UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

GENERAL
E/CN.4/SR.240
4 July 1951
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

Dual distribution

COMMISSION ON HUMAN RIGHTS

Seventh Session

SUMMARY RECORD OF THE TWO HUNDRED AND FORTIETH MEETING

held at the Palais des Nations, Geneva,
on Saturday, 12 May 1951, at 10 a.m.

CONTENTS:

Present:

Chairman Mr. MALIK (Lebanon)

Members:

Australia	Mr. WHITLAM
Chile	Mr. VALENZUELA
China	Mr. YU
Denmark	Mr. JOERGENSEN
Egypt	Aziz Bey
France	Mr. CASSIN
Greece	Mr. MUST.THIADIS
Guatemala	Mr. DUPONT-WILLEMIN
India	Mrs. MEHTA
Pakistan	Mr. AHMED
Sweden	Mrs. MOSSEL
Ukrainian Soviet Socialist Republic	Mr. KOVALENKO
Union of Soviet Socialist Republics	Mr. MOROSOV
United Kingdom of Great Britain and Northern Ireland	Mr. HOYARD
United States of America	Mrs. ROOSEVELT
Uruguay	Mr. CISCULLO
Yugoslavia	Mr. JEVREMOVIC

Representatives of specialized agencies:

World Health Organization	Miss MORELL

Representatives of non-governmental organizations:

Category A

International Confederation of Free Trade Unions	Miss SENDER

Representatives of non-governmental organizations (continued):

Category A (continued)

International Federation of Christian Trade Unions	Mr. EGGERMANN
World Federation of United Nations Associations	Mr. BALDWIN

Category B and Register

Caritas Internationalis	Mr. PETERMAN
Carnegie Endowment for International Peace	Mrs. CARTER
Catholic International Union for Social Service	Mrs. SCHRADER
Commission of the Churches on International Affairs	Mr. NOLDE
Consultative Council of Jewish Organizations	Mr. PERLZWEIG
Co-ordinating Board of Jewish Organizations	Mr. WARBURG
International Association of Penal Law	Mr. HAMBICHT
International Council of Women	Mrs. CARTER
International Federation of Business and Professional Women	Miss TURLINGTON
International Federation of University Women	Miss ROBB
International League for the Rights of Man	Mr. de MADAY
Liaison Committee of Women's International Organizations	Miss ROBB
Pax Romana	Mr. HAMBICHT
World Jewish Congress	Mr. BIENENFELD Mr. RIEGNER

Secretariat

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

1. 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) (continued)

The CHAIRMAN invited the Commission to continue its discussion of articles 26 - 41 of the draft Covenant (measures of implementation) together with the amendments thereto (E/CN.4/617 and E/CN.4/617/Corr.1) and said that the Indian proposal concerning an additional article (E/CN.4/621) would be distributed shortly. He recalled that article 26 - 35 inclusive had been disposed of at the preceding meeting.

Article 36

The CHAIRMAN drew attention to the joint Danish-French (E/CN.4/617, page 7) and United Kingdom (E/CN.4/620, page 2) amendments to article 36.

Mr. HOWARD (United Kingdom) withdrew the first United Kingdom amendment since the Danish/French amendment already contained the words "in accordance with the Committee's instructions".

However, he maintained the second United Kingdom amendment which proposed the deletion of the last sentence of article 36, since the stipulation that the Secretary of the Committee should attend meetings and make all the necessary arrangements would suffice.

Mr. CASSIN (France) said that if a protocol was brought into force, the Secretary of the Human Rights Committee would have to receive authority in advance to carry out the functions arising out of the protocol. That was why the French and Danish delegations had proposed the addition of the words "and carry out any other duties assigned to him by the Committee". That final sentence would not be necessary if the Secretary were an official of the United Nations Secretariat; but as he would presumably be appointed by the International Court of Justice, it was important to define exactly the powers with which he

would be vested. The final clause might, if necessary, be simplified, but should in no event be deleted.

The second United Kingdom amendment to Article 36 was adopted by 9 votes to 4 with 4 abstentions.

The Danish/French amendment to the original text of article 36 was adopted by 15 votes to 2, subject to consequential amendment in the light of the adoption of the United Kingdom amendment.

