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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Sixteenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND EIGHTEENTH MEETING

Held at Headquarters, New York,
on Tuesday, 21 January 1964, at 3.10 p.m.

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Draft international convention on the elimination of all forms of racial discrimination (E/CN.4/Sub.2/234; E/CN.4/Sub.2/L.308 and Add.1/Rev.1 and Add.1/Rev.1/Corr.1, L.309, L.311, L.314) (continued)

Organization of work

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PRESENT:

<u>Chairman:</u>	Mr. SANTA CRUZ	(Chile)
<u>Rapporteur:</u>	Mr. CAPOTORTI	(Italy)
<u>Members:</u>	Mr. ABRAM	(United States of America)
	Mr. AWAD	(United Arab Republic)
	Mr. CALVOCORESSI	(United Kingdom of Great Britain and Northern Ireland)
	Mr. CUEVAS CANCINO	(Mexico)
	Mr. INGLES	(Philippines)
	Mr. IVANOV	(Union of Soviet Socialist Republics)
	Mr. KETRZYNSKI	(Poland)
	Mr. KRISHNASWAMI	(India)
	Mr. MATSCH	(Austria)
	Mr. MUDAWI	(Sudan)
	Mr. SAARIO	(Finland)

Also present: Mrs. LEFAUCHEUX Commission on the Status of Women

Observers from Member States:

Miss KRACHT	Chile
Mr. SAJJAD	India
Mr. BARROMI	Israel
Mr. SCHAAPVELD	Netherlands
Mr. QUIAMBAO	Philippines
Mr. MATSEIKO	Ukrainian Soviet Socialist Republic
Mrs. NASON	United States of America
Mr. MELOVSKI	Yugoslavia

Representatives of specialized agencies:

Mr. FARMAN-FARMAIAN	International Labour Organisation
Miss BARRETT	United Nations Educational, Scientific and Cultural Organization
Mrs. MEAGHER	World Health Organization

PRESENT (continued):

Secretariat:

Mr. HUMPHREY

Director, Division of Human Rights

Mr. LAWSON

Secretary of the Sub-Commission

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (E/CN.4/Sub.2/234; E/CN.4/Sub.2/L.308 and Add.1/Rev.1 and Add.1/Rev.1/Corr.1, L.309, L.311, L.314) (continued)

The CHAIRMAN asked Mr. Abram for some clarification of the scope of article IX, paragraph 2, of his draft (E/CN.4/Sub.2/L.308/Add.1/Rev.1 and Corr.1).

Mr. ABRAM explained that the main purpose of the paragraph was to put the State under an obligation not to grant a franchise or license to any agency whose aim was to incite to racial hatred resulting in or likely to cause acts of violence.

Mr. INGLES said that he understood the paragraph to mean that, if an organization already in existence incited to racial hatred, the State would be able to withdraw the franchise previously granted to it. If that interpretation was correct, there was little difference between article II, paragraph 2 (a) of the draft submitted by Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314) and the paragraph under consideration.

Mr. ABRAM said that the interpretation given by Mr. Ingles was correct. However, despite that fact, his paragraph was quite different in scope from the paragraph in the draft of Mr. Ivanov and Mr. Ketrzynski. In his view, the State should not be given the power to prohibit or disband organizations practising racial discrimination, because the State might include political parties in that category. The provision in document E/CN.4/Sub.2/L.314 therefore left the way open for totalitarian measures. In addition, the paragraph in document E/CN.4/Sub.2/L.314 spoke of organizations practising or inciting to "racial discrimination", while his text referred to organizations which incited to racial hatred resulting in or likely to cause acts of violence.

The CHAIRMAN pointed out a minor error in the Spanish translation of the last words of article IX, paragraph 2 (E/CN.4/Sub.2/L.308/Add.1/Rev.1): the word "such" had been omitted.

Mr. IVANOV thought that the discussion should be based on article II, paragraph 2, sub-paragraphs (a), (b) and (c) of document E/CN.4/Sub.2/L.314, because they stated clearly and objectively the measures which States Parties should undertake to adopt. Those sub-paragraphs were based on several articles in

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(Mr. Ivanov)

the Declaration adopted by the General Assembly, in particular articles 4 and 9; they could form article III of the draft convention.

