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COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Third Session

SUMMARY RECORD OF THE FIFTY-FIFTH MEETING

Held at Lake Success, New York,  
on Friday, 20 January 1950, at 2.30 p.m.

CONTENTS: Part C of General Assembly resolution 217 (III) on the fate of  
minorities (E/CN.4/Sub.2/39, E/CN.4/Sub.2/106/Rev.1,  
E/CN.4/Sub.2/111) (continued)

<u>Chairman:</u>	Mr. MASANI	(India)
<u>Rapporteur:</u>	Mr. MENESES PALLARES	(Ecuador)
<u>Members:</u>	Mr. BLACK	(United States of America)
	Mr. CHANG	(China)
	Mr. EKSTRAND	(Sweden)
	Miss MONROE	(United Kingdom of Great Britain and Northern Ireland)
	Mr. NISOT	(Belgium)
	Mr. ROY	(Haiti)
	Mr. SHAFaq	(Iran)
	Mr. SPANEN	(France)

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\* The fifty-sixth meeting of the Sub-Commission was held in closed session.

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Consultants from non-governmental organizations:

<u>Category B:</u>	Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
	Mr. BERNSTEIN	Co-ordinating Board of Jewish Organizations
	Mr. BEER	International League for the Rights of Man
	Miss GARTLAN	International Union of Catholic Women's Leagues
<u>Secretariat:</u>	Mr. LAWSON	Secretary of the Sub-Commission
	Mr. LIN MOUSHENG	Division of Human Rights

PART C OF GENERAL ASSEMBLY RESOLUTION 217 (III) ON THE FATE OF MINORITIES  
(E/CN.4/Sub.2/89, E/CN.4/Sub.2/106/Rev.1, E/CN.4/Sub.2/111) (continued)

1. The CHAIRMAN called upon the Sub-Commission to consider the paragraph beginning with the words "Decides that the best means of affording protection..." of the draft resolution submitted by Mr. Ekstrand and Mr. Black (E/CN.4/Sub.2/106/Rev.1). In his own view, the paragraph was superfluous and might be deleted.
2. Mr. BLACK (United States of America) explained that the paragraph had been inserted as a reply to Part C of General Assembly resolution 217 (III). He stressed that it represented an initial draft only; if a more definite reply were evolved as a result of further study, it might be substituted later.
3. The CHAIRMAN suggested that decision on that paragraph should be deferred.
4. He called upon the Sub-Commission to consider the following paragraph of the draft resolution, beginning with the words "Calls upon the Secretary-General...", and Miss Monroe's amendment to that part of the draft (E/CN.4/Sub.2/111).
5. Mr. BLACK (United States of America) pointed out that while the preceding paragraph was intended to show the stage actually reached by the Sub-Commission in its deliberations, the purpose of the paragraph, beginning with the words "Calls upon...", was to obtain the maximum of co-operation with the Member States of the United Nations.
6. Miss MONROE (United Kingdom) explained that the purpose of her amendment was to offer a definite reply to General Assembly resolution 217(III).  
/The decision

The decision set forth in resolution V of the Sub-Commission's second session represented one of the measures which might usefully be taken in that connexion; she therefore felt that special attention should be drawn to it.

7. Mr. EKSTRAND (Sweden) accepted Miss Monroe's amendment.

The amendment was adopted provisionally.

8. Mr. NISOT (Belgium) requested that the French text of sub-paragraph (a) of the paragraph beginning "Calls upon..." should be amended to conform to the text of Article 64 of the Charter.

9. The CHAIRMAN recalled that the Sub-Commission had previously decided to avoid references to its past decisions. Accordingly, he suggested that the words "as recommended in resolution IV of the second session of the Sub-Commission" should be deleted from sub-paragraph (a). On the other hand, the impression might be created that the scope of the sub-paragraph was more restricted than that of resolution IV; he therefore suggested the deletion of the words "in these two linguistic fields".

10. Mr. BLACK (United States of America) accepted the Chairman's amendments. Replying to Mr. SHAFAG (Iran), who pointed out that the wording of sub-paragraph (a) did not exactly correspond to that of resolution IV, he said that the reference to judicial decisions had been included because such decisions had been found very useful, particularly in Anglo-Saxon countries.

11. Miss MONROE (United Kingdom) felt it was dangerous to paraphrase the terms of a previous resolution; she would prefer resolution IV to be reaffirmed without change.

12. Mr. SHAFAG (Iran) did not see why the authors of the draft had omitted the reference to information on the status of minorities in the light of the provisions of the Universal Declaration of Human Rights which had been included in resolution IV.

13. Mr. MENESES PALLARES (Ecuador) remarked that in resolution IV the phrase "in the light of the Universal Declaration of Human Rights" applied both to information regarding legislative measures and that regarding the status of minorities.

/14. Speaking

14. Speaking of the Ekstrand-Black draft as a whole, he deprecated the method of going back to previous decisions and attempting to adjust them to new conditions.

15. Miss MONROE (United Kingdom) suggested that sub-paragraph (b), the text of which had originally been proposed by her, should be dropped. The deletion of the words "in these two linguistic fields" in sub-paragraph (a) rendered it superfluous.

It was so decided.

16. Miss MONROE (United Kingdom) proposed that the concluding paragraph of the Ekstrand-Black draft resolution should be amended to read as follows:

"Calls upon the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake studies on further possible measures of protection of minorities."