New article (Article 36 bis in the Danish/French amendment)

The CHAIRMAN said that the financial estimates pertaining to the proposed article 36 bis were being prepared by the Secretariat.

Mr. VALENZUELA (Chile) pointed out that adoption of article 36 bis would entail financial commitments without making provision for raising the money required. It should be specified whether such expenditure would be met out of the United Nations budget, as was the case with the expenses of the International Court of Justice (article 33 of the Court's Statute) or out of the budget of the States parties to the Covenant. In his opinion, the former solution was not practicable, since in all probability the Covenant would not be signed by all States Members of the United Nations. On the other hand, if the second method were adopted, it would be well to indicate the exact basis on which the contributions of the various States were to be assessed. In either case, the article should make the point clear.

Mrs. MEHTA (India) thought that that was another issue that would have to be clarified by the General Assembly. If the machinery for implementation, including the Human Rights Committee, was to be set up by the States parties to the Covenant alone, then it would certainly be asked why all the costs should be borne by the United Nations. But if it was to be set up

under the Charter, the United Nations would naturally be expected to meet the expenses.

Mr. CASSIN (France) said that discussion of one particular case had revealed two conflicting points of view. According to the first, the States parties to the Covenant would become a self-sufficient, closed shop. According to the second, the financial implications of the implementation of the Covenant would be met by the United Nations as a whole.

In the present instance, the Commission had considered that for the members of the Committee to be appointed by the States signatories to the Covenant would be unduly one-sided. It had been prepared to agree that those States should have the right to nominate candidates, but had decided that the actual appointments should be made by the International Court of Justice, which was itself an executive organ of the United Nations as a whole.

His delegation had always hoped that the Covenant would be ratified by enough countries to provide at least a majority of States Members of the United Nations, and saw no reason, if that proved to be the case, why the financial implications of the implementation of the Covenant should not be borne by the United Nations.

The Commission should not merely impose obligations on States. By saving them some expenditure in the general, human interest, it would be encouraging them to sign the Covenant.

Mr. YU (China), recalling that the General Assembly had taken decisions relating to the emoluments of the officers of the International Court of Justice, considered that it should also deal with the remuneration of the members and the Secretary of the proposed Committee.

He was opposed to the words "importance of their office" in the Danish/French text.

Mr. WHITLAM (Australia) thought that the matter was one for the General Assembly. The Australian delegation held the view that the Committee should be an organ of the United Nations, and consequently that the funds it required should be provided by the latter.

The CHAIRMAN considered that the phrases "the importance of their office" and "the responsibility it entails" were tautological, and suggested that the words "the importance of" be deleted.

Mr. CASSIN (France) felt that the wording of the joint French/Danish amendment should be retained. It stressed the link to be established between the emoluments of the Members and Secretary of the Committee on the one hand, and the moral significance of their office and the period for which they would be engaged in the exercise of their functions on the other. The Secretary of the Committee would probably have to give the whole of his time to duties arising out of the Covenant, whereas, at any rate, at the outset, the Members would need to devote only part of their energies to their duties on the Committee. Travel and subsistence allowances for Members' families would no doubt also have to be provided for if Members' duties required their presence at the Committee's headquarters for many weeks at a time.

Mr. SORENSEN (Denmark) considered that the French text was wholly satisfactory, and that the English version should be harmonised with it. The word "burdens" would perhaps be better than the word "responsibility" to convey the meaning of the French word "charges".

Mr. MOROSOV (Union of Soviet Socialist Republics) said that his delegation would vote against article 36 bis on the ground that the proposed

Committee was contrary to the provisions of the Charter. That, however, was not the point at issue at the moment. The Soviet Union delegation did not consider that the Commission was competent to discuss the proposed Danish/French text for that article, since, under rule 28 of the rules of procedure, financial estimates must be circulated before any proposal involving expenditure from United Nations funds could be approved by a functional commission.

The CHAIRMAN recalled that financial estimates (E/1681/Add.1) had been submitted to the Commission at the sixth session; but they did not cover the additional expenditure to which adoption of the proposal under discussion would give rise. The point raised by the Chilean and Soviet Union representatives was therefore relevant. As a matter of fact, estimates had already been prepared by the Secretariat, but had not yet been examined by Headquarters.

The Chinese representative could, if he wished, submit a formal amendment to the effect that the General Assembly should determine the emoluments of the Members of the Committee.