Many international instruments contained provisions similar to those embodied in the sub-paragraphs in question. For example, the Treaty of Peace signed by several countries with Italy after the Second World War contained an article stipulating that Italy, after taking measures to dissolve the fascist organizations existing in its territory, should not permit the resurgence of such organizations. The Treaties of Peace with Austria and Finland also contained provisions of that type which, in his view, by no means infringed freedom of expression or assembly in those three countries.

He had the same respect for freedom of expression and association as did the other experts on the Sub-Commission and article 19 of the Universal Declaration of Human Rights was no less sacred for him than for Mr. Abram, who had invoked it on several occasions during the discussion. In that connexion, he found the accounts of the Sub-Commission's debates as reported in the American Press somewhat odd: Mr. Abram appeared as the defender of fundamental freedoms, continually having to contend with Mr. Ketrzynski and Mr. Ivanov, who were seeking to violate those freedoms.

In his view, it was a logical error to believe that the freedom of the Press and freedom of expression and association were infringed if fascist organizations and racist propaganda were banned. On the contrary, it was when fascist organizations were allowed to engage in their hateful propaganda that the rights of the individual were jeopardized, since the aim of such organizations was precisely to deprive individuals of their democratic freedoms.

The question of racist propaganda was unfortunately extremely topical. It was known that there were many organizations which defended racial segregation and the doctrine of racial superiority. Quite recently, a West German anthropologist who, incidentally, had held important posts under the Hitler regime, had stated that the Negroes were incapable of self-discipline, that they should long ago have been exterminated by the colonialists and that racial integration was an absurdity. There was a party in the United States which disseminated its slogans through the Press and stated that the Jews must be exterminated by 1970.

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(Mr. Ivanov)

Experience showed that racist declarations of that type constituted a great danger to mankind. Before the Second World War, progressive individuals and organizations, such as the International League for the Rights of Man, had drawn attention to the threat presented by hitlerite institutions and had recommended that they should be banned and stigmatized. The League of Nations had not heeded those warnings and everyone knew how great a catastrophe had followed.

Moreover, the constitutions of the socialist countries and also of some bourgeois countries such as Brazil contained provisions condemning racist organizations along with provisions enunciating the principle of freedom of expression and association. There was therefore no contradiction, as Mr. Abram seemed to think, between those two ideas. What he himself wanted was to defend the rights of the millions of victims of discrimination, but to defend them by deeds and not by words alone.

The CHAIRMAN said that the time had not yet come for the Sub-Commission to select one of the drafts before it as a basis for discussion. The experts had to clear up several fundamental problems before proceeding to the actual drafting.

He wished to say, in his personal capacity, that in his opinion the discussion should centre around the three main questions of whether the Convention should provide for incitement to racial discrimination to be considered as a criminal offence, whether the States Parties should undertake to punish such incitement, regardless of whether or not it led to acts of violence, and whether organizations which promoted or incited to racial discrimination should be prohibited or disbanded.

In his opinion, the experts could draw inspiration, in their consideration of those questions, from two great models: the Universal Declaration of Human Rights, the substantive articles of which provided for the right to freedom of opinion and of expression, freedom of association and other freedoms, and article 30 of which laid down that nothing in its provisions could be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth therein; and the Declaration on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly (A/RES/1904), and in particular article 9 of that Declaration.

(The Chairman)

One of the great principles established by the United Nations was that racial discrimination was a punishable offence if it disturbed law and order and if it jeopardized peaceful coexistence among nations. In that sense, it was comparable to other types of incitement, such as incitement to armed revolt against a legally constituted Government. In his view, however, racial discrimination was also an offence in itself, even if it did not lead to acts of violence, as it was detrimental to the free development of man and constituted an attempt to destroy his personality. That idea was developed in article 9 of the Declaration adopted by the General Assembly. He considered that the question of organizations which promoted or incited to racial discrimination was adequately dealt with in article 9, paragraph 3 of that Declaration, the terms of which could well be included in a convention.

