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Present:

Chairman:

Mr. MUÑOZ (Argentina)

Members:

Argentina	Mr. BELTRAMINO
Australia	Mr. SHAW
Belgium	Mrs. CISELET
China	Mr. CHENG PAONAN
Cuba	Miss MAÑAS
Egypt	Mr. AZMI
France	Mr. JUVIGNY
India	Mr. VIRA
Philippines	Mr. INGLÉS
Poland	Mr. DOROSZ
Sweden	Mr. STERNER
Turkey	Mr. TUNCEL
Union of Soviet Socialist Republics	Mr. ORLOVSKY
United Kingdom of Great Britain and Northern Ireland	Mr. HOARE
United States of America	Mr. KOTSCHNIG
Uruguay	Mr. PEROTTI
Venezuela	Mr. RIVAS
Yugoslavia	Mr. PLEIĆ

Observers:

Czechoslovakia	Mr. NOSEK
Dominican Republic	Miss BERNARDINO
Netherlands	Mr. van Asch van WIJCK

Representatives of specialized agencies:

International Labour Organisation	Mr. LOPES
United Nations Educational, Scientific and Cultural Organization (UNESCO)	Mr. TERENCE

Representatives of non-governmental organizations:

Category A

International Confederation of Free Trade Unions	Miss SENDER
International Federation of Christian Trade Unions	Mr. EGGERMANN
World Federation of Trade Unions	Mr. DESSAU Mr. DIALLO
World Federation of United Nations Associations	Mr. de MADAY

Category B and Register

Co-ordinating Board of Jewish Organizations	Mr. WARBURG
International Alliance of Women - Equal Rights, Equal Responsibilities	Mrs. SPILLER
International Council of Women	Mrs. CARTER
International Federation of Business and Professional Women	Mrs. SCHRADER-RIVOLLET
International League for the Rights of Man	Mr. de MADAY
Women's International League for Peace and Freedom	Mrs. BAER
World Union for Progressive Judaism	Mr. RONALDS

Secretariat:

Mr. Humphrey	Acting Principal Director, Department of Social Affairs
Mr. Messing-Mierzejewski	Secretary to the Committee

PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES: REPORT OF THE COMMISSION ON HUMAN RIGHTS (NINTH SESSION) (item 14 of the Council's agenda) (E/2447, E/2473)

The CHAIRMAN pointed out that the relevant parts of the report of the Commission on Human Rights (E/2447) were chapter IV (paragraphs 215 to 260) and the draft resolutions contained in Annex V, thereto, with the exception of resolution I.

He invited general comments on the question of the prevention of discrimination and the protection of minorities and on the draft resolutions.

Mr. STERNER (Sweden) said that he would confine himself for the moment to commending the work of UNESCO in the field of education as a means of eradicating discrimination. The communication from the Deputy Director-General of UNESCO to the Secretary-General (E/2473) was evidence that the organization was proceeding on the right lines and doing significant work.

Mr. TERENCE (United Nations Educational, Scientific and Cultural Organization) said that it had been in pursuance of resolution 116 B (VI), adopted by the Economic and Social Council on 1 March 1948, that UNESCO had embarked on a programme for the prevention of discrimination. Owing to the complexity of the problem and to lack of funds, progress had been slow and circumspect. The communication addressed by the Deputy Director-General to the Secretary-General (E/2473) in accordance with Council resolution 443 (XIV), paragraph 4, represented an initial, objective study of the policy pursued, the difficulties encountered and the results obtained.

In direct response to the Council's recommendations, UNESCO had embarked in 1949 on an educational campaign against prejudice and discriminatory measures, the term "educational" being taken in its broadest sense to cover the dissemination of information among the general public and in intellectual and scholastic circles. The organization had deemed it essential to base its works on scientific foundations as solid, as wide and as uncontroversial as possible.

Drawing attention to the main headings in the UNESCO communication - namely, the statement on race, dissemination of scientific knowledge, work in university circles, among the general public and in elementary and secondary education, the survey in Brazil, the survey of the measures taken to facilitate social integration of minority groups and the studies in the progress achieved by ethnical groups

through education - he concluded by stating that UNESCO's aim was not to employ new methods in a field in which such a variety of legislative, educational and psychological methods had already been applied, but to assess the effectiveness of those existing methods and to make the results of its research available to governments and private organizations working against discrimination.

