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AND THE PROTECTION OF MINORITIES

Second Session

SUMMARY RECORD OF THE THIRTY-SECOND MEETING

Held at Lake Success, New York,
on Tuesday, 21 June 1949, at 11 a.m.

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General Assembly, on the Fate of Minorities (E/CN.4/Sub.2/62,
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(discussion continued)

<u>Chairman:</u>	Mr. EKSTRAND	Sweden
<u>Rapporteur:</u>	Miss MONROE	United Kingdom
<u>Members:</u>	Mr. BORISOV	Union of Soviet Socialist Republics
	Mr. CHANG	China
	Mr. DANIELS	United States of America
	Mr. McNAMARA	Australia
	Mr. MASANI	India
	Mr. MENESES PALLARES	Ecuador
	Mr. NISOT	Belgium
	Mr. ROY	Haiti
	Mr. SPANIEN	France
	Mr. SHAFaq	Iran

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Representative of a specialized agency:

Mr. ARNALDO United Nations Educational,
 Scientific and Cultural Organization
 (UNESCO)

Consultants from non-governmental organizations:

Category A: Mr. STOLZ American Federation of Labor (AF of L)
 Mrs. MEAGHER World Federation of Trade Unions (WFTU)

Secretariat: Mr. HUMPHREY Representative of the Secretary-General
 Mr. LAWSON Secretary of the Sub-Commission

CONSIDERATION OF PART C OF RESOLUTION 217 (III) OF THE GENERAL ASSEMBLY,
ON THE FATE OF MINORITIES (E/CN.4/Sub.2/62, E/CN.4/Sub.2/63, E/CN.4/Sub.2/4;
E/CN.4/Sub.2/68) (discussion continued)

Proposal submitted by Mr. McNamara (E/CN.4/Sub.2/62)

Mr. McNAMARA referred to his statement at the preceding meeting and recalled that the purpose of his proposal was to enable the Secretariat to obtain factual information from non-governmental organizations relevant in general to the Sub-Commission's terms of reference. He also called attention to the final lines of his proposal, which provided for the submission of relevant information obtained from Governments, experts, or correspondents.

He stressed the fact that the proposal was clear-cut and practical and that no legal or technical objection arose regarding the competence of the Sub-Commission to adopt a resolution soliciting factual and statistical information regarding minority groups, to what extent they suffered discrimination, and why.

Mr. McNamara recalled the proposals of the first session of the Sub-Commission calling for studies of minorities as of long standing or of recent origin, as spurious or genuine, and pointed out that the rejection of those proposals by the Economic and Social Council meant in practice that the Sub-Commission still had not received the essential information covered by the resolution now before it.

Miss MONROE agreed that non-governmental organizations had presented very valuable information to the Sub-Commission, and indicated that she would have no objection to Mr. McNamara's proposal. It might first be wise to find out if the Secretariat would encounter any practical difficulties in carrying out the terms of the resolution.

/Mr. HUMPHREY

Mr. HUMPHREY (Representative of the Secretary-General) indicated that, if the resolution was adopted, the Sub-Commission should indicate precisely which organizations were to be invited to submit information. He pointed out that non-governmental organizations which had been granted consultative status by the Economic and Social Council were classified in categories A, B and C, and that it would be difficult for the Secretariat to assume responsibility for choosing among those organizations.

Mr. SHAFaq stated that unless information was to be requested in a purely informal way, it was essential to make clear exactly which organizations were involved. The Sub-Commission should exercise great care in recognizing non-governmental organizations as official sources of information.

Mr. McNAMARA expressed the view that the question of recognition did not arise, since specific non-governmental organizations had already been granted consultative status under categories A, B and C. The Sub-Commission might adopt the resolution in principle and stipulate in a later resolution which organizations were to be approached if such action was deemed necessary. Unless there was serious objection, he preferred leaving the choice of organizations to the Secretariat, which had complete information regarding the particular competence of each body. To avoid the possibility of slighting organizations not included in the Secretariat list, the Sub-Commission might issue a general statement indicating that information from all other non-governmental organizations with consultative status would be accepted.

