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7 December 1947  
ORIGINAL: ENGLISH

## COMMISSION ON HUMAN RIGHTS

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

## FIRST SESSION

## SUMMARY RECORD OF THE EIGHTEENTH MEETING

Held at the Palais des Nations, Geneva,  
on Saturday, 5 December 1947, at 2 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)  
Mr. C.H. WU (China)  
Mr. Arturo MENESES (Ecuador)  
Mr. Samuel SPANIEN (France)  
Mr. M.R. MASANI (India)  
Mr. Rezazada SHAFAQ (Iran)  
Miss Elisabeth MONROE (United Kingdom)  
Mr. A.P. BORISOV (Union of Soviet Socialist Republics)  
Mr. J. DANIELS (United States of America)  
Secretariat: Mr. Emile GIRAUD  
Mr. A.M. HEKIMI

1. Consideration of Draft Report, (Document E/CN.4/Sub.2/38  
(Continuation of Discussion))

Mr. BORISOV (Union of Soviet Socialist Republics) pointed out an error on page 6, Article 28; the result of the vote had been 2 in favour, 1 against, with 2 abstentions. The RAPPORTEUR undertook to make the necessary correction.

2. Consideration of Draft Report, (Document E/CN.4/Sub.2/38  
(Continuation))

The CHAIRMAN invited the Members to consider the continuation

for the Draft Report submitted by the Rapporteur.

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Page 1. Communications concerning Discriminations and Minorities

First Decision

Miss MONROE (United Kingdom) pointed out that the word "and" had been omitted in the seventh line before the word "with", and the RAPPORTEUR undertook to insert it.

The first decision was accepted.

Second Decision

Mr. McNAMARA (Australia) said that the word "so" should be inserted in the third line before the word "as", and it was agreed to do so.

The CHAIRMAN felt that the wording of the decision was not sufficiently clear because it did not state where the proposed addition to the Resolution of the Economic and Social Council was to be inserted.

Mr. McNAMARA (Australia) thought that was a matter for the Economic and Social Council to decide, and the Second Decision was accepted.

Communications concerning particular cases

1. Communications from the National Association for the Advancement of Coloured People

The RAPPORTEUR stated that the paragraph headed "Decision of the Sub-Commission" and ending at the bottom of page 1 had been included by mistake and would be deleted. He felt, however, that, if the reasons for rejecting the proposal were not stated, it might lead to new proposals on the same subject being made at a later date.

Mr. MASANI (India) was of opinion that the first five paragraphs on page 2 would also have to be deleted.

Mr. BORISOV (Union of Soviet Socialist Republics) proposed that the Report should be altered to include a statement that he had proposed the Resolution contained in Document E/CN.4/Sub.2/24, followed by the text of the Resolution, next the text of Mr.

McNAMARA's proposal and thereafter the results of the voting on the two proposals. Instead of including Miss MONROE's remarks, he felt it would be better if all the Members set out the reasons why they opposed the texts and that those should be included in the Report. He also proposed that the heading should be altered to "Petitions concerning the problem of Discrimination" and the sub-heading altered to "1. Petitions from the National Association for the Advancement of Coloured People".

The RAPPORTEUR and the VICE-CHAIRMAN both felt it would be simpler to delete the whole passage.

Mr. MASANI (India) said that that was his original opinion. If, however, the paragraphs of page 2 were not to be deleted, he favoured Mr. BORISOV's proposal.

Miss MONROE (United Kingdom) also supported Mr. BORISOV's proposal on the understanding that she would be allowed to enter her reservation on the point in the Report.

Mr. BORISOV (Union of Soviet Socialist Republics) stated that a statement of Miss MONROE's views could be found in the Summary Records and felt that her remarks should be deleted.

The CHAIRMAN pointed out that that had already been accepted by Miss MONROE but that she had the right to enter her reservation in the Report.

It was agreed to adopt both Mr. BORISOV's proposals.

Page 2. 2. Communication from the International Democratic Federation of Women

Mr. BORISOV (Union of Soviet Socialist Republics) suggested a drafting alteration to the text. He proposed to replace the text in the Report, to state the facts logically; first to state the proposal by Mr. BORISOV and then, in connection with Madame LEFAUCHEUX, to indicate the proposal by Mr. McNAMARA and Dr. WU as alternative, and finally to state the decision of the Sub-Commission with the results of the voting.

Miss MONROE (United Kingdom) supported Mr. BORISOV's proposal and handed a statement of her reasons for abstaining from voting on the point to the RAPPORTEUR for inclusion in the Report.