17. Mr. BLACK (United States of America) accepted that amendment.

18. Mr. CHANG (China) considered the concluding paragraph superfluous both in its original and its amended form. The second paragraph of the preamble, as amended, covered the subject of possible further studies.

19. The CHAIRMAN shared Mr. Chang's view.

It was decided to delete the concluding paragraph.

20. Mr. ROY (Haiti) thought that the Ekstrand-Black draft should not be presented in the form of a draft resolution to be adopted by the Economic and Social Council but as a decision of the Sub-Commission itself. The purpose of the text was to show the state of the Sub-Commission's work in the field of protection of minorities, thus giving a reply to Part C of General Assembly resolution 217 (III). It was unnecessary to request the Council to adopt it. He therefore proposed the deletion of the third, fourth and fifth lines of the preamble.

/21. Mr. SHAFaq

21. Mr. SHAFAG (Iran), while agreeing with Mr. Roy in principle, thought that the point he had raised might be dealt with at a later stage. The immediate issue was whether the Sub-Commission wished merely to reaffirm its previous decisions or to introduce a resolution which was substantially new.

22. The CHAIRMAN remarked that the Ekstrand-Black draft had been considerably improved in the course of the discussion; he therefore had no strong objections to it. He wondered, however, whether the Sub-Commission might not evolve an alternative answer to Part C of General Assembly resolution 217 (III), in the form of a draft article on the protection of minorities in the linguistic field for inclusion in the draft International Covenant on Human Rights. Such an article, if adopted, would constitute an effective and concrete reply to the General Assembly and would obviate the need for further action in that respect. If the article failed to be adopted, the Ekstrand-Black draft resolution would serve as a useful second alternative.

23. Pointing out that his proposal was not a new one, the Chairman drew attention to the text adopted by the Sub-Commission at its first session in connexion with article 36 of the Universal Declaration of Human Rights (E/CN.4/52, page 9). By adopting that text, the Sub-Commission had already committed itself to the inclusion of a clause on the linguistic issue.

24. Mr. ROY (Haiti) expressed the view that the Chairman's proposal was not necessarily incompatible with the Ekstrand-Black draft resolution.

25. Miss MONROE (United Kingdom) considered it essential that the Sub-Commission should act on the assumption that the inclusion of a clause in the draft Covenant on Human Rights was the best method of protecting the rights of minorities. She therefore supported the Chairman's proposal and agreed with Mr. Roy that it was not incompatible with the Ekstrand-Black draft resolution.

/26. She suggested

26. She suggested that the two proposals might be combined in a single text, the original Ekstrand-Black draft resolution serving as an alternative proposal. The new text would no longer take the form of a recommendation to the Economic and Social Council but would represent the Sub-Commission's recommendations on the reply to be sent to Part C of General Assembly resolution 217 (III). The Sub-Commission's first proposal would thus be that a clause covering the rights of minorities should be included in the draft Covenant on Human Rights. Should that proposal prove unacceptable to the Commission on Human Rights, the Sub-Commission would make the alternative proposal that the Daniels draft resolution on the linguistic rights of minorities should serve as an interim reply to the General Assembly. The Sub-Commission's first proposal might be included in a new clause to be inserted after the third paragraph of the preamble of the Ekstrand-Black draft resolution.

27. Mr. EKSTRAND (Sweden) and Mr. SPANIEN (France) expressed their agreement with Miss Monroe's proposal.

28. Mr. NISOT (Belgium) and Mr. ROY (Haiti) pointed out that the second proposal had already been submitted to the Commission on Human Rights in the form of a separate draft resolution.

29. Miss MONROE (United Kingdom) replied that the purpose of the second proposal was to provide an interim reply to Part C of General Assembly resolution 217 (III), should the Commission on Human Rights reject the Sub-Commission's proposed clause for inclusion in the draft Covenant. It would provide protection in a limited field, pending the completion of studies in other fields.

30. The CHAIRMAN proposed that the Sub-Commission should reach agreement on the type of clause it wished to propose for inclusion in the draft Covenant on Human Rights. He pointed out that the clause on the protection of minorities which the Sub-Commission had drafted at its first session had been confined to the protection of linguistic rights. It might be preferable to draft a clause on more general lines.



31. Mr. SHATAQ (Iran) suggested that the clause should follow the lines of the Sub-Commission's definition of the term "minority", and that it should cover the ethnic, religious and linguistic traditions and characteristics of minorities.

After some discussion, it was so decided.

32. Mr. NISOT (Belgium) stated that the inclusion of both proposals in a single draft resolution would preclude him from voting for the draft resolution as a whole, since, as he had already pointed out, he considered that the Daniels draft resolution on the linguistic rights of minorities was contrary to the provisions of paragraph 7 of Article 2 of the Charter.

33. Miss MONROE (United Kingdom) and Mr. EKSTRAND (Sweden) expressed the view that the Sub-Commission's alternative proposals should logically be included in the same document.

34. The CHAIRMAN proposed that a small drafting committee of three members of the Sub-Commission should be set up to draft a text for consideration at the following meeting.

The Sub-Commission elected a drafting committee, composed of the Chairman, Miss Monroe, Mr. Black and Mr. Ekstrand.

35. The CHAIRMAN announced that the Sub-Commission would adjourn to consider the report of the Committee on Communications in closed session.

The meeting rose at 3.40 p.m.