Mr. NISOT agreed that the point raised by Mr. Shafaq was important and expressed doubt as to whether the Sub-Commission could initiate such consultations without the authorization of the Commission on Human Rights.

Mr. HUMPHREY (Representative of the Secretary-General, stated that, although Mr. McNamara's proposal made it clear that all non-governmental organizations were eligible, the choice of specific organizations was left to the Secretariat.

He concurred with Mr. Nisot's view and pointed out that the proposal would actually establish machinery by which non-governmental organizations could submit complaints to the Sub-Commission. In the light of the discussions of the Commission on Human Rights, the Secretary-General would be reluctant to act on such a proposal without prior approval by that Commission.

Mr. McNAMARA realized that some procedural arrangement might be necessary before the Secretariat could act on the proposal. Nevertheless, he stressed the distinction between the factual information sought by his proposal and complaints regarding specific cases. A screening process by the Secretariat might be used so that all sections which were not strictly factual would be excluded.

Mr. McNamara stated that he was prepared to accept an amendment providing for approval by the Commission on Human Rights, although such an amendment would delay implementation of his proposal.

Mr. MENESES FALLARES referred to Section IV, paragraph 4 of resolution 3 (II) of the Economic and Social Council which stated that non-governmental organizations in categories B and C "may submit written statements and suggestions on matters within their competence". Those organizations were further already authorized to submit the information covered by Mr. McNamara's proposal.

Mr. HUMPHREY (Representative of the Secretary-General) pointed out that while resolution 3 (II) gave the non-governmental organizations the right to submit statements, the proposal of Mr. McNamara was far more positive in that it provided for the Secretary-General to take the initiative in soliciting information from those organizations.

After a brief exchange of views regarding drafting, the operative part of Mr. McNamara's proposal was put to the vote in the following form:

"Recommends that the Human Rights Commission requests the Secretary-General:

"(A) to invite all such Organizations that he deems appropriate to furnish annually, and at any other time desired by him, factual information relevant to the Sub-Commission's terms of reference; in particular, such factual and statistical information as may assist the Sub-Commission to determine whether, to what extent, and why, any particular group is being discriminated

/against

against on the basis of the categories referred to in article 2 of the Declaration of Human Rights i.e. 'race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status';

"(B) to furnish to the members of the Sub-Commission progress information, received from such non-governmental organizations, prior to each session of the Sub-Commission; such progress information to be accompanied, if available, by any relevant commentaries, or other data, obtained by the Secretariat from (a) Governments (b) experts or correspondents working in collaboration with the Secretariat."

Mr. McNamara's proposal (E/CN.4/Sub.2/62) was adopted as amended by 11 votes to none with 1 abstention.

Proposal submitted by Mr. McNamara (E/CN.4/Sub.2/63)

Mr. McNAMARA pointed out that one resolution of the Commission on Human Rights (E/CN.4/332) recommended that members of the Sub-Commission should be invited to visit Trust Territories. He remarked, however, that the members of the Sub-Commission could not visit all the Trust Territories, and that therefore some members could not receive information through that source. He noted that the Trusteeship Council had dealt with certain petitions it had received, and had made findings on them. Such information, which was relevant to the prevention of discrimination and the protection of minorities, should be forwarded to the members of the Sub-Commission as it became available.

Mr. SHAFaq noted that the Sub-Commission, after taking a vote on the proposal contained in document E/CN.4/Sub.2/62, was at present requesting the Secretariat to furnish information from the Trusteeship Council. He suggested that the Sub-Commission should ask the Secretariat to furnish relevant information from any sources, from official and unofficial organs and also from the various organs of the United Nations. There were other organizations in the United Nations, besides the Trusteeship Council, which might furnish important information in that connexion, such as the Economic and Social Council and the Commission on Human Rights. He did not, therefore, agree that a special provision for the Trusteeship Council was needed. A more general provision would be preferable. Non-governmental organizations should form a separate category, as was proved by the vote just taken in the Sub-Commission on Mr. McNamara's proposal (E/CN.4/Sub.2/62), and the other United Nations organizations could be considered as a whole, without particular specifications.