Mr. BORISOV's proposal was accepted and as a consequence it was agreed to delete the last paragraph of page 2.

Page 3. Machinery for the Prevention of Discrimination and the Protection of Minorities

Miss MONROE (United Kingdom) pointed out that the word "concerned" in line 5 of the second paragraph should be "concerns".

Mr. McNAMARA (Australia), Mr. MASANI (India) and Mr. SHAFaq (Iran) felt that, as the two paragraphs of the decision formed one Resolution, they should be included in the Report as a whole, with a statement to the effect that the voting had taken place in two parts.

Mr. BORISOV (Union of Soviet Socialist Republics) could not agree to the suggestion, on the grounds that the first paragraph expressed an idea and that the second was concerned with machinery for implementation.

Mr. DANIELS (United States of America), supported by the RAPPORTEUR, moved that the existing text should be retained.

It was agreed to accept the texts contained in paragraphs 1 and 2 of page 3, the word "concerned" in line 5 of paragraph 2 being changed to "concerns".

Third and Fourth Paragraphs

Mr. MASANI (India) stated that the word "even" in the fifth line should be deleted on account of its derogatory sense, and it was agreed to do so.

Miss MONROE (United Kingdom) suggested the deletion of the word "had" in the first line, and it was agreed to do so.

Mr. BORISOV (Union of Soviet Socialist Republics) felt that, if explanations were to be included in the Report, the one given

in that instance would require to be much more exhaustive. He cited the decision already taken to delete explanations in connection with the petitions from the National Association for the Advancement of Coloured People, and proposed that the last two paragraphs on page 3 should be deleted.

The RAPPORTEUR felt the text on the point was the bare minimum and proposed that a vote be taken as to whether or not it should be retained.

Miss MONROE (United Kingdom) did not consider that the two paragraphs constituted an explanation and felt that they could not be compared to the part already deleted.

Mr. MASANI (India) agreed with Mr. BORISOV's views and pointed out that the Sub-Commission had decided that, where a proposal was defeated or rejected, explanations of the reasons for such action need not be included in the Report.

Mr. DANIELS (United States of America) also agreed with Mr. BORISOV's views.

Mr. BORISOV (Union of Soviet Socialist Republics) pointed out that the deletion of the two paragraphs did not exclude the possibility of personal statements by Members being included in the Report.

The RAPPORTEUR said he was prepared to accept the proposal to delete the two paragraphs, but that he would enter his personal statement on the point.

Mr. McNAMARA (Australia) felt that, if the Report were presented to the Commission on Human Rights without referring to the very important proposals defeated, a clear picture of the position would not be given. He therefore proposed that the texts of all proposals and amendments made should be added to the Report in the form of an Annex. He was under the impression that, when the question of inserting proposals on which the voting had

been equal was under consideration, the RAPPORTEUR had stated that all the proposals placed before the Sub-Commission would be included in the Report.

The RAPPORTEUR pointed out that the texts of all proposals could be found in the Summary Records and disclaimed any knowledge of the statement attributed to him by Mr. McNAMARA. Regarding the question of an Annex to the Report, he pointed out that that would require at least two day's work, and, as the Report was to be presented to the Commission on Human Rights on Monday, he was not in a position to undertake the task.

Mr. MASANI (India) agreed with the RAPPORTEUR.

The CHAIRMAN put to the vote the question whether or not to retain the last two paragraphs on page 3.

It was decided by 6 votes, with 3 abstentions, to retain the two paragraphs, and it was stated that, in addition, the personal opinions of the RAPPORTEUR and Miss MONROE would be entered.

Mr. MASANI (India) asked if it was permissible for him to have inserted in the Report the reasons why he was not in agreement with the Resolution adopted, and the CHAIRMAN answered in the affirmative.  
Page 4. Chapter V.

Miss MONROE (United Kingdom) proposed that the word "concepts" in the heading should be altered to "terminology", and it was agreed to do so.

Mr. McNAMARA (Australia) asked if it would be in order for him to have a statement of his reservation on paragraph 2 inserted in the Report, and the answer was in the affirmative.

Page 4 of the text was adopted.

Page 5.

Mr. SHAFaq (Iran) considered that the first two paragraphs presented an analysis of the discussion that had taken place and, in accordance with the previous decision of the Sub-Commission, felt

that they should be deleted.