Finally, in his opinion it would be best not to give a list of the organizations which the Sub-Commission had in mind, because any such list, as it could not be exhaustive, would automatically be restrictive.

Mr. KRISHNASWAMI felt that it was incontestable that incitement to racial discrimination which led to acts of violence should be punishable by law. The crucial problem was thus to define the measures to be taken to deal with that other type of incitement to racial discrimination, which, while morally condemnable, did not lead to acts of violence. In his opinion, it was essential to draw a very clear distinction between those two types of incitement in the convention, so that States Parties could not take advantage of the convention's provisions to restrict freedom of expression in fields other than racial discrimination.

Organizations and individuals could not, of course, be allowed to threaten international peace and security. The object of article 30 of the Universal Declaration of Human Rights was precisely to prevent such a danger; he recalled that it had been added rather belatedly to the Universal Declaration in order to prevent a repetition of situations like that which had arisen in Nazi Germany. In his opinion, however, it was educational measures and the creation by Governments of a climate of public opinion favourable to racial equality which would best enable racist propaganda and incitement to racial discrimination to be eliminated.

He shared the Chairman's opinion regarding a listing of the organizations which the Sub-Commission had in mind in the article under consideration.

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Mr. SAARIO remarked that article IX was not in accordance with the article II adopted by the Sub-Commission. Propaganda in favour of racial discrimination was to be severely condemned, as stated in article 9, paragraph 1, of the Declaration (A/RES/1904 (XVIII)), but it could not be laid down that such propaganda constituted a criminal offence, as that phrase was too vague. What was punishable under law, however, under paragraph 2 of that article, was incitement to violence or acts of violence.

There was a gap in article IX, paragraph 2, of Mr. Abram's text (E/CN.4/Sub.2/L.308/Add.1/Rev.1), in that, while it specified that no State Party "shall grant a franchise or licence to any agency, organization, group or individual for the purpose of inciting to such racial hatred", it did not provide for the possibility of disbanding an organization which took part in morally condemnable activities of that kind.

Like the Chairman, he did not think that those organizations should be mentioned by name; it would be better to define them.

Mr. CALVOCORESSI said that the Sub-Commission was tackling problems which had been facing mankind for over 2,000 years, and that it could not, therefore, expect to settle them immediately. There were two opposing tendencies. On the one hand there were those who began by requiring the State to prohibit all noxious activities and disband organizations which engaged in them, because they endangered the State and society, while on the other hand were those who were more alert to the danger that in so doing the State might destroy something which was more important and might curtail freedom of speech, thought, expression and association. Everybody knew that these freedoms were in fact curtailed whenever the cry was raised of the state in danger, as in time of war, but the example showed that restrictions were only justified by extreme emergency and that in normal circumstances freedom of speech, etc., should prevail. The question arose what acts and organizations the draft convention should condemn. Mr. Ivanov had stressed that the State should not be a passive spectator in the face of harmful activities and he had instanced the showing of incitatory films. When Mr. Ivanov came to such examples we agreed with him and would find ways and words to ban incitement of that kind.

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(Mr. Calvocoressi)

The Chairman had raised the question whether racial discrimination should be considered an offence, regardless of its consequences, and whether the convention should therefore provide for the disbanding of organizations guilty of such discrimination. The latter question would not arise if racial discrimination in itself were a crime since the organizations would be criminal conspiracies, but in his view, as in that of Mr. Saario and Mr. Krishnaswami, racial discrimination was too abstract a concept to be punishable by law, and it would therefore be an abuse to deny to individuals the right to form groups or to disband an organization which was not accused of any unlawful act. It had been held that such an attitude might permit organizations carrying out subversive activities to grow up undisturbed, but the proper defence in such cases was not legislation but vigilance.