/Mr. NISOT

Mr. NISOT supported the opinions expressed by Mr. Shafaq and pointed out that if the Sub-Commission expressly mentioned the Trusteeship Council in a recommendation, the latter organization might consider that the Sub-Commission was dealing with matters which pertained to its particular field.

Mr. McNAMARA remarked that the last point mentioned by Mr. Shafaq did not seem pertinent, since the Commission on Human Rights had asked that members of the Sub-Commission should be invited to go on missions to Trust Territories, whereas his proposal merely requested information from the Secretariat. He noted further that whereas the Secretariat had furnished reports from the Commission on Human Rights, the Sub-Commission had not as yet received from the Secretariat reports of the Trusteeship Council. He felt that his proposal was relevant as an alternative proposal to sending members with the visiting missions of the Trusteeship Council. Moreover the expense involved in sending members on such missions would be unwarranted, since the necessary information could be obtained in the way indicated by his proposal.

Mr. SHAFaq suggested that the Sub-Commission should consider Mr. McNamara's proposal as an informal recommendation to the Secretariat.

Mr. MENESES PALLARES stated that he considered that the proposal submitted by Mr. McNamara was important, but that if it would jeopardize the resolution of the Commission on Human Rights (E/CN.4/332), he would oppose it. He felt that although the reading of documentation was essential, it could not be a substitute for field work. Although Mr. McNamara had stated that his proposal was an alternative proposal, he thought that it could be useful only if the resolution of the Commission on Human Rights were rejected by the Economic and Social Council.

Mr. NISOT noted that in any case, the documentation of the Trusteeship Council was available to the members of the Sub-Commission, and that therefore that recommendation was superfluous.

Mr. McNAMARA pointed out that he did not wish the information which he requested from the Secretariat to be summarized too briefly.

/He felt

He felt that his proposal could be regarded as a useful alternative to the Economic and Social Council resolution, or as a useful addition if the resolution of the Commission on Human Rights were applied. He felt therefore that no real objection could be made to the adoption of his proposal, which would in any case result in a valuable gain in the field of factual information.

Miss MONROE agreed with Mr. Nisot that the documentation of the Trusteeship Council was available to the members of the Sub-Commission, and asked the Secretariat's opinion on the matter.

Mr. HUMPHREY (Representative of the Secretary-General) stated that if the Secretary-General was asked to prepare a report, he must be authorized, by a resolution, to do so. On the other hand, if documentation alone was required, the Sub-Commission could informally request the Secretary-General to furnish that documentation.

Mr. BORISOV stated that Mr. McNamara's proposal appeared on the surface to be desirable, but that he was not in favour of its being considered as an alternative to the resolution of the Commission on Human Rights. He noted that Australia had Trust Territories, and that Mr. McNamara did not wish the members of the Sub-Commission to participate in visiting missions to Trust Territories, in spite of the fact that the Commission on Human Rights had recommended such participation. Mr. Nisot, who was also the representative of an administering authority, took the same position. Yet the best way to obtain information concerning Trust Territories was to visit those territories, and Mr. Meneses Pallares was correct when he stated that Mr. McNamara's proposal might be prejudicial to the resolution of the Commission on Human Rights, which had been adopted by a considerable majority, and which had been phrased in moderate terms. Financial reasons had been advanced against the participation of the members of the Sub-Commission in such missions, and yet the United Nations was willing to spend large sums of money on the production of documents. The resolution of the Commission on Human Rights was so important that it warranted the relatively small expense involved.

/He pointed

He pointed out that in document E/CN.4/Sub.2/62, the Sub-Commission was making a request to the Commission on Human Rights, whereas, in Mr. McNamara's second proposal (E/CN.4/Sub.2/63), it was opposing a previous resolution of the Commission.

He agreed that Mr. McNamara's proposal was unacceptable as an alternative proposal, but stated that it was acceptable as an additional request.

