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## COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND  
THE PROTECTION OF MINORITIES

## FIRST SESSION

SUMMARY RECORD OF THE ELEVENTH MEETING  
Held at the Palais des Nations, Geneva,  
on Monday 1 December, 1947, at 3.05 p.m.

## Present:

Chairman:	Mr. E.E. EKSTRAND (Sweden)
Vice-Chairman:	Mr. Herard ROY (Haiti)
Rapporteur:	Mr. Joseph NISOT (Belgium)
Members:	Mr. W.M.J. McNAMARA (Australia)
	Dr. C.H. WU (China)
	Mr. MENESES (Ecuador)
	Mr. J. DANIELS (United States of America)
	Mr. Samuel SPANIEN (France)
	Mr. M.R. MASANI (India)
	Mr. Rezazada SHAFaq (Iran)
	Miss Elizabeth MONROE (United Kingdom)
	Mr. A.P. BORISOV (Union of Soviet Socialist Republics)
Representative of the Commission on the Status of Women:	Mme. LEFAUCHEUX
Specialised Agencies:	Mr. Rodolphe LOPES (ILO)
International Non- Governmental Organizations:	Mr. F.R. Bienenfeld (World Jewish Congress)
	Mr. A.G. Brotman (Co-ordinating Board of Jewish Organizations)
Secretariat:	Prof. J.P. Humphrey
	M. Edward Lawson
	Mr. Emile Giraud
	Mr. A.H. Hekimi

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The CHAIRMAN congratulated the members of the Committee of Four on the expeditious manner in which they had performed their task and invited Mr. SHAFQAQ to report on the Committee's work.

Mr. SHAFQAQ (Iran) stated that three members of the Committee: Miss MONROE, Mr. SPANIEN, and himself had agreed on the following text: "In States inhabited by well defined ethnic, linguistic or religious groups which are clearly distinguished from the rest of the population and which want to be accorded differential treatment, citizens belonging to such groups shall have the right as far as is compatible with public order and security to establish and maintain their schools and cultural or religious institutions, and to use their own language and script in the press, in public assembly and before the courts and other authorities of the State, if they so choose." He added that Mr. McNAMARA, being unable to give his support to this text, had submitted a number of amendments.

The CHAIRMAN pointed out that Mr. BORISOV had also submitted amendments to the text of Article 36 as it appeared in document E/CN.4/21. These amendments did not refer therefore to the text proposed by the Committee of Four and would be discussed later. He considered that, as Mr. McNAMARA's text was furthest removed from the original, it should be discussed first.

Mr. McNAMARA (Australia) stated that the amendments he had proposed to the Committee's text were as follows:

1. Delete the words "well defined".
2. Delete the words "which are clearly distinguished from the rest of the population and which want to be accorded differential treatment".

3. Replace the word "citizens" by "persons".
4. Delete the words "as far as is compatible with public order and security".

He thought it would be illogical for the Sub-Commission to restrict the rights and that was the justification for his amendments. The least dangerous of those parts of the Committee's text to which he objected was the expression "well defined" but any restriction would be contrary to the spirit which should actuate the Sub-Commission and also to the spirit of the Declaration. He recalled that during the discussion of the right to emigrate and change nationality Miss MONROE had been opposed to any restriction in that field, whereas he himself had recognized certain restrictions on the grounds of security. He noted that Miss MONROE now accepted the ideas he wished to delete by his amendments 1 and 4, because he feared that Governments might find it too easy to take advantage of this text for the purpose of restricting the rights in question. The Sub-Commission's desire, on the other hand, seemed to be actually to extend these rights, particularly insofar as freedom of religious opinions was concerned.

Mr. MASANI (India) approved the text of the majority of the Committee, except as regards the phrase "which want to be accorded differential treatment". This expression implied the desire of a minority to obtain privileges, whereas in point of fact, the Sub-Commission only wished to assume equality of rights for all the groups of the community. He proposed an amendment to replace "to be accorded differential treatment" by "to be treated as such".