Mr. KOTSCHNIG (United States of America) criticized the manner in which the relevant parts of the report of the Commission on Human Rights had been presented. In particular, the references to the programme of work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities were so scattered, and the arrangement so complicated, that only with the greatest difficulty and considerable expenditure of time could the actual programme to which draft resolution H related be unearthed.

The CHAIRMAN pointed out that draft resolution H merely invited the Council to take note of the resolution adopted by the Commission on Human Rights in approving the Sub-Commission's programme of work. The United States representative's comments were, however, fully justified. The reports of the functional commissions to the Council ought to be presented in such a way as to give a clear picture of the situation, and of the import of the draft resolutions submitted for the Council's approval.

Mr. JUVIGNY (France) suggested that, in order to facilitate the Committee's work, the Secretariat should prepare a working paper, setting forth in detail the actual text of the programme of work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Indeed, the paper might well reproduce the text of all the Sub-Commission's draft resolutions and the changes therein made by the Commission itself.

The CHAIRMAN said that such a paper would be circulated before the next meeting.

Mr. CHENG PAONAN (China) considered that draft resolution H, which dealt with the substance of the matter, was the most important, and should be closely studied. He would like to ask the representative of UNESCO certain questions arising out of his remarks and the references to UNESCO in the report of the Commission on Human Rights.

In paragraph 53 of Annex IV there was reproduced a draft resolution (M), submitted by the Sub-Commission and relating specifically to the work of UNESCO, the last paragraph of which called for a special report from it on activities designed to eradicate, inter alia, discrimination. Had the UNESCO representative's statement been made in response to that request? Or were further information and reports to be anticipated?

Referring to paragraph 249 in chapter IV of the Commission's report, he asked whether the special chapter of the UNESCO general report mentioned therein be ready in time for a meeting of the Sub-Commission in January 1954. Would it be possible to make copies of it available to members of the Council as well as to members of the Sub-Commission?

In reply, Mr. TERENCE (United Nations Educational, Scientific and Cultural Organization) said, first, that the report which UNESCO had been requested to prepare for 1953 was that contained in the communication from the Deputy Director-General (E/2473), which had been circulated to members of the Council; and secondly, that, as from the following year, the results obtained in the campaign to overcome prejudice and discrimination and to protect minorities would be outlined in a special chapter of UNESCO's annual general report. Particulars for the present year were to be found in various sections of the annual report.

He would point out that UNESCO had submitted special reports on its activities to the second, third, fourth and fifth sessions of the Sub-Commission, and that document E/2473 would also be transmitted to members of the Sub-Commission before its next session, together with additional information on developments in the situation.

Mr. AZMI (Egypt), speaking as Chairman of the Commission on Human Rights and explaining why the text of draft resolution H was not entirely clear to those members of the Committee who had not attended the proceedings of the Commission, said that the latter had not considered it possible to include in its own resolution all the details set forth in that of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to which it referred.

He was gratified by the interest the Council was taking in the matter, which proved that it had no intention of acting as a mere post-office.

Mr. ORLOVSKY (Union of Soviet Socialist Republics) said that the prevention of discrimination and protection of minorities was one of the most important problems before the Council and, indeed, before the United Nations as a whole. The basic work in that field had been assigned to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities; but those bodies had so far made no notable progress. There had been difficulties, and even obstructions, and only at that moment after it had already been at work for a number of years was the Sub-Commission putting forward a concrete programme of work. In many States Members of the United Nations discrimination still existed, based on legislation reflecting racial theories which were an outrage upon human dignity. It was the duty of the United Nations to do everything in its power to promote measures to eradicate such discrimination.

In the Soviet Union delegation's view, action was needed at the present session to improve the organization of the relevant work. He could support draft resolution A which provided that the Sub-Commission should meet at least once a year and that its next session should be held in January 1954; and since that session would in fact take the place of the session that was to have been held in the autumn of 1953, he believed that a second session, later in 1954, ought to be contemplated.