Mr. SPANIEN (France) felt that, if the Commission on Human Rights were to obtain an adequate picture of the work done by the Sub-Commission, it would be necessary to include information on the discussions that had taken place. In his opinion, it was not sufficient for the personal views of the RAPPORTEUR only to be included. That was a procedure to which he could not agree; he would prefer rather to have in the Report simply the decisions taken.

Mr. SHAFaq (Iran) felt it was unfortunate that Mr. SPANIEN's remarks had not been made earlier in the discussion. He was in agreement with his views but felt it would be inconsistent to change the procedure at that stage. He said he would therefore abstain from voting on the deletion of the two paragraphs.

Miss MONROE (United Kingdom) also agreed with Mr. SPANIEN's views, and felt that one decision to delete explanations should not be taken as a precedent. She was in favour of retaining the two paragraphs.

Dr. WU (China) felt that the two paragraphs under discussion offered some additional explanation and were not analogous to the case where deletion had already been decided upon. He agreed with Miss MONROE that the Sub-Commission should not be bound by the so-called precedent.

Mr. MENESES (Ecuador) agreed with Mr. SPANIEN, Miss MONROE and Dr. WU, especially as, in his opinion, the Summary Records did not always give a true representation of the discussions that had taken place. He was therefore in favour of retaining the two paragraphs.

Mr. BORISOV (Union of Soviet Socialist Republics) did not consider that the text of the two paragraphs gave a clear picture of what had taken place. He pointed out that the text included the words "the Sub-Commission decided" and "provisions to be put into effect" which expressions, in his opinion, conveyed an

Mr. SPANIEN (France) considered that the Commission on Human Rights would be able to see that the Sub-Commission had not attempted to give definitions but only to indicate elements for the Commission's consideration.

Mr. McNAMARA (Australia) agreed with Mr. BORISOV's views and felt it would be better to have personal opinions inserted on the matter. The two paragraphs in question gave the impression that the opinion spoken of was shared by all the Members, which was not the case.

Miss MONROE (United Kingdom) considered the text would be enlightening to the Commission on Human Rights and therefore favoured its maintenance. She pointed out that the word "considerations" in the third line of the second paragraph had been substituted at the request of Members for the word "definitions".

Dr. WU (China) also favoured the retention of the two paragraphs.

Mr. SPANIEN (France) considered it was very important that the Commission on Human Rights should know what had taken place in the Sub-Commission's discussions.

Mr. BORISOV (Union of Soviet Socialist Republics) suggested that a way out of the difficulty might be found by Mr. SPANIEN putting in his personal opinion on the point, just as Mr. SHAFaq and Mr. McNAMARA had done.

Mr. SPANIEN (France) felt that would be an abuse of the right of Members to enter their personal opinions.

Mr. DANIELS (United States of America) moved that a vote should be taken as to whether or not to retain the first two paragraphs on page 5.

It was agreed, by 8 votes to 2 with 1 abstention, to retain the two paragraphs.

Mr. MENESES (Ecuador) asked that a statement of his personal opinions should be included in the Report, to which the RAPPORTEUR



The rest of page 5 was accepted without comment.

Page 6

Mr. McNAMARA (Australia) asked that the words "in (1)" should be inserted in paragraph 3 after the word "to", and that the words "in (2)" should be inserted in the second line of paragraph 4 after the word "defined".

Mr. SHAFaq (Iran) proposed a drafting change on the fourth line of page 6. After the word "wish" the full stop should be changed to a comma and the word "is" deleted.

It was agreed to accept page 6 with the alterations proposed by McNAMARA and Mr. SHAFaq.

Page 7

Mr. McNAMARA (Australia) proposed that the word "for" should be inserted in the second line before the word "the".

Mr. SHAFaq (Iran) proposed that the word "remarks" should be substituted for the heading "Comment".

Mr. DANIELS (United States of America) proposed that the word "Comment" should be deleted.

Mr. McNAMARA (Australia) proposed that the word "Comment" should be deleted and the paragraph following placed within brackets.

Mr. McNAMARA's suggestion was accepted.

CHAPTER VI. STUDIES TO BE UNDERTAKEN

1st Decision (a) Discrimination

Mr. BORISOV (Union of Soviet Socialist Republics) said that, in his opinion, the 1st decision actually covered two decisions: (1) to ask the Secretary-General to initiate certain studies; (2) to ask the Secretary-General to study the history of certain groups. Regarding paragraph (b) Minorities, he did not think that any such decision as was recorded there had been taken by the Sub-Commission.