Mr. SPANIEN (France) took it that Mr. MASANI did not wish to accord privileged treatment to minorities. In his view the words "to be treated as such", if their object was to accord equal rights to all sections of the community, did not represent an improvement of the kind desired by the author of the amendment. Replying to the observation made by Mr. McNAMARA, he pointed out that he had been in agreement with Miss MONROE on the principles of liberty of movement and expatriation, as at that time the Sub-Commission had been engaged in defining a principle, whereas now it was dealing with discriminations. In his view the protection of minorities could only be a temporary thing, the aim being complete non-discrimination. If in the matter of non-discrimination there could be no reservations, when it came to minorities, prudence was advisable.

The CHAIRMAN noted that there was no agreement on the proposed text. He suggested that they should first discuss Mr. McNAMARA's amendment, then the amendment of Mr. MASANI followed by the others in their logical order. He declared discussion open on Mr. McNAMARA's first amendment proposing the deletion of the words "well defined".

Mr. MENESES (Ecuador) shared Mr. McNAMARA's wish not to extend restrictions. As regards the words "well defined" which undoubtedly represented a restriction, it would be wise to delete them. He pointed out that in so doing they would be conforming to the Sub-Commission's intention not to restrict liberties and equality of rights.

The CHAIRMAN put Mr. McNAMARA's amendment to the vote.

DECISION: The amendment was rejected by 7 votes to 5

The words "well defined" were thus retained.

Mr. BORISOV (Union of Soviet Socialist Republics) wished to know who would define the ethnic, linguistic or religious groups, and who would define whether they were well defined.

The CHAIRMAN said that in his personal view it was a question of national legislation. He declared the discussion open on Mr. McNAMARA's second amendment proposing the deletion of the words "which are clearly distinguished from the rest of the population and which want to be accorded differential treatment."

Mr. DANIELS (United States of America) thought that in the text submitted by the Committee an attempt had been made to give a clearer definition of certain rights and not to restrict them. With regard to Mr. McNAMARA's second amendment, however, he did not see why certain minorities, which might not desire to be assimilated to the majority of the population, could not enjoy complete equality of all rights.

Dr. WU (China) considered that after the rejection of the first amendment, Mr. McNAMARA's second amendment was superfluous.

The CHAIRMAN pointed out that the second amendment also contained the phrase "which want to be accorded differential treatment" with regard to which Mr. MASANI had submitted an amendment.

Dr. WU (China) thought that this phrase was unnecessary, since the text concluded with the words "if they so choose".

Miss MONROE (United Kingdom) pointed out that 35 Articles of the proposed text defined a large number of rights and she therefore thought it inadvisable for Article 36 to contain a large number of restrictions.

The CHAIRMAN observed that Mr. McNAMARA's second amendment contained two phrases:

1. "which are clearly distinguished from the rest of the population":
2. "which want to be accorded differential treatment."

He proposed that they should discuss these two phrases one after the other.

Mr. MENESES (Ecuador) found it somewhat difficult to decide what attitude he should take in connection with the first phrase. He was in favour of deleting it, because it represented a restriction. But on the other hand, he gave due weight to the fact that what precisely characterized a minority was the wish to remain a minority.

Mr. McNAMARA (Australia) stated that the retention of the first phrase would be either repetitive or dangerous, for the very reasons given by Mr. MENESES. These words constituted a restriction of the rights of minorities, for instance, that of having their own schools, and led, moreover, to confusion.

The Sub-Commission

DECIDED:

to reject the first part of the amendment, by 6 votes to 5 with one abstention. The words "which are clearly distinguished from the rest of the population" were retained.

The CHAIRMAN announced that besides the second part of Mr. McNAMARA's second amendment there was an amendment by Mr. MASANI.

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## The Sub-Commission

### DECIDED

To reject the second part of Mr. McNAMARA's amendment, by 6 votes to 3 with 3 abstentions. The words "which want to be accorded differential treatment" were thus retained.