Whereas the Soviet Union delegation had consistently maintained that the setting up of the proposed Committee was not in accordance with the terms of the Charter, and was therefore illegal, the Commission had taken no formal decision on that point. The Soviet Union representative could raise it again, if he so wished, when the Commission voted on the article. But he must recall that the Soviet Union proposal that all articles relating to the proposed Committee be deleted from the Covenant had been rejected by 15 votes to 2 with 1 abstention at a preceding session.

Mr. VALENZUELA (Chile) felt that article 36 bis might simply state: "The Members and Secretary of the Committee shall receive remuneration". Commensurate remuneration was normally paid for every kind of work, no matter how humble or how important.

Mr. YU (China) said that the Chilean representative's comments strengthened his conviction that no mention should be made of the importance of the office of the Members and Secretary of the Committee. If the General Assembly dealt with the matter, it would surely take the importance of their functions into consideration.

Mr. LIFTLAN (Australia) assumed that the Chinese representative's proposal was tantamount to applying Article 33 of the Statute of the International Court of Justice to the case of the proposed Committee.

Mr. SÖRENSEN (Denmark) said that experience showed that it was necessary to refer to emoluments, since the members of certain organs of the United Nations, for instance, the International Law Commission, had had difficulties about payment.

The purpose of the Danish-French proposal was to ensure that the members of the Committee should not be subject to the general United Nations rules governing per diem allowances.

He believed that the best course would be for the Commission to adopt the proposal as it stood and leave it to the General Assembly to fix the financial details.

Mr. LOZOVSKY (Union of Soviet Socialist Republics) did not consider that the French representative's arguments were entirely valid. If all States Members of the United Nations accepted an international instrument, the cost of its application would be shared equally by them all. But if one State Member declined to accede to a treaty or convention, it should not be asked to bear any part of the cost of putting that instrument into effect. There were a number of conventions to which very few States were parties, but for which all States Members of the United Nations still had to bear a measure of financial responsibility. The Convention on the Declaration of Death of Missing Persons was a case in point, on which the Soviet Union delegation had declined its position at the fifth session of the General Assembly.

The foregoing comments must not be interpreted as an attempt to pre-judge the outcome of the Commission's study; they were merely intended as a recapitulation of his Government's fundamental views.

Mr. CASSIN (France) quoted various precedents to show that emoluments were by no means invariably granted to persons who gave their time to international work. When the Administrative Tribunal of the United Nations had been set up, daily emoluments, smaller than those of Judges of the International Court of Justice, but exceeding the strict refund of expenses, had been provided for its members. The members of the International Law Commission, however, who frequently spent two or three months at a time on their work, received, in the absence of any written provision on the matter nothing but their bare hotel expenses.

It was such experiences that had prompted his delegation to join the Danish delegation in including appropriate provisions in their text for article 36 bis. The method of payment had deliberately not been specified, so as to leave the Commission free to decide the matter itself.

The Convention on the Declaration of Death of Missing Persons stipulated that the expenses of the International Bureau set up under it should be defrayed by the United Nations as a whole. It had been regarded as self-evident that the signatory States could not by themselves meet the operational expenses of the Bureau and that every State should be called upon to make some financial sacrifice in the cause of international solidarity.

Similarly, if the cost of applying the numerous Conventions concluded during the previous thirty years under the auspices of the International Labour Organisation had been charged to ratifying States alone, the latter would have been, so to speak, penalized. That would have jeopardized the promotion of international collaboration.

Thus, in submitting that the cost of implementation should be defrayed by the international community as a whole, his delegation was proposing, not that privileges should be conferred on the signatories of the Covenant, but simply that their share of the expenses should be reduced. That could only encourage ratification.

Mr. HOWARD (United Kingdom) supported the French representative. All organs set up under treaties and conventions, and that would hold for the draft Covenant too, were set up in accordance with the provisions of the Charter, which had been agreed to by all States Members of the United Nations. Accordingly, the financing of such bodies was part of the general obligation accepted by those States.

The Commission decided that further consideration of Article 36 bis should be deferred pending the circulation of the financial estimates.

Article 37

Mr. MOROSOV (Union of Soviet Socialist Republics) said that his objections to the Commission's at once considering article 36 bis applied to article 37 also. Unless volunteers could be found to service the Committee, funds would clearly be needed for the necessary staff and facilities.

