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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of Discrimination  
and Protection of Minorities  
Third session

Mr. Masani, Miss Monroe and Mr. Spanien: joint draft  
resolution on Problem of Implementation

The Sub-Commission on Prevention of Discrimination and Protection of  
Minorities,

Having examined the question of the implementation of the Draft International  
Covenant on Human Rights from the point of view of the effective prevention of  
discrimination and protection of minorities;

Having examined the various proposals and projects submitted to the  
Commission on Human Rights which have been made available to it;

Being fully appreciative of the natural desire of States to protect  
themselves against any abuse of the procedure under the Draft International  
Covenant on Human Rights by Governments who have not signed the Convention, since  
such misuse might injure the freer States while sparing the more authoritarian;

Takes this opportunity of placing before the Commission on Human Rights its  
views on the subject:

(a) With regard to the parties who should be given the right to initiate  
petitions under the Draft Covenant on Human Rights, the Sub-Commission is  
of the opinion that, in view of the risk envisaged in the Sub-Commission's  
definition of minorities, action by States is exposed to certain  
difficulties and dangers, and is further of the opinion that if States alone  
are granted the right to initiate proceedings, this will be a retrograde  
step in comparison with the provisions of the treaties for the protection  
of minorities concluded between the two world wars. In the light of these  
considerations, the Sub-Commission is of the view that petitions from

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non-governmental organisations and groups, as well as individuals, should find an adequate place in the machinery for the institution of proceedings under the Draft Covenant.

(b) The Sub-Commission is of the opinion that the establishment of an International Court or Tribunal still remains the most effective guarantee of Human Rights and looks forward to the establishment, as soon as may be, of such instruments of international justice. If the Commission on Human Rights feels, however, that such a step is not immediately feasible, the next most effective method of securing the prevention of discrimination and the protection of minorities through the execution of the International Covenant on Human Rights would be the establishment of a unified body having broad powers of supervision and conciliation and inspiring confidence by virtue of its undisputable competence on a strongly non-political plane. Even if international judicial machinery is not set up immediately, the Sub-Commission is confident that, in the light of experience of the work of such a body with powers of conciliation, it would be possible before long to have an International Court or Tribunal set up for the guarantee of human rights.

The Sub-Commission is of the opinion that the protection of minorities necessitates something more than a remedy for violations of their protected status, as governed either by the ordinary law or by international instruments. By its very nature, and in view of its optional and voluntary character, the enforcement of the rights of minorities may raise difficulties and lead to disagreements which can be settled only by a judicial body. The International Covenant on Human Rights should, therefore, subject to the requisite guarantees, transfer the necessary powers to the body which it proposes to set up.