The CHAIRMAN called attention to Mr. MASANI's amendment to replace the words "to be accorded differential treatment" by "to be treated as such."

Mr. ROY (Haiti) pointed out that the difference between the text proposed by the Committee and that of Mr. MASANI was purely formal. In the mere matter of a restriction it was difficult to adopt one amendment rather than another. He personally preferred the Committee's text.

Mr. MASANI (India) remarked that the French translation of his text might give rise to difficulties. It would be better therefore in the French text to replace the words "régime particulier" by "traitement différentiel"; but in English the word "differential" had a restrictive sense. He asked if it would be possible to keep the word "différentiel" in the French text, and to retain the initial wording in the English.

The CHAIRMAN stated that it was impossible to comply with this request since the Sub-Commission had to adopt a single text, the other being a translation.

Mr. ROY (Haiti) remarked that the words "traités comme tels" were meaningless in French.

The CHAIRMAN asked whether to facilitate a solution, Mr. MASANI could not see his way to accepting the text proposed by the Committee.

Mr. MASANI (India) upheld his amendment because he thought it clearer.

Mr. MENESES (Ecuador), without wishing to add to the confusion of the discussion, thought that the text lacked clarity. The Sub-Commission ought not to stress the fact that ethnic groups should enjoy equal rights, but that those rights should be accorded them. He therefore proposed that the "bénéficiaire d'un régime particulier", be replaced by "se voient accorder un traitement différentiel".

The CHAIRMAN proposed that a simultaneous vote be taken on the texts proposed by Mr. MASANI and by the Committee. Members could declare themselves in favour of one or the other.

The Sub-Commission

DECIDED

To retain the Committee's text, Mr. MASANI's amendment obtaining 4 votes and that of the Committee 7, there being 1 abstention.

The CHAIRMAN asked members to express their views on the amendment to this text submitted by Mr. MENESES.

Mr. BORISOV (Union of Soviet Socialist Republics) thought the text was not clear. He did not see how it was possible for a man, whatever the race, religion, language or ethnic group to which he belonged, not to wish to be treated on an equal footing with other groups in the community. He did not understand the



phrase proposed by Mr. Meneses.

Miss MONROE (United Kingdom) supported Mr. MENESES's amendment.

Mr. SHAFaq (Iran) saw no objection to the amendment since it was an improvement on the restriction.

THE CHAIRMAN, since there appeared to be no opposition to the proposed text, thought it unnecessary to take a vote.

Mr. McMANARA (Australia) and Mr. BORISOV (Union of Soviet Socialist Republics) asked for their abstention to be put on record.

Miss MONROE (United Kingdom), in reply to Mr. BORISOV, stated that she could very well imagine a man wishing to obtain differential treatment.

The CHAIRMAN put Mr. McMANARA's third amendment to the vote.

The Sub-Commission

DECIDED

To adopt the amendment, by 6 votes to 5 with one abstention. The word "persons" was substituted for "citizens".

The CHAIRMAN declared discussion open on Mr. McNAMARA's fourth amendment.

Dr. WU (China) was unable to accept the proposed deletion, but submitted an amendment to replace the words "as far as is compatible with public order and security" by "in accordance with the purposes and principles of the United Nations Charter."

Mr. McNAMARA (Australia) accepted this proposal and withdrew his amendment.

Miss MONROE (United Kingdom) noted that the Sub-Commission desired to impose limits on certain groups to which it wished to grant the rights provided in Article 36. Dr. WU's amendment made the limits as wide as possible, since the Sub-Commission was unable to do anything contrary to the purposes and principles of the Charter. She could not therefore accept Dr. WU's amendment.

Mr. MCNAMARA (Australia) announced that on reflection and following Miss MONROE's statement he felt compelled to re-introduce his amendment.

Mr. SPANIEN (France) pointed out that the matter at issue was one coming under the sovereignty of the State. It was for that reason that the Committee of Four had felt obliged to make a reservation covering anything likely to reduce that sovereignty.