The Chairman had also put the question whether the convention should impose on States the obligation to punish incitement to racial hatred and propaganda favouring racial discrimination, and whether it should prohibit incitement to or propaganda in favour of racial discrimination. In connexion with the first of those questions, he remarked that the Declaration (A/RES/1904 (XVIII)) made no mention of hatred; further, hatred was a state of mind, not an act, and should not be the subject of a legal text. On the second question he argued that the law should concern itself with the consequences of racial discrimination. He did not think, therefore, that it was possible to go any further than the text of article IX put forward by Mr. Abram (E/CN.4/Sub.2/L.308/Add.1/Rev.1). Finally, he was surprised at Mr. Ivanov's remark that the Sub-Commission should faithfully follow the Declaration (A/RES/1904 (XVIII)) and by his statement that all present had voted for the Universal Declaration on Human Rights. The text submitted by Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314) contained language not to be found in the Declaration (A/RES/1904) and he recalled that certain States had abstained on the vote for the Universal Declaration including States whose nationals were in the present Sub-Commission.

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The CHAIRMAN recalled that his first question had not been merely whether racial discrimination was to be regarded as a crime, but whether States should prohibit any incitement to racial discrimination and propaganda. He also pointed out that he had referred to those organizations which, as stated in article 9, paragraph 3, of the Declaration [A/RES/1904 (XVIII)], "... promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination".

Mr. CAPOTORTI observed that, as far as acts of violence and incitement to violence were concerned, the various drafts before the Sub-Commission reproduced quite faithfully the wording of article 9, paragraph 3, of the Declaration [A/RES/1904 (XVIII)] which specified that "all incitement to acts of violence ... shall be considered an offence against society and punishable under law". Indeed, Mr. Abram, in article IX, paragraph 1 (E/CN.4/Sub.2/L.308/Add.1/Rev.1), also referred to an offence against society punishable under law, and Mr. Ivanov and Mr. Ketrzynski, in their article II, paragraph 2 (c) (E/CN.4/Sub.2/L.314), characterized incitement to or participation in acts of violence as a criminal offence against society punishable under law.

Nevertheless, such was not the case with regard to propaganda and organizations. Article 9, paragraph 1, of the Declaration stated that all propaganda with a view to justifying or promoting racial discrimination should be severely condemned, that being more a moral than a legal stigmatization. However, Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314, art. II para. 3) called for the prohibition of such propaganda, whereas Mr. Abram (E/CN.4/Sub.2/L.308/Add.1/Rev.1) only proposed that "no franchise or license shall be granted to any agency, organization, group or individual for the purpose of inciting to such racial hatred".

With regard to those organizations, article 9, paragraph 3, of the Declaration specified that all States should take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw them, whereas in the text of Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314), article II, paragraph 2 (a), provided that such organizations should be prohibited and disbanded, and paragraph 2 (c) stated that participation in the activity of such organizations was a criminal offence. Mr. Abram proposed, in article IX,

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paragraphs 2 and 3 (E/CN.4/Sub.2/L.308/Add.1/Rev.1), that the State should not support nor grant a franchise or licence to such organizations.

He himself thought that the question of propaganda and organizations could be considered one. The basic problem was what attitude must be adopted towards incitement to racial discrimination.

In that connexion, he shared the Chairman's views that the principles set out in the Declaration must be followed; that the point of departure must be the fact that, since racial discrimination had been severely condemned, incitement to racial discrimination must also be condemned; and that it was especially important to provide for the possibility of disbanding the organizations guilty of such deeds if the incitement led to reprehensible acts.

In his opinion, Mr. Abram's proposal that the persons who had suffered harm should be provided remedial relief was worthy of interest.

He pointed out, moreover, that the manifestation of isolated opinions in the field of racial discrimination and incitement to racial discrimination must not be placed on the same footing, since one must always and only consider activities which incited racial discrimination. That was why he supported the opinion expressed by Mr. Krishnaswami.

With regard to Mr. Ivanov's statement, he stressed the difficulties involved in designating organizations as fascist. That term had been the subject of so many debates and different political interpretations that it had acquired numerous connotations; if, therefore, the Convention was to fulfil its purposes, it would be better to speak solely of racist organizations.

The CHAIRMAN drew the Sub-Commission's attention to document A/5603, which contained the proposals of the members who had taken part in the formulation of the Declaration [A/RES/1904 (XVIII)] and the reasons which had led to the adoption of the articles in their present form.

Mr. CUEVAS CANCINO thought, like Mr. Saario, that the Sub-Commission should begin its work on a solid foundation - in the present instance that would be article II, which it had already adopted and to which it should endeavour to make article IX proposed by Mr. Abram conform.

