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ORIGINAL: FRENCH**COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION
AND THE PROTECTION OF MINORITIES****Second Session****SUMMARY RECORD OF THE THIRTY-FIFTH MEETING**Held at Lake Success, New York,
on Wednesday, 22 June 1949, at 2.15 p.m.**CONTENTS:**

- Proposal submitted by Mr. Borisov (E/CN.4/Sub.2/50) (continued)
- Joint proposal submitted by Mr. Meneses Pallares, Mr. Roy and Mr. Shafagh (E/CN.4/Sub.2/59) (continued)
- Revised draft resolution of Mr. Daniels on the protection of minorities (E/CN.4/Sub.2/60)
- Revised proposal by Mr. Daniels with regard to the handling of petitions (E/CN.4/Sub.2/66)
- Draft resolution submitted by Miss Monroe and Mr. Spanien on procedure for furthering the protection of minorities (E/CN.4/Sub.2/69)
- Report of the Committee appointed to review the confidential list of communications (E/CN.4/Sub.2/61)
- Preparation of the Sub-Commission's Report

<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

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Members (continued):

Mr. McNAMARA	Australia
Mr. MASANI	India
Mr. MENESES PALLARES	Ecuador
Mr. NISOT	Belgium
Mr. ROY	Haiti
Mr. SPANLEN	France
Mr. SHAFAGH	Iran

Also present:

Miss ZUNG	Commission on the Status of Women
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Representatives of specialized agencies:

Mr. STOLZ	American Federation of Labor (AFL)
Mrs. MEAGHER	World Federation of Trade Unions (WFTU)

Secretariat:

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

PROPOSAL SUBMITTED BY MR. BORISOV (E/CN.4/Sub.2/50) (continued)

The CHAIRMAN reminded the Sub-Commission that discussion on the substance of the various proposals was closed. The current meeting would be devoted to voting. Members of the Sub-Commission would not be able to submit amendments affecting substance but only drafting amendments. They would be able to explain their votes without re-opening discussion. He called on the Sub-Commission to ~~first~~ decide on Mr. Borisov's proposal (E/CN.4/Sub.2/50).

He would first put to the vote the various paragraphs of the operative part; if the proposal were adopted the preamble would have to be redrafted so that it might open with the usual formula.

Mr. SPANLEN recalled that he had already submitted an amendment on substance, i.e., that the form of words used in the Universal Declaration of Human Rights be used systematically whenever a text referred to human rights covered by that Declaration.

Paragraph 1 should be amended by adding, in the third line, the words "or political or other beliefs" after the word "sex", and in sub-paragraph 3 by adding, after the words "financial position", the

words "religious, political or other beliefs". The acceptance or rejection of those amendments would not affect his position in regard to Mr. Borisov's proposal as a whole.

The CHAIRMAN, Miss MONROE, Mr. SPANIEN and Mr. ROY said that they would vote against all the paragraphs which merely reproduced the provisions of the Universal Declaration of Human Rights, as their adoption would only reduce the Declaration's force by implying that it was insufficient.

Mr. CHANG would abstain as Mr. Borisov's proposal only differed on some points from the provisions of the Universal Declaration of Human Rights. On the whole, the proposal was restricted to reproducing those provisions.

PARAGRAPH A

Sub-Paragraph (1)

Mr. BORISOV requested a roll-call vote on his proposal, paragraph by paragraph.

The CHAIRMAN put to the vote Mr. Spanien's amendment to sub-paragraph (1).

The Sub-Commission decided by 9 votes, with 2 abstentions, to add the words "or political or other beliefs" after the word "sex" in the third line of the French text (third line of English text).

Mr. BORISOV explained that the provisions of sub-paragraph (1) were not contained in the Universal Declaration of Human Rights.

Mr. SPANIEN, although agreeing, would also abstain as he preferred the way in which the question had been dealt with in the Universal Declaration of Human Rights.

Mr. SHAFAGH thought that the sub-paragraph (1) of the proposal contained some positive elements. However, its wording was somewhat ambiguous as it was not clear whether it applied to all persons, as was stated in the preamble, or merely to members of a minority. He would have liked to have proposed an amendment but, as that was no longer possible, he too would be obliged to abstain.

A vote was taken by roll-call on sub-paragraph (1) as follows:

In favour: Mr. Borisov
Against: Mr. Daniels, Mr. Masani, Miss Monroe,
Mr. Nisot, Mr. Roy, Mr. Spanien.
Abstaining: Mr. Chang, Mr. Ekstrand, Mr. Meneses Pallares,
Mr. Shafagh

Sub-paragraph (1) was rejected by 6 votes to 1, with 4 abstentions.

Sub-Paragraph (2).

The CHAIRMAN and Mr. MASANI would abstain as they preferred the text used in the corresponding part of Mr. Daniels' proposal.

Mr. BORISOV pointed out that Mr. Daniels' proposal was limited to administrative measures, whereas his went much further.

Mr. SHAFAGH would abstain from voting although he agreed with the aim Mr. Borisov was trying to attain; however, Mr. Borisov's argument was based on the erroneous assumption that any populations speaking different languages could develop sufficiently to establish their own cultural institutions. Some populations, particularly in Africa, were so backward that it would be difficult to agree with that theory.

Mr. CHANG would abstain although he thought that sub-paragraph (2) contained certain positive elements which could be incorporated in Mr. Daniels' proposal.

Mr. McNAMARA would vote in favour of sub-paragraph (2) as it contained clauses which should be retained and had a much greater scope than Mr. Daniels' proposal.