The CHAIRMAN agreed, and ruled that the Commission could take no action on article 37 until it had examined the relevant financial estimates.

Article 38

Mr. EUSTATHIADES (Greece) suggested that the last part of paragraph 1, beginning at the words "which should include", should be deleted. Stipulation of what the explanations or statements by the communicating State should include would be superfluous, in view of the provisions of articles 39 and 40.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that article 38 outlined a procedure which was contrary both to the provisions of the Charter and to the conception of sovereignty, since it implied interference in the domestic affairs of States. That issue was latent in the whole question of economic, social and cultural rights. Governments should certainly make every effort to fulfil the provisions of any covenant to which they adhered - indeed, the success of the Commission's work would depend on their endeavours to do so - but that nevertheless did not justify the adoption of procedures whereby one State could set itself up as judge of the domestic actions of another.

Article 38 was therefore unacceptable to his delegation, and he reserved the right to raise the general question of sovereignty in connexion with the remaining articles of the draft Covenant.

Mr. CASSIN (France), replying to the Soviet Union representative, agreed that the Covenant would introduce a new element into international law. Questions which had formerly been dealt with solely by domestic procedures were tending more and more to become international in character, and it was not difficult to see why. For example, in 1933 the Nazi régime had contested the right of the League of Nations to ask questions as to how certain German nationals were being treated in Germany. Those questions, put by the League in the interests of human rights, had met with the answer that every man's home was his castle and that the whole affair was Germany's private business. The League had pusillanimously bowed before Hitler's argument, and in due course he had wreaked havoc on human rights, not only on his own territory, but in neighbouring countries. That had been one of the causes of the second world war. The reaction on the part of the authors of the United Nations Charter had been to make all human rights subject to international supervision.

The internationalization of those rights had already become fact by virtue of the Covenant itself, not article 38, which merely provided an ad hoc procedure. Even had the Covenant been silent in that respect, its implementation would still be subject to the normal rules of international law. Complaints brought by one signatory State against another in respect of alleged violations of the Covenant would have been referred to the International Court of Justice, to the conciliation organs provided by existing conventions or to arbitration; in short, the principle of the internationalization of human rights would none the less have been recognized.

The procedure envisaged in the draft Covenant was intended to exclude the public from the hearing of cases relating to violations of human rights, so that abuses might be rectified in an atmosphere of calm, without detriment to good relations between nations.

He recalled that he had often warned the Commission against including any unduly comprehensive international obligations in the draft Covenant. Governments had to be led step by step along the path of international co-operation; bearing that in mind, he thought the Commission should adopt paragraph 1 of article 38.

Mrs. ROOSEVELT (United States of America) said that it was surely obvious that if nations met to draft an international Covenant on Human Rights, they automatically indicated by so doing their readiness to surrender some measure of their sovereign rights. If each State was to be the judge of its own righteousness, each could draw up its own covenant, and the Commission need not exist at all. The latter's purpose was to work out in detail the principles enunciated in the Charter, which re-affirmed faith in fundamental human rights and in the dignity and worth of the human person. The aim of international co-operation was to bring about better common understanding between nations and to engender fuller respect for the individual, which were the two factors on which the maintenance of peace largely depended.

Mr. CIASULLO (Uruguay) fully shared the views expressed by the French and United States representatives.

It was in the interest of the smaller powers that the horizon of international rights should gradually be extended by the provision of more and more safeguards. His delegation appreciated the demonstration of solidarity that the great powers had given by abandoning to some degree the traditional concept of national sovereignty. It would vote in favour of paragraph 1 of article 38, subject to the subsequent application of the Protocol.

Referring to the amendment to paragraph 2 of article 38 submitted by his delegation (E/CN.4/617/Corr.1, paragraph 2), he pointed out that it was intended as an addition to article 38.

Mr. HOWARD (United Kingdom) said that his delegation was prepared to accept article 38, together with the Uruguayan amendment thereto.

He was not quite clear about the Greek representative's suggestion that

the final passage in paragraph 1 of the article should be deleted. That paragraph outlined the procedure which had to be applied before a matter could be referred to the Committee at all. It was consequently inevitable that reference should be made in it to domestic procedures. Article 39, on the other hand, dealt with circumstances which would obtain once recourse to domestic procedures and remedies had been made but had failed.