(Mr. Cuevas Cancino)

The debates seemed to give the impression that the Sub-Commission was breaking new ground by defining racial discrimination and enabling the State to restrict the activities of individuals in that regard. That, however, was not the case; history showed that States imposed restrictions on individual freedoms in conformity with the development of society and the concept of public morality. Indeed, that latter concept varied considerably according to the times, and the debates to which it had given rise had made possible the gradual building-up of a body of law.

The question of the relationship of the individual conscience to the society to which the individual belonged was complicated by the fact that it was bound up with the relationship of that society to the world community, the latter relationship constituting one of the most important elements of the debates in the United Nations. The world community concept, which had arisen as modern States had been brought closer together by the great scientific discoveries, had in turn given rise to the idea of an international public morality. It could be said that racial discrimination, which was a question of major importance, came under the latter heading. In so far, however, as the convention being prepared by the Sub-Commission was concerned, it was understood that international public morality must not conflict with the internal organization of States; it would thus have to be a sort of least common denominator, the standard which must guide States, regardless of their structural differences. To that end, it would be necessary to state precisely what obligations a State must meet in respect of racial discrimination.

Turning to the texts before the Sub-Commission, he pointed out that the word "promote", which had been used by Mr. Abram and in the Declaration adopted by the General Assembly, had been accepted in the Declaration only after a prolonged debate. In his opinion, the term "incite" was much more precise and considerably clearer from the legal point of view.

Article II, paragraph 2, of document E/CN.4/Sub.2/L.314 took a clear stand by considering any participation in the activity of racist organizations to be a criminal offence. On the other hand, it seemed that the Christian States of the West were more reticent when the question of justifying State intervention arose.

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He was not satisfied with article IX, paragraph 5, of Mr. Abram's text - that paragraph being based mainly on article 9 of the Declaration adopted by the General Assembly - primarily because it left the initiative of seeking remedial relief to the individual who had suffered harm. He much preferred the arrangement in force in certain countries - for example, Mexico - where it was considered that since the public interest was involved, it was for society to intervene in serious cases.

In his opinion, E/CN.4/Sub.2/L.314 borrowed from the Declaration adopted by the General Assembly almost the same ideas as the text proposed by Mr. Abram; however, it strengthened the ideas contained in paragraphs 2 and 3 of article 9. Unlike Mr. Ketrzynski, who thought that the texts proposed by Mr. Abram and Mr. Ivanov were so different that the Sub-Commission would be compelled to accept one or the other, he considered that it would not be impossible to find a common ground between the two texts while perhaps giving preference to article 9 of the Declaration adopted by the General Assembly.

In reply to the three questions put by the Chairman at the beginning of the debate, he said that in his opinion the convention should provide that States would undertake to prohibit and punish any racial propaganda within their territory, to prohibit and disband organizations which promoted or incited to racial discrimination; furthermore, incitement to racial discrimination, whether or not accompanied by acts of violence, should be condemned.

Mr. INGLES observed that article 29 (2) of the Universal Declaration of Human Rights subjected the exercise of human rights to such limitations as were determined by law for the purpose solely of securing due recognition and respect for the rights and freedoms of others. In the sense that article 9 of the Declaration adopted by the General Assembly on the abolition of all forms of racial discrimination might be interpreted as limitations imposed on freedom of speech and association, that was justified since the object was to protect the rights and freedoms of others. For the same reason laws punishing libel were not considered as infringing freedom of speech. Racial discrimination was more serious than libel as it did something more than attack the honour and reputation of the victim.

The text of document E/CN.4/Sub.2/L.308/Add.1/Rev.1 provided an excellent basis for incorporating, with certain slight changes which he was submitting to

(Mr. Ingles)

the Commission,^{1/} the principles set forth in article 9 of the Declaration adopted at the eighteenth session.

Mr. ABRAM was in favour of the text proposed by Mr. Ingles but would like the word "incite" to be preserved, as it was more precise and more hallowed by usage than the word "promote".