The CHAIRMAN put Dr. WU's amendment to the vote.

The Sub-Commission

DECIDED

To reject the amendment, by 7 votes to 2 with 3 abstentions.

Mr. ROY (Haiti) stated that he had abstained because he could not vote against the purposes and principles of the Charter.

The CHAIRMAN put Mr. MCNAMARA's fourth amendment to the vote.

The Sub-Commission

DECIDED

To reject the amendment, by 6 votes to 5 with 1 abstention.

The words "as far as is compatible with public order and security" were retained.

The CHAIRMAN declared discussion open on the part of the text proposed by the Committee which read: "to establish and maintain their schools and cultural or religious institutions, and to use their own language and script in the press, in public assembly and before the courts and other authorities of the State, if they so choose."

Mr. ROY (Haiti) regarded the last words "if they so choose" as redundant, since the matter in question was a right, which might or might not be used, and not a duty. He proposed an amendment to the effect that those words be deleted.

Mr. SPANIEN (France) pointed out that it would be well to retain the words in order to facilitate the administration of justice. To allow a plaintiff to plead in a language other than the official one might be a source of obstruction.

The CHAIRMAN put Mr. ROY's amendment to the vote.

The Sub-Commission

DECIDED

To reject the amendment, by 5 votes to 5 with 2 abstentions. The original text was retained.

The CHAIRMAN asked the Director of the Human Rights Division to read the text in the form in which it had emerged from the discussion, and on which members would be asked to vote.

Prof. HUMPHREY (Secretariat) read out the following text: "In States inhabited by well defined ethnic, linguistic or religious groups which are clearly distinguished from the rest of the population and which want to be accorded differential treatment, persons belonging to such groups shall have the right as far as is compatible with public order and security to establish and maintain their schools and cultural or religious institutions, and to use their own language and script in the press, in public assembly and before the courts and other authorities of the State, if they so choose".

The CHAIRMAN pointed out that three members of the Committee of Four had submitted the text "provided that 'established historical evidence' be one of the criteria for distinguishing ethnic or linguistic groups".

At the request of Mr. ROY, he explained that this reservation reflected the opinion of three members of the Committee, not that of the Sub-Commission.

Mr. ROY (Haiti) thought that in that case the matter should be discussed.

Mr. DANIELS (United States of America) emphasised that the text to be voted on was an important article in the Declaration. He declared his desire to protect genuine minorities and pointed out that he had made formal proposals to that end. The Sub-Commission had defined minorities and their rights up to a point but the text of Article 36 as just read out contained only a cursory definition of the concept of minorities. He believed that this concept differed in Europe and the United States. To define a minority moreover was a task of the very greatest difficulty. Article 36 placed a very considerable limitation on the rights of a linguistic or religious group and on application of these rights even within a minority. The Sub-Commission did not appear to have realized that the working of the Article was too narrow to protect genuine minorities and too wide to prevent extension of the rights to fictitious minorities. He therefore found it impossible to accept the text.

Miss MONROE (United Kingdom) was impressed by the serious warning given by Mr. DANIELS. She admitted the subject was one of great difficulty; but she was sorry Mr. DANIELS' attitude was purely negative. She would like to know what points Mr. DANIELS could give his consent to.

Mr. SHAFQAQ (Iran) did not think the article in question raised the problem of a definition of minorities. In any case, that problem would be dealt with at another time. He did not think Mr. DANIELS' apprehensions were justified.

Mr. McNAMARA (Australia) shared Mr. DANIELS' views with regard to the Sub-Commission's task. The Commission would have to continue the study of the documents, and it would then realise that the Sub-Commission had merely outlined a definition of the concept of a minority. It would be a pity if the text proposed for Article 36 were rejected. Members who did not approve of the text might abstain from voting. That would enable the Sub-Commission to submit a text to the Human Rights Commission, which would consider the necessity of taking into account the opinions of an important minority of members of the Sub-Commission.