Mr. EUSTATHIADES (Greece) said that his proposal was intended to make the text less cumbersome.

Mr. MOROSOV (Union of Soviet Socialist Republics) felt that the difficulties which had arisen the previous day in connexion with the implementation of economic and social rights were coming up again in a more acute form, and afforded conclusive proof that the mode of implementation envisaged was both wrong and inadequate. Such a system of so-called implementation was at variance with the fundamental principles of the Covenant itself.

The Commission's work would not, however, cease to be effective if no measures were adopted giving one country the right to interfere in the internal affairs of another. What was wanted was voluntary internal action by every State itself without any form of pressure from without. The necessary provisions and formulae could be worked out in the Commission, but their implementation should be the affair of each individual country.

The French representative had merely re-iterated the remarks he had made some years previously. He (Mr. Morosov) had in mind Mr. Cassin's speech at the General Assembly in December 1948, when he had said, just as he had said at the present meeting, that Hitler's ruthless violation of human rights had been a primal cause of the second world war. But, as the head of the Soviet Union delegation, Mr. Vyshinsky, had said in reply, it was not the abrogation of the German people's human rights by Hitler that had been the basic cause of the war, but rather the activities of the French and United Kingdom Governments, supported by the United

States Government, in re-equipping the German war machine and in endeavouring to turn the Nazis against the Soviet Union in the East. He (Mr. Morosov) quoted further excerpts from Mr. Vyshinky's speech to the plenary meeting of the General Assembly on 10 December 1948, also devoted to answering a similar speech by Mr. Cassin and to the question of State sovereignty.

Eminent western jurists had on many occasions stated that the maintenance of intact national sovereignty was not detrimental to the maintenance of peace. It was clear, in fact, that the propaganda against national sovereignty made by the French representative was aimed not at strengthening the peace, but at paving the way for the capitulation of France and other western European countries before foreign economic dictatorship.

His delegation was resolutely opposed to any propaganda of that sort, and firmly believed that absolute national sovereignty and independence could be preserved in all matters, including the implementation of the First International Covenant on Human Rights.

Mr. VALENZUELA (Chile) was astonished at the different attitudes adopted by the various representatives. It was the individualist States that were prepared to make sacrifices in the interest of the international community, whereas the States which championed internationalism had risen up in defence of the principle of absolute sovereignty. No doubt such paradoxes explained existentialism and its success. If the Covenant embodied departures from the principle of sovereignty, the question could be settled at the time of signature.

Progress in the direction of internationalism was the outcome of a series of experiments, of which the present work of the Council of Europe, and the Soviet Union itself, were examples. A State like the Ukrainian Soviet Socialist Republic had actually concluded a new type of agreement with a neighbouring State, under which it placed even its foreign policy and diplomatic representation in the hands of that State. What cause for alarm could there possibly be if other States decided to imitate certain aspects of the experiment initiated by the Soviet Socialist Republics? The departures from national sovereignty recognized in the Soviet Union sphere were an example which should encourage an extension of the process. In any case, the draft Covenant was not a particularly bold experiment.

Mrs. ROOSEVELT (United States of America), referring to the Uruguayan amendment (E/CN.4/617/Corr.1) to paragraph 2 of article 38, said that her delegation was prepared to accept it with a few verbal changes. She would prefer that the words "intervene forthwith" in the second line be replaced by "deal forthwith with the case", and would like the word "initial" to be inserted before the word "communication" in the third line.

She would prefer to see the passage mentioned by the Greek representative retained in paragraph 1.

Mrs. MEHTA (India) thought that when the General Assembly had asked the Commission to draft measures for the implementation of human rights, it had been agreed that any international measures of implementation would inevitably entail some limitation of national sovereignty.

The Soviet Union representative's implication that an impasse had been reached the previous day was untrue. But in any event a different approach had to be adopted in the present case, since the implementation of civil and political rights was not the same thing as that of economic, social and cultural rights. The State was directly concerned with the implementation and observance of the former, whereas it might, owing to the force of circumstances beyond its control, be unable to ensure the implementation of the latter.