The RAPPORTEUR said that he also had had doubts regarding the authenticity of paragraph (b). The Summary Records did not appear to be quite clear on the point. He had entered the decision in order that the Sub-Commission could comment on it.

Miss MONROE (United Kingdom) agreed with Mr. BORISOV that paragraph (b) had not been adopted by the Sub-Commission. Regarding paragraph (a), she proposed that the words "such groups" in line 3 of page 8 should be altered to "any groups involved".

Mr. BORISOV (Union of Soviet Socialist Republics), on a point of order, said that he considered that the decisions taken by the Sub-Commission should be verified and checked by the Secretariat. He was of opinion that no modifications or additions could be made to the texts of decisions taken. He considered it was the duty of the Secretariat and of the Rapporteur to see that the decisions were entered in the Report in their original form. Regarding paragraph (a), he pointed out that the vote had been taken separately on the two parts of the paragraph and that in his opinion the results of the votes should be shown separately.

Mr. McNAMARA (Australia) pointed out that Miss MONROE's suggestion was a drafting correction not a modification or addition to the text and proposed that in line 3 of page 8 the words "such groups" should be altered to "any groups involved in such studies and analyses", which would be much closer to the original French text.

Mr. DANIELS (United States of America) agreed with Mr. BORISOV that the report should present an exact statement of decisions made and that the subject matter should be checked by the Secretariat and the Rapporteur.

The CHAIRMAN also agreed with Mr. BORISOV's remarks but pointed out that it was customary, when a draft report was under consideration, to allow drafting changes to be made; no alterations of substance were permissible.

Mr. SHAFaq (Iran) and the VICE-CHAIRMAN shared the CHAIRMAN's views and pointed out that, if drafting changes were not allowed, it would be impossible to alter even a typing mistake.

The CHAIRMAN requested a vote on Mr. McNAMARA's proposal to change the words "such groups" on line 3 of page 8 to "any groups involved in such studies and analyses".

The proposal was accepted by 10 votes, with 1 abstention.

Mr. MASANI (India) left the meeting at 4 p.m.

#### Page 9, Second Decision

Miss MONROE (United Kingdom) suggested that the words "so called minorities" on line 5 should be altered to "spurious minorities which might be artificially created". After some discussion it was decided to adopt the French text and have the drafting of the English text brought into conformity with it.

Dr. WU (China) pointed out that, since paragraph (b) on page 8 was to be deleted, it would be unnecessary to use the expressions "first decision" and "second decision". He suggested that they should be headed "(a) Discrimination" and "(b) Minorities". That was accepted, and Chapter VI on pages 7, 8 and 9 was adopted, with the alterations already accepted.

#### Chapter VII, Education.

##### 1. Education Programme

Miss MONROE (United Kingdom) said Mr. MASANI (India) had asked her to raise the following point on his behalf. He considered paragraph 1 was not a decision of the Sub-Commission but a resolution recommended to the Commission on Human Rights for adoption and transmission to the Economic and Social Council. She herself considered that the point was covered, with the exception that the Commission on Human Rights was not mentioned in the text; in her opinion that was unnecessary.

The RAPPORTEUR stated that he had no objection to changing the word "decision" to "resolution".

Mr. McNAMARA (Australia) pointed out that Mr. DANIELS had agreed to the deletion of the word "possible", before the words "desirability" in the third line of paragraph 1 and "formulation" in the sixth line of paragraph 2.

The RAPPORTEUR noted the point for correction.

Mr. McNAMARA (Australia) suggested that the text of paragraph 3 would be clarified by adding at the end the words "since all these facts tend to remove artificial antagonism and discriminatory practices".

The RAPPORTEUR pointed out that changes in substance could not be made.

Mr. DANIELS (United States of America) agreed with the RAPPORTEUR, but suggested that Mr. McNAMARA might prepare a personal statement on the point for insertion in the Report.

Mr. DANIELS (United States of America), Miss MONROE (United Kingdom), the CHAIRMAN (Sweden), the Vice Chairman (Haiti), Mr. MENESES (Ecuador), Dr. WU (China) and Mr. SPANIEN (France) asked that their names should be included as supporting Mr. McNAMARA's views on that point.

## 2. Committee on Education

Mr. McNAMARA (Australia) suggested that the word "it" should be inserted in the third line after the word "make", and it was agreed to do so.

Mr. SPANIEN (France) pointed out an error in the French text. The word "technique" on line 3 should be replaced by the word "théorique". The Rapporteur undertook to make the necessary correction.