Mr. NISOT (Belgium) said he would vote against the text because the application of the article was not reserved for "citizens" alone.

Mr. DANIELS (United States of America), replying to Miss MONROE, explained that he was against the text because it was drafted in a negative form, which resulted in an appreciable limitation of rights, particularly of those granted in other articles of the Declaration. The text was an attempt to establish a definition of the concept of a minority before the Sub-Commission had even started to discuss the subject.

Mr. MENESES (Ecuador) agreed with the views expressed by Mr. DANIELS and Mr. McNAMARA. It was too soon to attempt to define a minority, although the text spoke only of groups. In his opinion, the text was not complete.

Miss MONROE (United Kingdom) said she would abstain from voting for the same reasons as Mr. NISOT had given for his decision to vote against the text. To grant the same rights to foreigners as to nationals might result in persons who already enjoyed rights granted by one Government attempting to enjoy rights granted by other Governments also.

Dr. WU (China) also thought that the Sub-Commission should not attempt to define the concept of a minority. That question would be discussed when other articles were examined.

Mr. MASANI (India) said he agreed with the text but for the word "persons", which had been substituted for "citizens".

Mr. NISOT (Belgium) added that the drafting was such that the text was equally applicable to the majority and to the numerical minority of a population.

Mr. SPANIEN (France) did not think these objections need interfere with the Sub-Commission's work. As a member of the Committee of Four, he would, however, abstain for the same reasons as Miss MONROE. The Sub-Commission had decided at its morning meeting that the definition of minorities would be discussed later in connection with some other article, and had reserved the right to revert to the text of Article 36 if subsequent discussion of a definition made it necessary.

The CHAIRMAN confirmed that point. He proposed that the meeting should start discussing the reservation made by three members of the Committee of Four.

Mr. DANIELS (United States of America) regarded that reservation as a fresh attempt to define minorities.

Mr. NISOT (Belgium) wished to know what was meant by the words "established historical evidence". Did they refer to a group which had been established in a country for a long time, or to a group which had for a long time enjoyed a privileged position?

Mr. MASANI (India) thought that the fact that the three members in question wished to make a reservation did not necessarily mean that the other members of the Sub-Commission had to share it.

Mr. ROY (Haiti) pointed out that the reservation in question had not been retained in the text of Article 36.

The CHAIRMAN said that the reservation would be mentioned in the report as being the opinion of the three members of the Committee.

Dr. WU (China) wished to associate himself with these three members.

The CHAIRMAN declared the discussion open on Article 36 as given in document E/CN.4/21, and the amendments to it proposed by Mr. BORISOV.

Mr. MASANI (India) pointed out that Mr. BORISOV's second amendment, to the effect that the words "as far as compatible with the public order" be excluded, had been examined when the previous text had been discussed. Further, the Sub-Commission had decided to retain that text. Therefore, only Mr. Borisov's first and third amendments remained to be discussed.

The CHAIRMAN replied that the texts were different and should therefore be discussed. He proposed that they should start by examining Mr. BORISOV's first amendment to the effect that the word "nationality" be inserted after the word "race", and the word "national" after the word "ethnic". Those amendments could, of course, only stand if Article 36 in document 4/21 were itself adopted.

Mr. McNAMARA (Australia) thought that some members had a different idea of the concept of "nationality". Mr. BORISOV appeared to interpret it as meaning the citizenship of a State. He would suggest that instead of "nationality" the words "of national origin" be adopted. That would prevent any confusion, as those words had already been adopted in some earlier articles.

Mr. MASANI (India) thought the question raised by Mr. BORISOV was covered by the words "race" and "ethnic". The difficulty arose from the fact that Mr. BORISOV was only considering the case of a multi-national State. By adopting the words "national origin", it could be made clear that this concept was included in that covered by the terms "race" and "ethnic".