Article 38 in its original form did not, in her opinion, go far enough; for that reason she would introduce at a later stage an amendment incorporating an additional article by which individuals as well as States would be accorded the right to bring a complaint before the Committee in cases of alleged infringement of the rights concerned. At the present stage she would merely state that her delegation would accept article 38, provided her additional article was adopted in its turn.

Mr. JEVREMOVIC (Yugoslavia) said that, as a matter of principle, the United Nations must, under the Charter, be in a position to take measures against aggression wherever it occurred. Since violations of human rights would present a real threat to peace, action by the international community in such cases, that was to say, in cases of large-scale violations of human rights, was not contrary to article 2, paragraph 7, of the United Nations Charter.

On the other hand, individual violations of human rights, which occurred in all countries, remained entirely within the competence of the State concerned, and international action should not be initiated in such cases, as was, indeed, laid down in Article 2, paragraph 7, of the Charter.

Everyone was aware that in no country did the common people want war, and it followed that for States to become aggressors their citizens must have lost the elementary right of being allowed to influence their governments' actions. The recent histories of Germany, Italy and Japan were striking cases in point.

Yugoslavia was a small country; moreover, her situation was such that her internal affairs were liable to be interfered with. That being so, she had a keen interest in seeing that any international measures introduced for the implementation of human rights strengthened rather than weakened her sovereignty.

He was strongly opposed to any tendency to classify the various kinds of human rights in two sharply-defined categories. Thus he could not agree with the Indian representative's suggestion that the Commission was now concerned with political rights alone, but he proposed to revert to that question at a later stage.

He had been very happy to hear the Soviet Union representative's remarks about the maintenance of national sovereignty; he could only regret that the Soviet Union and the group of states associated with that country apparently did not always find it easy to give that principle practical effect.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that the immediate task before the Commission was to discuss article 38 of the draft Covenant, not to wander off into the realm of slander, as the Yugoslav representative had just done. He hoped that the Chairman would not permit any more such slanderous statements.

Mr. EUSTATHIADES (Greece) thought the problem of implementation was bound up with the definition of human rights as a whole. His delegation would be obliged to reserve its attitude until it could see the entire picture. Sovereignty no longer afforded a shield against the advance of international law. In reality, sovereignty comprised what international law left to the sole competence of a state. In other words, it was what was provided for in Article 2 paragraph 7, of the Charter.

Indeed, that passage from the Charter had been cited in support of the observance of the principle of national sovereignty. Yet, whenever a Covenant was ratified it entailed certain inroads on sovereignty. The Charter had removed the question of the observance of human rights from the domestic sphere. The gap would be widened still further if the present Covenant came to be ratified, with or without a section on implementation. However, to ensure the maximum number of accessions to the Covenant, it might be necessary to proceed by stages. He would prefer a general system governing the greatest possible number of Member States. He would not be in favour of setting up, under United Nations auspices, several different communities in connexion with human rights. It might be possible to make use of the procedure applied in the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome in 1950. That instrument had set up a European Commission of Human Rights, whose powers were mandatory only in respect of such signatory States as made an express declaration recognizing those powers.

Another way of meeting the necessity for proceeding by stages would be to grant the Human Rights Committee envisaged in the draft Covenant a limited competence acceptable to all delegations.

Article 38 did not go much further than the corresponding provisions of other international Conventions. Its only innovation was the limitation to three months of the time limits within which the receiving State should present its explanation to the communicating State.

Articles 39-41, including paragraph 1 of the last-named, conferred the functions of a board of conciliation on the Human Rights Committee. That was not a radical innovation either.

Those delegations which had expressed reservations might perhaps prefer that other articles providing for appeal to the normal jurisdiction of United Nations organs should be substituted for the provisions of article 41, paragraphs 2 and 3. For disputes in respect of which conciliation was unsuccessful would, in the majority of cases, be serious enough to call into play the normal powers of the United Nations organs.

Mr. JEVREMOVIC (Yugoslavia), after denying the charges just made by the Soviet Union representative, said that his delegation would vote for article 38, although it entertained serious doubts concerning certain of the other articles related to it.

The CHAIRMAN invited the Commission to vote on article 38 paragraph by paragraph.

Paragraph 1

The Greek proposal that the lasttwenty-three words of paragraph 1 be deleted was rejected by 10 votes to 3 with 5 abstentions.