The CHAIRMAN stated that he understood Mr. McNamara's proposal as being not an alternative to the decisions of the Commission on Human Rights, but rather as a means of obtaining previous and supplementary information.

Mr. NISOT remarked that no one wished to prejudge the decision on a recommendation made by the Commission on Human Rights, and that the final decision would be taken by the Economic and Social Council.

Mr. McNAMARA stated that his proposal was not an alternative but that it was an additional proposal. He noted moreover that it would be difficult to decide which Trust Territories should be visited by the members of the Sub-Commission.

Mr. CHANG did not think that by asking for documents of the Trusteeship Council the Sub-Commission would in any way encroach upon the Council's domain. He therefore had no objection to Mr. McNamara's proposal, but preferred the original version. The relevant data would then be supplied in full and would not be coloured by the views of the official who might prepare the report.

Mr. SHAFaq repeated his suggestion that Mr. McNamara's proposal might be extended to include all organs of the United Nations which dealt with questions of discrimination and protection of minorities. He consequently suggested that the preamble and the operative part might be amended to read:

"Recognizing the value to the Sub-Commission of that part of the work and findings of various organs of the United Nations which is relevant to the prevention of discrimination and the protection of minorities,

/ "Recommends

"Recommends that the Secretary-General furnish the members of the Sub-Commission with relevant data on the activities of all organs of the United Nations and its specialized agencies in the field of discrimination and protection of minorities as and when it becomes available."

Mr. McNAMARA accepted that amendment.

Mr. McNamara's proposal, as amended, was adopted by 10 votes to none, with 2 abstentions.

Mr. MENESES PALLARES explained that he had abstained because he did not wish to jeopardize to the slightest extent the chances of the resolution of the Commission on Human Rights dealing with visiting missions.

Proposal submitted by Mr. Shafaq (E/CN.4/Sub.2/45, E/CN.4/Sub.2/68)

Mr. SHAFaq briefly introduced his proposal that the Secretariat should publish every three years a yearbook on minorities. Such a volume should be a comprehensive reference book on the subject and should be of great use not only to the Sub-Commission itself but to anyone interested in the question. While some of the same data might appear in other publications, the advantage of the proposed yearbook was that it would deal exclusively with minorities and discrimination and would therefore present that data in concentrated form.

The Secretariat had submitted an estimate of the cost of such a yearbook (E/CN.4/Sub.2/68). While it was necessary to take the cost into account, the decision whether or not it was excessive was for other bodies of the United Nations to make; if the Sub-Commission was convinced that the project was a useful one, it should recommend its execution. He did not, however, insist that immediate action should be taken on his proposal.

Mr. HUMPHREY (Representative of the Secretary-General) pointed out that the estimated cost of printing the proposed yearbook was \$26,000 and the cost of translation from one working language into another was \$20,000. If it were desired to translate the yearbook into the three remaining official languages, an additional \$60,000 would be required for such translation. Those estimates were based on the assumption

/that the proposed

that the proposed yearbook would be similar in size and style to the Yearbook on Human Rights. While it was difficult to tell at the moment whether additional substantive staff would be required, it appeared probable that the services of one senior official and one secretary, costing about \$12,000, would be needed.

He recalled that Mr. Shafaq had also asked the Secretariat to consider the usefulness of his proposal in the light of the fact that the Yearbook on Human Rights was already being published. That Yearbook contained primarily compilations of national and international legislation in the field of human rights, and also a section on the activities of organs of the United Nations, including the Sub-Commission; it did not, however, contain any original contributions. The Secretariat consequently felt that it would be inadvisable either to include in the Yearbook on Human Rights a section containing the material proposed by Mr. Shafaq or to devote every third issue of the Yearbook exclusively to that material. Inasmuch as the yearbook suggested by Mr. Shafaq was to contain original contributions and statistical data, the Secretariat was of the opinion that it should be an entirely separate publication. The question arose whether such a yearbook should be prepared by members of the Secretariat or by experts, the latter possibly being some of the members of the Sub-Commission.