Mr. BORISOV (Union of Soviet Socialist Republics) explained that his idea of the concept "national" was the same as that given to this term in Article 6 by the majority of members.

Mr. McNAMARA (Australia) could not accept Mr. Masani's proposal, which made no distinction between "race" and "national origin".



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The French emigrants in Canada, for instance, were of the same race as the Canadians, but were not of the same national origin. To give equal rights to Canadians and French Canadians, the words "national origin" must necessarily be included.

Mr. DANIELS (United States) said he would accept the word "national" proposed by Mr. BORISOV, provided it was given the sense of "national origin".

Mr. MASANI (India) pointed out that by accepting the words "national origin", the Sub-Commission would not avoid difficulties over the use of the word "nationality".

Mr. MENESES (Ecuador) remarked that if the Commission accepted the word "nationality" in the sense of "national origin" he did not see why it was necessary to retain the term "nationality".

Mr. BORISOV (Union of Soviet Socialist Republics) stated that he agreed to the replacement of the term "nationality" by "national origin", but that, for reasons of Russian grammar, it would be better to retain the adjective "national" in the enumeration of minorities. Nevertheless he was prepared to assign the sense of "national origin" to this term also.

Miss MONROE (United Kingdom) opposed the use both of the term "national origin" and of the term "nationality".

Mr. McNAMARA (Australia) proposed that the terms "ethnic, linguistic or religious" should be deleted, since these three qualifications were covered by the term "national", used in the sense of "national origin".

Mr. SPANIEN (France) pointed out that just as Article 6 was of general application and admitted no exceptions, so Article 36 called for the protection of specific groups and advocated certain restrictions in the exercise of these rights. If in the case of French legislation, the words "national origin" meant that naturalized citizens would regard themselves as a minority on the grounds that they were of different national origin, he would vote against the words "national origin".

Mr. DANIELS (United States) requested that a vote be taken.

The CHAIRMAN recalled that Mr. BORISOV had agreed to the replacement of the word "nationality" by "national origin", which would be inserted in the text after "race".

DECISION: Mr. BORISOV's amendment was adopted by six votes to five, with one abstention.

The CHAIRMAN recalled that Mr. BORISOV had also proposed that the word "national" used as an adjective, should be inserted after "ethnic".

Mr. McNAMARA (Australia) believed that Mr. BORISOV's objection could be overcome by omitting all the qualifying adjectives "ethnic", "linguistic" and "religious".

Mr. BORISOV (Union of Soviet Socialist Republics) asked members not to try to interpret his opinion in a different way from himself. He could not agree to the deletion of these adjectives, which were intended to define the minority groups to which rights should be extended. The adjective "national" was employed here, in his opinion, in the same sense as in Article 6 and in Article 36, line 1. The omission of these adjectives would detract from the clearness of the text.

The CHAIRMAN called for a vote on the second part of Mr. BORISOV's first amendment.

DECISION: Mr. BORISOV's amendment was adopted by six votes to five, with one abstention.

The CHAIRMAN stated that the purpose of Mr. BORISOV's second amendment was to exclude the words: "as far as is compatible with public order". As the principle involved had already been discussed, he thought the Sub-Commission could proceed to a vote.

Mr. McNAMARA (Australia), on a point of order, observed that the phrase differed from that employed in Mr. SHAFIQ's amendment. The amendment did not contain the term "public security".

Mr. BORISOV (Union of Soviet Socialist Republics) pointed out that experience had shown that measures taken nominally to ensure public order often concealed large-scale restrictions and discriminations. He considered it necessary to delete these words.

The CHAIRMAN put Mr. BORISOV's amendment to the vote.

DECISION: This amendment was adopted by seven votes to five.

The CHAIRMAN declared the meeting open for discussion on Mr. BORISOV's third amendment, the purpose of which was to append to Article 36 the sentence "the Government has the duty to establish conditions permitting the minorities to practise effectively their rights (both by the use of State funds and by the creation of an autonomy, etc)".