The CHAIRMAN then put to the vote paragraph 1 as originally drafted.

Paragraph 1, as originally drafted, was adopted by 16 votes to 2.

Paragraph 2

Mr. CASSIN (France) expressed his preference for the text of paragraph 2 given on the right-hand side of page 9 of document E/CN.4/617.

Mr. CIASULLO (Uruguay) said that the text appearing on the right-hand side of page 9 of document E/CN.4/617 had been wrongly attributed to his delegation. The amendment which his delegation had submitted to paragraph 2, which was to be found in E/CN.4/617/Corr.1, provided for accelerated procedure in serious cases. In addition, the words "and in particular", should be inserted after the words "in serious cases" in that amendment. He accepted the verbal amendments proposed earlier by the United States representative.

Replying to the CHAIRMAN, he said that he wished his text to form a third paragraph to article 38.

The CHAIRMAN, then put paragraph 2 to the vote, to and with the words "by notice given to the Secretary of the Committee and to the other State." .

Paragraph 2, as amended, was adopted by 16 votes to 2.

Paragraph 3

The CHAIRMAN asked the Commission to vote on the Uruguayan amendment (E/CN.4/617/Corr.1, paragraph 2) which, if adopted, would form paragraph 3 of article 38..

Mr. EUSTATHIADES (Greece) proposed that the words "referred to in paragraph 1 of this article" should be added after the words "State Party to the Covenant" in the Uruguayan amendment, in order to make it clear that only States parties to the dispute were being referred to.

Mr. HOWARD (United Kingdom) proposed the insertion of a reference to article 39. That article laid down that the Committee should deal with a matter brought to its notice only after all available domestic remedies had been exhausted. He agreed in principle with the Uruguayan amendment, but believed that much harm might result if the Committee was asked to intervene in a dispute which was still before the courts of the country immediately concerned. He therefore proposed that the words "subject to the provisions of article 39 below," be inserted before the words "in serious cases".

Mr. WHITLAM (Australia) supported the United Kingdom proposal.

Mr. CLASULLO (Uruguay), replying to the CHAIRMAN, said that he could not accept the United Kingdom proposal, because, if adopted, it might have the effect of curtailing the Committee's powers.

The CHAIRMAN accordingly ruled that a separate vote be taken on the United Kingdom amendment.

The United Kingdom amendment was adopted by 11 votes to 2 with 5 abstentions.

Mr. CLASULLO (Uruguay) said that his abstention was self-explanatory, in the light of his previous remarks.

In response to a request by Mrs. ROOSEVELT (United States of America), the CHAIRMAN ruled that a separate vote be taken on the insertion of the words "and in particular", proposed by the Uruguayan representative.

The Uruguayan proposal was rejected by 6 votes to 6 with 6 abstentions.

In reply to a question by the CHAIRMAN, Mr. CISULLO (Uruguay) said that he accepted the Greek amendment to his proposal.

Mr. WHITLAM (Australia) requested that a separate vote be taken on the Greek proposal.

The Greek amendment was adopted by 7 votes to 2 with 8 abstentions.

The Uruguayan proposal - paragraph 3 - as a whole, and as amended, was adopted by 14 votes to none with 4 abstentions.

As adopted, paragraph 3 read:

> "Subject to the provisions of article 39 below, in serious cases, where human life is endangered, the Committee may, at the request of a State Party to the Covenant referred to in paragraph 1 of this article, deal forthwith with the case on receipt of the initial communication and after notifying the State concerned."

Article 38 as a whole and as amended was adopted by 16 votes to 2.

2. FUTURE PROGRAMME OF WORK

AZAI Bey (Egypt) suggested that, in view of the Commission's heavy programme of work, the afternoon meetings should run from 3 - 8 p.m., with an interval from 5 to 6 p.m. He also suggested that speeches be strictly limited to five minutes, and that each representative be limited to one intervention on each topic.

The CHAIRMAN thought there were three possible courses open to the Commission: first, to ask for an extension of the session; second, to request the Economic and Social Council to arrange for an extra session later in the

year; third, to extend the hours of work for the remainder of the present session.

After some discussion, it was agreed that the decision on the future programme of work should be taken at the meeting to be held in the afternoon of Monday, 14 May 1951.

The meeting rose at 1.20 p.m.