In his proposal, Mr. Shafaq mentioned correspondents who might furnish material. Since the correspondents who were furnishing material for inclusion in the Yearbook on Human Rights were lawyers who were not necessarily familiar with sociological problems and, moreover, were frequently government officials, they might not be considered suitable for the purpose at hand. If a system of correspondents were to be used, new ones would have to be found. The danger of such a system was that the Secretariat might be faced by voluminous material which was difficult to digest. It might be preferable to ask experts to write articles on specific topics, while the Secretariat might deal with other sections of the yearbook. Before the Secretariat could start looking for experts, however, it might be advisable for the Sub-Commission to draw up a precise plan for the yearbook and to decide upon a list of topics. Moreover, as the Secretariat was not qualified to deal with some of the delicate problems which might be involved, the experts who prepared papers on those problems should accept full responsibility for them.

Mr. Humphrey assumed that, although Mr. Shafaq's proposal mentioned only the protection of minorities, he intended the yearbook to cover the prevention of discrimination as well.

/In reply

In reply to Mr. NISOT, he said that he did not think it would be necessary for the Secretariat to assume the responsibility for deciding what a minority was. Some of the articles included in the yearbook might, in fact, deal with that very subject.

Mr. SHAFaq replied that it was his intention that the yearbook should include material on discrimination as well as on minorities. He did not, however, insist on the immediate publication of the proposed yearbook.

Mr. HUMPHREY (Representative of the Secretary-General), in reply to questions asked by Mr. DANIELS and Mr. NISOT, said that Mr. Shafaq's proposal would have to be adopted by the Sub-Commission in the form of a recommendation to the Commission on Human Rights, because it had financial implications. The publication of the Yearbook on Human Rights had been authorized by the Economic and Social Council in resolution 9 (II), the relevant provision of which read:

"The Secretary-General is requested to make arrangements for:

"(a) The compilation and publication of a yearbook on law and usage relating to human rights, the first edition of which should include all declarations and bills on human rights now in force in the various countries".

The Secretariat had therefore been given very clear instructions with respect to the first Yearbook; the Commission on Human Rights had since issued further instructions with respect to the second volume, but the Yearbook remained essentially a compilation of laws and was entirely objective.

Miss MONROE remarked that she was daunted by the size and nature of the proposed publication, and by its estimated cost. She felt, moreover, that it would be premature to publish a yearbook before the Commission itself knew the answers to such questions as what was a minority and what kinds of minorities there were.

Mr. McNAMARA observed that the phrase "law and usage relating to human rights" in the resolution quoted by Mr. Humphrey was broad enough to authorize the publication of a yearbook on minorities, since usage relating to human rights certainly covered the fate of minorities. He did not, however, think that, until the Sub-Commission itself had clearly determined what a minority was and what kinds of minorities existed, such a volume should be issued as a public document intended
/for general

for general sale. At the existing stage, something in the nature of a restricted document was preferable.

Mr. HUMPHREY did not think that the word "usage" had the broad meaning assigned to it by Mr. McNamara. The Economic and Social Council had not yet decided, for example, whether that word permitted the inclusion in the Yearbook on Human Rights of judicial decisions. He had understood that Mr. Shafaq had had a different type of publication in mind. Such a publication would not be covered by the Council resolution 9 (II).

Mr. DANIELS suggested that instead of adopting Mr. Shafaq's proposal, the Sub-Commission might pass a resolution recommending that experts who had no direct connexion with the United Nations might be urged to produce a book dealing with the questions of the prevention of discrimination and the protection of minorities.

Mr. McNAMARA thought that the whole project might be referred to UNESCO.

The CHAIRMAN observed that while a yearbook such as proposed by Mr. Shafaq would be extremely useful, the Sub-Commission did not have sufficient time at its disposal to work out a detailed plan, without which the Secretariat could not proceed with publication. He therefore suggested that consideration of Mr. Shafaq's proposal should be postponed until the following session of the Sub-Commission.

Mr. SHAFaq preferred that suggestion to those of Mr. Daniels and Mr. McNamara.

The Chairman's suggestion was adopted by 10 votes to none, with 1 abstention.

The meeting rose at 1.10 p.m.