Mr. McNAMARA (Australia) stated that many States had already gone a long way in the direction of allowing minorities to organize schools such as those in which teaching was carried on in the language of certain minorities; he could not, however, accept

this amendment, since it would compel States to initiate action in the matter.

Mr. MENESES (Ecuador) opposed the amendment because in his view the object should be to encourage assimilation and not to promote the creation of minority groups.

The CHAIRMAN was in favour of the amendment because it would serve to protect minorities.

Mr. BORISOV (Union of Soviet Socialist Republics) explained that he had made this proposal with the object of compelling the governments to intensify their efforts to create conditions in which minorities could develop, and to make the rights of such minorities effective, in particular by measures backed by financial aid from the State.

Mr. SPANIEN (France) stated that he would vote against the amendment in view of Article 2, paragraph 7 of the Charter, which stated that "Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the jurisdiction of any state". France did not set aside public funds for private education. Whilst favouring the widest possible protection of minorities he could not agree to a modification of France's national and democratic standpoint, in consequence of which the law would be an expression of the opinion of a minority of the population.

Mr. BORISOV (Union of Soviet Socialist Republics) wished, before a vote was taken, to reply to Mr. SPANIEN's argument. He did not see how it would interfere with the sovereignty of the French State if the latter earmarked part of its public funds for the protection of minorities, or for ensuring equality of treatment for them as regards education.

Mr. SPANIEN (France) replied that public education was organized in conformity with a law. There were State schools of all types maintained by the public finances. If a religious group, for instance, wished to organize special instruction it was perfectly free to do so at its own expense.

Mr. SHAFaq (Iran), raising a point of order, reminded members that the CHAIRMAN had declared the discussion closed.

Dr. WU (China) stated that he would vote against the proposal. He was not opposed to the principle of the State's subsidizing special education for any minority, as was done in China for instance. But he could not accept the principle that the State was under any obligation to do so.

The CHAIRMAN put Mr. BORISOV's third amendment to the vote.

DECISION: The amendment was rejected by ten votes to two.

The CHAIRMAN reminded members that they had to choose between two texts: first, that proposed by Mr. SHAFaq on behalf of the Committee of Four, as amended by the Sub-Commission, which was designed to replace Article 36, and, secondly, the amended text of the original Article.

DECISION: The text prepared by the Committee of Four was adopted by six votes to four, with two abstentions.

Mr. BORISOV (Union of Soviet Socialist Republics) stated that he had abstained, and reserved the right to express his opinion on the text adopted, at a later stage.

The CHAIRMAN stated that Article 36 in document E/CN.4/21 had been rejected and replaced by the text proposed by the Committee of Four, as amended by the Sub-Commission. This text was

as follows: "In States inhabited by well defined ethnic, linguistic or religious groups which are clearly distinguished from the rest of the population and which want to be accorded differential treatment, persons belonging to such groups shall have the right as far as is compatible with public order and security to establish and maintain their schools and cultural or religious institutions, and to use their own language or script in the press, in public assembly and before the courts and other authorities of the State, if they so choose".

Mr. SPANIEN (France) stated that he had voted for the text because he had assisted in its drafting in the Committee of Four and because he felt that it was preferable to the original text of Article 36. He pointed out, however, that the Sub-Commission could review this text if later discussions in regard to the definition of the concept "minority" made it necessary. In any case he reserved his decision entirely, in company with Miss MONROE and Mr. SHAFAG, as to the replacement of the term "citizens" by "persons".

The CHAIRMAN pointed out that despite the efforts which had been made by the Sub-Commission, the duration of meetings would have to be extended in order to gain time.

Mr. NISOT (Belgium) thought that whatever the length of the meetings, work would not proceed rapidly, unless members agreed to curtail their discussions.

The CHAIRMAN proposed that meetings on the following day should be from 9.30 a.m. till 1 p.m. and from 2.30 p.m. till 6 p.m.

DECISION: This proposal was accepted.

The meeting rose at 6.15 p.m.