Mr. KETRZYNSKI noted that the members of the Sub-Commission seemed agreed on taking the text of the Declaration adopted at the eighteenth session as a basis for their work. That being so, it was essential to have a proper understanding of the content and scope of that text. In the first place, it must be understood that article 9, paragraph 1, of the Declaration did not merely express a moral condemnation, as some speakers appeared to suggest, since paragraphs 2 and 3 of that article provided for legal penalties. Furthermore, it was clear from the context that those penalties were to be applied to individuals as well as to organizations guilty of incitement to racial discrimination. Those were the ideas which should be reiterated in the text of the Convention which the Sub-Commission would finally draw up.

Reverting to some of the points raised by the Chairman at the beginning of the meeting and in particular to the question whether organizations would be punishable under law on the ground that their activities could be regarded as inciting to violence, he felt that it would be sufficient to say that an organization should be prohibited when its purpose was contrary to law.

As for the problem of propaganda, it was a controversial issue to the extent that the question of freedom of expression was involved. However, in his opinion there were forms of freedom of expression which it was impossible to accept for the reason that they were contrary to the Declaration. Consequently, whenever any form of propaganda could be regarded as inciting to racial discrimination, it should become punishable under law and be prohibited or condemned.

He added that he would not like to see the words "racial hatred" eliminated from the text to be approved by the Sub-Commission. Although to some people those words implied no more than a state of mind, the expression of racial hatred could nevertheless take the form of incitement to racial discrimination. Without going so far as incitement proper, the fact of creating an atmosphere of racial hatred, for instance by referring to a racial group in contemptuous terms, was equally reprehensible. Everyone knew that in such a climate the outcome would

^{1/} The text suggested by Mr. Ingles was subsequently issued as document E/CN.4/Sub.2/L.330.

inevitably be racial discrimination. It was true to say that any incitement to racial hatred led indirectly to racial discrimination.

As for the extent to which the Convention might jeopardize the entire body of freedoms of a democratic society, he did not think it was for the Sub-Commission to decide that question. In that connexion, however, he wished to stress that at that stage in its work the Sub-Commission was entering a field which to some might appear new, owing to the fact that it was no longer dealing solely with the liberties of the individual as traditionally defended, the individual in that context being regarded as a member of society. The problems raised in connexion with racial discrimination were the same as those that had arisen in former times in connexion with welfare legislation, which, it had been claimed, interfered with the traditional liberties of the individual. Welfare legislation had nevertheless become an accepted part of life, and the same would be true of the question before the Sub-Commission.

The proposal by Mr. Ingles that the text submitted by Mr. Abram should be taken as a basis for the Sub-Commission's work was difficult for him to accept. One of the reasons was that paragraph 2 of the text in question mentioned only the obligation of States not to issue a licence to agencies or organizations for the purpose of inciting to racial hatred, and it therefore left open the problem of countries where organizations were not required to apply for a licence. Furthermore, the expression "for the purpose of inciting to racial hatred" in the same paragraph was controversial, for it was difficult to imagine any organization openly proclaiming that that was the objective which it intended to pursue.

Mr. IVANOV considered that the changes proposed by Mr. Ingles to Mr. Abram's document did not materially alter the text, which he for his part found rather unsatisfactory. He criticized it in particular for leaving open the possibility of encouraging the activities of racist organizations financed by monopolies or large financial groups.

He felt that the Sub-Commission should take the Declaration adopted by the General Assembly as the basis for drafting the text of the Convention. For the benefit of the experts who had found fault with the word "propaganda", he stressed that the term appeared in the text of the Declaration as well as in many legal texts, where it implied anything but a vague idea, as some were trying to claim.

The CHAIRMAN proposed that the discussion should be resumed at the afternoon meeting on the following day so that it might be possible to draw up a text based on those before the Sub-Commission and on the amendments submitted and the views exchanged in the course of the discussion.

ORGANIZATION OF WORK

The CHAIRMAN noted that the Sub-Commission was behind with its work; an extension of the session had been proposed, but that was not possible, since some members - Mr. Capotorti, for example - were unable to stay on beyond 31 January. On the other hand, it might be possible, as some had suggested, to hold longer meetings and to have the working groups meet more frequently.

The meeting rose at 5.55 p.m.