With regard to draft resolution H on the Sub-Commission's programme of work, he agreed that the Sub-Commission had indeed the inescapable duty of evolving concrete and practical measures for the speedy extirpation of discrimination, although, in his view, there were many omissions from and defects in the suggested programme. One shortcoming was the lack of any specific reference to discrimination in social and economic matters.

He would support draft resolution B, recommending that States Members should review their legislation and administrative practices with a view to abolishing discriminatory measures, and that they should take measures for the protection of minorities in territories under their jurisdiction, although he regarded the adoption of that proposal as only a first step towards the ultimate goal. He would not oppose any of the other draft resolutions in Annex V to the Commission's report.

Mr. STERNER (Sweden), referring to paragraphs 53 and 54 of Annex IV of the Commission's report, said that he doubted whether it was necessary to call for annual

reports from UNESCO. The Council had ample opportunity of ascertaining what UNESCO was doing, and it seemed clear from the communication already received (E/2473) that it was doing excellent work. In the same connexion, he also questioned the wisdom of appointing a special rapporteur to study discrimination in the field of education (paragraph 65 of Annex IV). The job certainly needed to be done, but it seemed to him that UNESCO was the body best qualified to make such a specialized study.

Mr. RIVAS (Venezuela) referred to the difficulty encountered by the Commission on Human Rights when it had tried, in drafting the covenants on human rights, to reconcile respect for the sovereignty of States with the necessity for guaranteeing to the individual equality of rights and opportunities. Although those covenants were well on the way to completion, it had to be recognized that the progress made in respect of discrimination was much less satisfactory. The proposals and draft resolutions put forward by the Sub-Commission - extremely vague and couched in general terms - were hardly more than an enunciation of the problem. No real solutions were suggested. Even an acceptable definition of a minority had not yet been devised. It was particularly difficult for a Latin-American state to understand why so many difficulties should attend the problem of minorities, because immigrants into any of those countries were received as individuals and enjoyed civil rights on a footing of full equality with the rest of the population. It was the natural concern of every developing State to achieve national homogeneity, and, consequently, no group could be granted special privileges in respect of, for example, language, religion or culture.

Nevertheless, it was true that in some countries a real problem existed. In his delegation's view it was therefore regrettable that the sole proposal dealing with minorities properly speaking, namely, draft resolution F, was purely theoretical in import, for it related only to international instruments that might be drawn up in the future. The same criticism might be made of draft resolution E, concerning the Convention on Prevention and Punishment of the Crime of Genocide, which merely reiterated what had already been enunciated in resolutions adopted by the Council and the General Assembly. Draft resolution B, on the abolition of discriminatory measures, likewise reproduced almost word for word a recent General Assembly resolution. Draft resolution D, on the position of persons born out of

wedlock, certainly introduced a new element, but one which seemed of very minor importance. In Venezuela, at least, there was no discrimination on grounds of illegitimacy, and the principles enunciated in draft resolution D had been embodied in the Venezuelan Civil Code since 1922.

His delegation considered that attention should be concentrated on matters of importance and urgency, and that the Sub-Commission ought not to dissipate its energies in evolving draft resolutions on secondary aspects of the problem. For that reason, he thought that draft resolution A, on membership and future sessions of the Sub-Commission, was, perhaps, the most important of those submitted. The problems involved were so many, so complex and so deeply rooted in tradition and civil law that the Sub-Commission would be more likely to achieve concrete results by choosing one subject for study each year, instead of casting its net wide over the whole field of discrimination and protection of minorities. In that connexion, he endorsed the suggestion of the Swedish representative that those aspects of the Sub-Commission's programme which fell within the scope of UNESCO, and especially those relating to education, might well be left to that agency.

Mr. DIALLO (World Federation of Trade Unions) recollected that WFTU had submitted to the Council, at its tenth session, an important memorandum on the prevention of discrimination. That memorandum had cited facts and formulated proposals which would have enabled the Council to push ahead with its work on the subject. The development of the situation showed that the Federation's proposal had been justified.

