Covenant. The signatories of the Protocol would then be unable to extend the competence of the Committee as defined in the Covenant. Hence it would be advisable not to include in the Covenant a provision which was too restrictive in that sense. He therefore considered that it would be preferable to say simply "when any matter is referred to it", without mentioning article 38.

Miss BOWIE (United Kingdom) assumed that if such a protocol were drawn up later, the procedure for dealing with petitions from individuals would be that the Secretary would submit them to the Chairman of the Committee, and that the Chairman would convene the Committee to discuss them as he deemed necessary. If, as the representative of France had suggested, it was laid down simply that the Committee should meet whenever a matter was referred to it, it might have to do so several times merely in order to decide that it was not

competent to deal with the matter in question.

Mr. CASSENI (France) agreed with the opinion expressed by the United Kingdom representative, and therefore accepted her amendment.

Mr. CLAWHILL (Uruguay) thought that article 35 should contain an explicit, as opposed to an implicit, provision that the Committee should meet to deal with matters which might be referred to it, and with which it was competent to deal. In order to avoid unnecessary discussions at a later date as to the Committee's competence, the article should also provide for the Committee to meet to discuss matters other than those mentioned in article 38, and which a protocol might empower the Committee to discuss, after that protocol had come into force.

The CHAIRMAN asked whether the Danish representative also accepted the United Kingdom amendment to article 35 in place of the Danish-French amendment.

Mr. SØRENSEN (Denmark) indicated his assent.

Mr. BIEMENFELD (World Jewish Congress), speaking at the invitation of the CHAIRMAN, said that the adoption of the United Kingdom text might have an unfortunate effect if the Commission adopted the suggestion relating to article 33 made in the General Assembly, and mentioned in document E/CN.4/530.

The CHAIRMAN put to the vote the amended version of the text for article 35 proposed by the United Kingdom delegation.

It was adopted by 12 votes to 2 with 4 abstentions.

As adopted it read:

"1. After its initial meeting the Committee shall meet:

- (a) at such times as it deems necessary;
- (b) when any matter is referred to it under article 38; and
- (c) when convened by its Chairman or at the request of not less than five of its members.

2. The Committee shall meet at the permanent Headquarters of the United Nations or at Geneva."

The meeting rose at 10.35 p.m.