Chapter VII, with the alterations agreed to, was accepted.

## CHAPTER VIII PEACE TREATIES: PROTECTION OF MINORITIES

Chapter VIII was accepted without comment.

CHAPTER IX SURVIVAL OF CERTAIN TREATIES AND DECLARATIONS

The RAPPORTEUR pointed out that the words "Remarks by Mr. NISOT (Belgium)" would have to be added.

Chapter IX, with that addition, was accepted.

Part 13 Appendix. Agenda of the next Session

The VICE-CHAIRMAN, supported by Mr. SHAFaq (Iran) proposed that the title "Agenda of the next Session" should be deleted.

The RAPPORTEUR considered the decision to be an internal one and therefore could see no reason for including it in the report.

Mr. McNAMARA (Australia) did not agree with the RAPPORTEUR. He pointed out that he had submitted the original text of this motion, and Mr. BORISOV had subsequently proposed that it should be deferred until the following Session. The original text was as follows:-

"The Sub-Commission requests the Economic and Social Council, through the Commission on Human Rights, to grant the Sub-Commission the status of a full Commission, or, alternatively, to grant the Sub-Commission the right to forward proposals on certain matters connected with discrimination and minorities direct to the Economic and Social Council."

The RAPPORTEUR asked that a vote should be taken on whether or not the Appendix was to be retained.

Mr. SHAFaq (Iran) contended that "Appendix" was not the correct word to use; he preferred "resolution".

Miss MONROE (United Kingdom) and Mr. DANIELS (United States of America) both felt that it was unnecessary to include the Appendix in the Report, as it concerned a matter of internal business.

Dr. WU (China) proposed that the item be included, not as an Appendix, but as another Chapter headed "Future Work".

Mr. McNAMARA (Australia) felt that the decision was part of the Sub-Commission's substantive work, and as such it had to be included in the Report.

The RAPPORTEUR felt that there was no question of omitting a decision of the Sub-Commission and requested once more that a vote should be taken as to whether or not the item should be retained.

It was agreed, by 8 votes to 2 with 1 abstention, to delete the Appendix on page 13.

The CHAIRMAN moved, and Dr. WU (China) seconded, the following proposal:-

"The SUB-COMMISSION

considering it essential that its findings of the next session shall be submitted to the Human Rights Commission well in time before they are supposed to be discussed by the Commission, requests the Secretary-General to take steps in order to convoke the Sub-Commission at such time that this goal will be attained and that no overlapping between the meetings of the Commission and the Sub-Commission will take place."

The CHAIRMAN's proposal was accepted by 10 votes, with 1 abstention.

The RAPPORTEUR said that he understood that the CHAIRMAN's proposal would be forwarded to the Secretary-General of the United Nations in the form of a letter and would not therefore require to be incorporated in the Report.

The CHAIRMAN answered in the affirmative.

Miss MONROE (United Kingdom) said she wished to thank the CHAIRMAN and the other officers for the good work done by them. She also thanked the Staff.

Mr. BORISOV (Union of Soviet Socialist Republics) requested the CHAIRMAN to ask the Secretariat to have the Summary Records

of the Sub-Commission published by the following Monday morning, in order that possible amendments might be suggested. He also considered that Summary Records should not be published until Members had had an opportunity to make corrections.

The CHAIRMAN undertook to transmit Mr. BORISOV's request to the Secretariat.

Mr. BORISOV (Union of Soviet Socialist Republics) wished to put on record his attitude in regard to the Report of the Sub-Commission and the decisions contained therein. The Report, he said, contained a number of modified articles for the draft Declaration which had been approved by the Sub-Commission, and also a number of recommendations made by it, which, not only did not guarantee equal rights for human beings whatever their language, sex, religion and race, but unfortunately some were directed against the effective, real struggle against discrimination and the protection of minorities. He could not, therefore, approve of the Report as a whole.

The CHAIRMAN stated that the Sub-Commission had come to the end of its work at that Session. The task had been difficult but the efforts of the Members to be constructive had resulted in the formation of a solid foundation for future work. It was well known that international collaboration moved slowly, and he considered it was sometimes wiser to begin modestly with plans which could be implemented from the outset.

On behalf of the Members he thanked the Rapporteur, the Secretariat, the Interpreters and the Precip Writers, who had helped the Sub-Commission by their unfailing zeal. He personally thanked the Members for their courtesy and indulgence, and looked forward to meeting them again at the following session in a spirit of collaboration and mutual confidence.

The meeting rose at 4.55 p.m.