In the prevention of discrimination, the most effective action could be taken by the workers' trades unions acting in conjunction with the entire population. Such common action had recently won some successes, such as the adoption and promulgation in French West Africa and French Equatorial Africa of a labour code which, although it did not go far enough, would, if honestly and effectively applied, make it possible to mitigate, if not to eliminate, certain aspects of discrimination, particularly those affecting minimum wages and trade-union rights.

WFTU regretted that the Sub-Commission on Prevention of Discrimination and Protection of Minorities was now virtually dormant. It therefore supported the proposal of the Commission on Human Rights that the Sub-Commission should meet at least once a year.

WFTU considered that the most important aspect of the problem was racial discrimination, which affected the majority of the populations of enormous areas, especially of colonial territories, though it was also to be found in other under-developed countries and in developed capitalist countries. Such discrimination was a permanent threat to the maintenance of peaceful relations between nations. WFTU noted that no general improvement was apparent, as was shown by information received from the working masses. Documents published by various United Nations organs also described many cases of racial discrimination. WFTU reserved the right to communicate to members of the Council, in writing, facts demonstrating the gravity of the situation.

He took the opportunity of drawing the Committee's attention to the fact that retention of the colonial clause in the Constitution of the International Labour Organisation could not be justified. The workers in colonial countries thought that the deletion of that clause would serve as an example and an encouragement in the prevention of discrimination and protection of minorities.

With regard to the recommendations submitted to the Council by the Commission on Human Rights, WFTU'S position was as follows:

In the opinion of the Federation, it was right and useful that the Sub-Commission should be instructed to undertake a series of studies on actual cases of discrimination. If the Council was to be able to act effectively, it must have the widest possible backing from public opinion in all countries, and above all, from the working classes and the trades unions. Those studies should, however, be supplemented by precise analyses of racial discrimination in certain fields as, for instance, social security and legislation, housing, taxation, wages, trade-union rights, the land system and so on. If they were to be of any value, such studies should depict the situation as it actually existed, and not be limited to vague generalities.

In general, WFTU considered that the facts placed before the Council were sufficiently clear to justify immediate action. The Council could not, without impairing its prestige and authority, confine itself much longer to the proclamation of general principles. Hence, WFTU supported the proposal of the Commission on Human Rights that the governments concerned should be recommended to legislate against racial discrimination. In the memorandum it had submitted to the Council at its tenth session, the Federation had already proposed the abrogation of laws and the elimination of administrative or employers' regulations and practices resulting in discrimination.

In conclusion, he said that a new and progressive social policy should be adopted for all peoples suffering from discrimination. WFTU was already working to that end, and undertook to support any action the Council might decide to take for eliminating discriminatory practices as quickly as possible.

Mr. VIRA (India) said that, like some other representatives, he found the presentation in the Commission's report of the Sub-Commission's programme of work rather confusing.

In view of the magnitude of the problem, the programme itself was not over-ambitious. In any case, there was no suggestion that the Sub-Commission should complete it in a single year: no one could expect a centuries-old problem to be solved overnight.

He suggested that the Sub-Commission might prepare an annual programme of work and submit it to the Commission for consideration in order to ensure that, the general programme having once been laid down, the Sub-Commission set about carrying it out in orderly fashion.

He wondered for precisely what reasons the Sub-Commission and Commission had decided to appoint a special rapporteur to study discrimination in the field of education. They were, no doubt, sound, but he felt that the appointment ought not to be regarded as a precedent.

Mr. INGLÉS (Philippines) said that the Philippines delegation would vote in favour of all the draft resolutions before the Council, because they had commanded the support of the majority of the Commission on Human Rights.

He was glad that a single document was to be circulated setting forth the work programme adopted by the Sub-Commission, together with the Commission's amendments thereto, for the better information of members of the Council.

By draft resolution H, the Council was simply requested to note the Commission's resolution on the Sub-Commission's programme of work. That was as it should be. The Commission on Human Rights had set up the Sub-Commission to help it with certain aspects of its own work. Under its terms of reference, the Sub-Commission was responsible only to the Commission. Consequently, it was not for the Council to interfere with the Sub-Commission's programme as approved by the Commission. Moreover, the Sub-Commission was a body of experts, as was also the Commission itself, and should be left free to organize its work as it thought fit.

