

ECONOMIC  
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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 THIRTEENTH MEETING

held at the Palais des Nations, Geneva,  
on Tuesday, 2 December, 1947 at 3 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. Arturo Meneses P. (Ecuador)
	Mr. Samuel Spanien (France)
	Mr. M.R. Masani (India)
	Mr. Rezazada Shafaq (Iran)
	Mr. A.P. Borisov (Union of Soviet Socialist Republics)
	Miss Elizabeth Monroe (United Kingdom)
	Mr. J. Daniels (United States of America)
Representative of the Commission on the Status of Women:	Mme. Lefauchaux
International Non- Governmental Organisations:	Mr. Bienenfeld (World Jewish Congress)
Secretariat:	Mr. Emile Giraud
	Mr. A.H. Hekimi

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The CHAIRMAN suggested that the Sub-Committee should first vote upon the resolution proposed by Mr. BORISOV (Union of Soviet Socialist Republics) as contained in document E/CN.4/Sub.2/24.

Mr. MASANI (India) proposed that the Sub-Commission should vote upon the composite resolution of the Sub-Committee (document E/CN.4/Sub.2/33) prior to Mr. BORISOV's resolution.

Mr. BORISOV (Union of Soviet Socialist Republics) supported the Chairman's suggestion to vote upon his proposal first. He said that there was a fundamental difference between his text and the text of the composite resolution. He considered that it was the duty of the Sub-Commission to consider petitions and not to submit them to other bodies. He pointed out that he had proposed consideration both of the Negro problem in the United States of America and of the question of Discrimination of Women because relevant documents were available. He said that he was ready to consider any other petitions if the documentary evidence was available.

He emphasized that the resolution of the General Assembly No. 103 (1) made it clear that it was the duty of the Sub-Commission to take immediate and energetic steps against discrimination. He considered that the Sub-Commission should accordingly discuss both the documents in these two petitions and the principles therein involved.

The CHAIRMAN put the motion to the vote that the composite resolution be voted upon first. There were seven votes in favour, two against, and three abstentions.

Mr. DANIELS (United States of America), referring to the composite text, said that the word "notify" in line 3 should be replaced by the word "modify". He proposed the addition at the end of paragraph 1, of paragraphs 1 and 2 of document E/CN.4/Sub.2/11 and paragraph 1 of document E/CN.4/Sub.2/12.

Mr. SHAFaq (Iran) said that, in his opinion, it was the duty of the Sub-Commission to discuss the principles laid down by the Commission, to make general recommendations to the Commission and to suggest methods of their implementation. He considered that the Sub-Commission had no power to hear petitions direct.

The VICE-CHAIRMAN felt that it was the responsibility of the Commission on Human Rights to draft and adopt both a Declaration of Human Rights and a Convention of Human Rights. This had not yet been done. In his opinion, the Sub-Commission could not hear petitions, as they had no Declaration or Convention to apply. He added that even the Commission on Human Rights had no power either to consider or to deal with such petitions. He suggested that the Sub-Commission ask the Commission on Human Rights to take action concerning paragraph 2 (a), (b), (c) of the composite resolution.

Miss MONROE (United Kingdom) referred to her proposal to delete paragraph 2 of the composite resolution. She considered that it was premature for the Sub-Commission to consider petitions until a Declaration and Convention had provided the Sub-Commission with adequate powers and criteria. She supported paragraphs 1, 3 and 4 of the composite resolution.

Mr. MASANI (India) said that he had proposed to replace paragraph 4 of the composite resolution by paragraphs 2 to 5 of document E/CN.4/Sub.2/27. He considered that the Sub-Commission had no power to pass judgments upon petitions but that they could act as conciliators.

Dr. WU (China) said that, in his opinion, it was the duty of the Sub-Commission to consider measures of implementation but that it would be premature to formulate such measures in detail. He agreed with the measures suggested by Mr. DANIELS (United States of America) to enable minorities to ventilate their

grievances. Referring to the composite resolution, he said that he supported paragraph 1, but was against paragraph 2; he supported paragraph 3, as being a practical step; he considered that paragraph 4 was ultra vires of the Sub-Commission. He considered that there were two effective methods of implementation; first, if fact-finding machinery was required, he supported Mr. BORISOV's resolution; secondly, if machinery for judging petitions was required, he supported Mr. MASANI's proposal.

Miss MONROE (United Kingdom) pointed out that the word "machinery" in line 5, paragraph 4 of the composite resolution should be replaced by the words "on such part of that machinery as concerns it".

Mr. SHAFaq (Iran) emphasized that, in his opinion, it was the duty of the Sub-Commission not to receive petitions directly, but, as experts, to make recommendations to the Commission on Human Rights.

Mr. McNAMARA (Australia) said that he supported paragraphs 2, 3 and 4 and Mr. DANIELS' proposal in the composite resolution. He proposed amendments to document E/CN.4/Sub.2/12.

He said that, in his opinion, legal technicalities should not stop the Sub-Commission from taking active steps up to the point of intervention. He suggested that the Sub-Commission could transmit documents, act as conciliators, and, by voting, demonstrate public opinion.