His delegation was therefore much concerned at the suggestion that the Council should examine the Sub-Commission's programme of work and introduce substantive amendments to it. The programme finally approved by the Commission represented a compromise between the views of those delegations which had considered the draft programme submitted by the Sub-Commission to be over-ambitious, and the views of those who had thought it not ambitious enough. Consequently, he feared that to re-open discussion on the matter in the Council would merely result in a repetition of the arguments already advanced in the Commission. However, if the Council did decide to amend the programme, any delegation, including his own, would be free to propose amendments to it in the light of its interpretation of the Sub-Commission's original terms of reference.

What was necessary at the present stage was for the Council to decide whether it wished to make changes in the Sub-Commission's programme of work, or simply to note the Commission's resolution on the subject, as proposed in draft resolution H.

Mr. STERNER (Sweden) observed that educational measures and publicity based on sound research could strike at the very roots of the age-old problem of discrimination, and were capable of bearing valuable fruit through the undoubted effect they would have on public opinion. Nevertheless, a United Nations body specializing in problems of discrimination was needed as well. At that moment, the Commission on Human Rights, together with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, constituted such a body. Should an international agency eventually be set up to supervise the implementation of the proposed covenants on human rights, it might be able to take the Commission's place in the particular field in question.

He agreed with the Venezuelan representative that all the work of the Sub-Commission had not come up to expectation. To be sure, some of the draft resolutions in Annex IV to the Commission's report had really advanced matters. In particular, the draft resolution on the definition of minorities (Annex IV, paragraph 31) constituted a potentially valuable contribution, and much hard work had been put into it, though he could not subscribe to it in its entirety. Others, however, such as the draft resolution on erroneous views on religion, which had not been adopted by the Commission, and draft resolution G (technical assistance) in Annex V, could not be very highly commended.

In general, he felt that the Sub-Commission had devoted itself too exclusively to the drafting of resolutions, which was not always the best way of advancing matters. It was hardly desirable that the Sub-Commission should meet more frequently as had been suggested, if it was merely going to draft more resolutions. He hoped that at its next session, it would draw up a more concrete programme of work than the one then before the Council.

Paragraph 256 of the Commission's report suggested that the Sub-Commission should select a single subject for study every year, and raised the question of the co-ordination of its programme with the work of other agencies. Both subjects, he felt might have been gone into more thoroughly.

The proposal to appoint a special rapporteur to study discrimination in the field of education and to co-operate with UNESCO might prove of value but he wondered whether it might not be preferable to refer the problem to UNESCO, which could, if necessary, appoint a rapporteur of its own for the purpose.

No doubt there were in some cases - in the legal and constitutional fields, for example - no bodies in existence for the Sub-Commission to co-operate with. The Sub-Commission would have to deal with those matters direct, or through a special rapporteur. But the co-operation of the International Labour Organisation would be valuable on matters pertaining to wages, social security and housing, that of UNESCO on educational matters, and that of the Food and Agriculture Organization (FAO) on land and agricultural problems. The Commission's report ought more thoroughly to have explored the question of co-operation with those specialized agencies.

Mr. TERENCE (United Nations Educational, Scientific and Cultural Organization), replying to the questions put by the Swedish representative, said that UNESCO was entirely at the Council's disposal and was prepared, as he had already stated, to include a special chapter on the prevention of discrimination in its annual report or alternatively to leave the statement on the matter in its usual place among the general activities of the organization. It would continue to devote the same attention to the subject as it had done in the past.

In the meantime, the communication from the Deputy Director-General of UNESCO (E/2473) showed that the policy pursued by the organization, in accordance with the directives of its General Conference and the recommendations of the Economic and

Social Council, had been to combat discrimination through the media of education and public information. UNESCO had also studied the positive contributions made by various States to the solution of the problem, and the results of its studies had been made available to governments and to the organizations active in that field. While it had not yet conducted a survey into the present world situation concerning discrimination in the field of education, the Executive Board had taken note, at its 34th session, of the resolution adopted on the subject by the Commission on Human Rights, and had decided that, pending the decision of the General Conference on UNESCO's participation in the implementation procedure of the draft covenants on human rights - especially as regarded future studies on the effective application of those rights - the Director-General of UNESCO should supply the special rapporteur appointed by the Sub-Commission, without evaluating them, with all the data and statistics in the possession of the UNESCO Secretariat.

Miss MANAS (Cuba) confirmed the Venezuelan representative's assertion that discrimination was unknown in the Latin-American countries. In Cuba, it was forbidden by a provision of the Constitution that was strictly enforced.

Her delegation appreciated the work done by the Sub-Commission, which had positive value, and supported the proposal that that body should meet at least once a year.

She paid a tribute to the activities of UNESCO described in the communication from its Deputy Director-General, and hoped that UNESCO would continue to work along those lines.

Mr. DOROSZ (Poland) considered that the draft resolutions before the Council left much to be desired. Nevertheless, his delegation would vote for draft resolution A, because it felt that the Sub-Commission ought to meet at least once a year. It would also support the Soviet representative's proposal that a second session in 1954 should be contemplated.

Mr. CHENG PAONAN (China) felt that certain basic issues required clarification.

First, should there be a sub-commission on discrimination at all? Since the problem was a long-term one, his delegation had been in favour of the Sub-Commission's being put on a more permanent basis. The United Nations had a duty, implicit in the terms of the Charter, to study and promote the elimination of discrimination; accordingly the task could not, as had been suggested, be left to other bodies.

Secondly, ought the existing Sub-Commission to be replaced by a new one? New elections to the Sub-Commission had just taken place, and the Commission on Human Rights continued to advocate the principle of re-election.

Thirdly, was the programme of work proposed by the Sub-Commission over-ambitious or not ambitious enough? The programme was not over-ambitious in itself, but only so in view of the uncertainty of the Sub-Commission's existence and the shortness of its sessions. Accordingly, it had been proposed that the Sub-Commission should meet for at least three weeks every year. The Ad hoc Committee on Forced Labour and the United Nations Commission on the Racial Situation in the Union of South Africa (formerly the Ad hoc Committee on South West Africa) had taken several years over their work and had still not completed it. A session of three weeks was, therefore, an extremely short one for the Sub-Commission to carry out all that it had planned. On the other hand, he could not agree with the Philippine representative that the Sub-Commission was not doing enough; it would take years to finish the work in hand.

Fourthly, there was the question of the method to be adopted by the United Nations in connexion with the whole question of discrimination. Since there was no likelihood of peoples and governments abandoning discrimination on their own initiative, some long-term plan was required. It had been suggested that, since many specialized agencies and non-governmental organizations were interested in the problem, they might undertake the work. In the case of the specialized agencies the suggestion was a sound one, provided the agencies actually had a programme in that field. UNESCO had such a programme, but certain other agencies, he understood, had not. Non-governmental organizations, on the other hand, could render valuable assistance, but only by exerting their influence individually on governments or groups. He did not think that they had ever taken any concerted action to eliminate discrimination. The value of the assistance that the specialized agencies and non-governmental organizations could give had been recognized by the Sub-Commission, and draft resolution C canvassed the desirability of convening a conference of non-governmental organizations to discuss the problem.

The method recommended by the Commission on Human Rights itself was that the work should be carried out by the Sub-Commission in co-operation with the specialized agencies and non-governmental organizations, and through the appointment of a special rapporteur to study one particular aspect of the problem. He realized that the appointment of special rapporteurs was not a course which the General Assembly encouraged; but he hoped, nevertheless, that the Council would not, as it had done in the case of a certain report of a similar nature, decide to ignore the report of the rapporteur in question.

The third possible method was for the Council to set up sub-committees to deal with matters which the Sub-Commission was not competent to tackle. The ad hoc committees to which he had already referred provided a precedent for such action.

The Chinese delegation supported, in general, all the draft resolutions contained in Annex V to the report of the Commission on Human Rights. That did not mean, however, that it would vote in favour of every clause, and it was open to suggestions, especially in connexion with the Sub-Commission's programme of work.

The meeting rose at 1 p.m.