The VICE-CHAIRMAN suggested that the Sub-Commission could study petitions before they were discussed by the Commission on Human Rights. He considered that the Sub-Commission could have no wider powers than those already refused to the Commission on Human Rights. He suggested that the Economic and Social Council should be asked to extend the powers of the Commission.

Mr. DANIELS (United States of America) said that he supported the whole composite resolution including his own

amendment. In his opinion, it was the duty of the Sub-Commission to recommend to the Commission on Human Rights principles to be applied against discrimination. He considered that the Sub-Commission would be no more than a drafting body unless they recommended machinery for the implementation of such principles; to that extent, he did not consider that measures now undertaken would be premature.

Mr. MENESES (Ecuador) said that, in his opinion, paragraph 2 of the composite resolution omitted the means of implementation, for example, the International Court of Justice. He supported only paragraphs 1, 3 and 4.

The CHAIRMAN put to the vote paragraph 1 of the composite resolution. There were ten votes in favour, one against and one abstention.

The CHAIRMAN put to the vote Mr. DANIEL's motion to insert paragraphs 1 and 2 of document E/CN.4/Sub.2/11 in the composite resolution. There were three votes in favour, five against, and four abstentions.

The CHAIRMAN put to the vote Mr. DANIELS' motion to insert paragraph 1 of document E/CN.4/Sub.2/12 (with the word "including" in line 5, amended to the word "accepted") in the composite resolution. He said that if the motion was adopted, the Sub-Commission might consider Mr. McNAMARA's amendments later. There were five votes in favour, and seven against.

The CHAIRMAN said that Mr. McNAMARA's amendments would no longer be effective.

Mr. DANIELS (United States of America) said that paragraph 2 now appeared ineffective, because the Sub-Commission could not receive any communications relating to petitions.

The CHAIRMAN put to the vote Miss MONROE's motion to delete paragraph 2 of the composite resolution. There were nine votes in favour, and three against.

The CHAIRMAN put to the vote paragraph 3 of the composite resolution. There were eleven votes in favour, and one abstention.

The CHAIRMAN put to the vote Mr. MASANI's amendment to paragraph 4. There were five votes in favour, six against, and one abstention.

The CHAIRMAN put to the vote paragraph 4 of the composite resolution. There were eight votes in favour, two against and two abstentions.

The CHAIRMAN said that the Sub-Commission would discuss "The amendments concerning the handling of petitions submitted" (document E/CN.4/Sub.2/31) after they had voted upon Mr. BORISOV'S resolution, contained in document E/CN.4/Sub.2/24, as amended by Mr. MASANI (India).

Mr. NISOT (Belgium) considered that the Sub-Commission could not study new proposals, as they had rejected the consideration of petitions.

The CHAIRMAN suggested that the Sub-Commission should discuss the text and if possible reach a conclusion.

Mr. DANIELS (United States of America) pointed out that the second half of Mr. MASANI's proposed amendment was almost identical with his own proposal which had been reserved for a later discussion.

Mr. BORISOV (Union of Soviet Socialist Republics) proposed that the Sub-Commission should vote on document E/CN.4/Sub.2/24 as it was not connected with the composite resolution.

Mr. MASANI (India) said that, in his opinion, a study by the Sub-Commission of the problems both of the Negroes in the United States of America and of colonial peoples would be hindered by the absence of any official petitions or other documents before them. He added that his proposed amendment would procure for the Sub-

Commission official documents as a basis of study. He said that he had adopted the idea expressed by Mr. DANIELS in document E/CN.4/Sub.2/14 that a study of problems of discrimination should be general and not limited to colonies.

Miss MONROE (United Kingdom) supported Mr. MASANI's proposal. She considered that it was the duty of the Sub-Commission to promote in all ways the welfare of coloured peoples, but that it would be invidious, in her opinion, to give priority of consideration to the particular groups suggested or to any other coloured minorities. She said that she could not support paragraph (a) of Mr. MASANI's amendment because she considered that the Sub-Commission could take no effective action until a Declaration and Convention had been adopted.

Mr. SHAFaq (Iran) suggested that the Sub-Commission should first consider principles and then recommendations, including Mr. MASANI's amendment.

Mr. MENESES (Ecuador), referring to paragraphs 1 and 2 of document E/CN.4/Sub.2/24, doubted that the Sub-Commission could take any action concerning the Negroes until a Declaration had been adopted. He suggested that territories other than colonies should be considered. He pointed out that, for example, there were 30 million Indians in Latin-America, who were in great need of social and political reform. He submitted statistics of these minorities and described in some detail the bad conditions of their existence.

He proposed that in line 3 of paragraph 2 of document E/CN.4/Sub.2/24 the word "colonies" be replaced by the words "the various countries of the world".

Mr. DANIELS (United States of America) said that he was aware of the problem of the Negroes in the United States of America, and that the President had himself authorized a comprehensive investigation of this problem. He suggested that

it would be invidious to take isolated action in this particular problem and he supported the setting up of machinery for the receipt by the Sub-Commission of petitions from all types of minorities.

The meeting rose at 6.45 p.m.