Miss MONROE would vote against the proposal as it did not leave the minority free to decide whether or not to avail itself of the right provided for. It ought to be stated that the right would be granted "if asked for by the minority".

A vote was taken by roll-call on sub-paragraph (2) as follows:

In favour: Mr. Borisov, Mr. McNamara.
Against: Mr. Daniels, Mr. Masani, Miss Monroe, Mr. Nisot,
Mr. Spanien.
Abstaining: Mr. Chang, Mr. Ekstrand, Mr. Meneses Pallares,
Mr. Roy, Mr. Shafagh.

Sub-paragraph (2) was rejected by 5 votes to 2, with 5 abstentions.

/Sub-paragraph (3).

Sub-paragraph (3).

The CHAIRMAN put to the vote the amendment submitted by Mr. Spanien, consisting in the addition of the words "religious, political or other beliefs" after the words "financial position" in the second line of sub-paragraph (3).

Mr. SPANIEN requested a vote by roll-call on his amendment.

A vote was taken by roll-call as follows:

In favour: Mr. Daniels, Mr. Ekstrand, Mr. McNamara,
Mr. Masani, Mr. Meneses Pallares, Miss Monroe,
Mr. Nisot, Mr. Roy, Mr. Spanien, Mr. Shafagh

Abstaining: Mr. Borisov, Mr. Chang.

Mr. Spanien's amendment was adopted by 10 votes, with 2 abstentions.

Mr. CHANG stated that he had felt bound to adopt the same attitude in regard to Mr. Spanien's amendment which tended to reproduce the terms of the Declaration, as he had to the text of the proposal and had, therefore, abstained, just as he had abstained in the vote on the parts of the original text reproducing the terms of the Universal Declaration of Human Rights.

The CHAIRMAN said he would put to the vote sub-paragraph (3) of Mr. Borisov's proposal. He would vote against that sub-paragraph as it was already contained in the Universal Declaration of Human Rights.

Mr. NISOT said that he agreed, in principle, with the ideas set forth in that sub-paragraph; he would, nevertheless, vote against it as taken in connexion with the preamble of paragraph A, it would constitute a violation of Article 2, paragraph 7 of the Charter.

Mr. SPANIEN also agreed in principle with the terms of the sub-paragraph (3) but felt that its drafting was poor and that poor drafting always ran contrary to the goal sought. He would therefore vote against that sub-paragraph.

Mr. BORISOV was surprised that Mr. Spanien could vote against a text to which he had submitted an amendment that had been accepted.

/Mr. SPANIEN

Mr. SPANIEN explained that he had presented his amendment because he was afraid that the Sub-Commission might adopt a text which would result in the elimination of freedom of opinion.

A vote was taken by roll-call on sub-paragraph (3) as follows:

<u>In favour:</u>	Mr. Borisov, Mr. McNamara.
<u>Against:</u>	Mr. Daniels, Mr. Masani, Miss Monroe, Mr. Nisot, Mr. Spanien.
<u>Abstaining:</u>	Mr. Chang, Mr. Ekstrand, Mr. Meneses Pallares, Mr. Roy, Mr. Shafagh.

Sub-paragraph 3 was rejected by 5 votes to 2, with 5 abstentions.

Sub-paragraph (4)

Miss MCNROE stated that article 23 of the Universal Declaration of Human Rights already fulfilled the purpose which was sought by sub-paragraph (4) of Mr. Borisov's proposal.

The CHAIRMAN expressed the view that the rights which the Declaration granted to individuals actually applied to all members of a minority.

Mr. ROY and Mr. MASANI shared the same view.

Mr. McNAMARA could not agree with that opinion. An individual who belonged to a minority should be protected in the exercise of certain rights which because of his particular position applied to him only. The United Nations had adopted the Convention on Genocide. By adopting sub-paragraph (4) of Mr. Borisov's proposal, the Sub-Commission would show that it condemned the crime of genocide which could be committed by denying a group of persons the right to work or by subjecting such a group to unbearable working conditions.

Mr. SHAFAGH stated that he would vote for the sub-paragraph (4) because it introduced a new and positive element in providing that every person had the right to work.

Mr. BORISOV explained that in drafting sub-paragraph (4) he had not intended to reproduce the terms of article 23 of the Universal Declaration of Human Rights but to fill in a gap which existed because the General Assembly had not included in the Declaration

an article on the rights of minorities. Sub-paragraph (4) would prevent the elimination of groups of human beings such as the American Indians who theoretically enjoyed full rights but who in practice were subjected to conditions such as to make survival impossible.

A vote was taken by roll-call on sub-paragraph (4) as follows:

In favour: Mr. Borisov, Mr. McNamara, Mr. Shafagh.

Against: Mr. Daniels, Mr. Masani, Miss Monroe,
Mr. Nisot, Mr. Roy, Mr. Spanien.

Abstaining: Mr. Chang, Mr. Ekstrand, Mr. Meneses Pallares.

Sub-paragraph (4) was rejected by 6 votes to 3, with 3 abstentions.

Sub-paragraph (5)

Miss MONROE stated that she would vote against sub-paragraph (5) because the right to rest and leisure applied to everyone, not exclusively to persons belonging to a minority.

Mr. ROY would vote against that sub-paragraph because it duplicated article 24 of the Universal Declaration of Human Rights.

Mr. SHAFAGH would support that sub-paragraph because the entire proposal of Mr. Borisov sought to make it clear that no distinction could be made between members of a minority and other people. It was therefore natural to specify that with regard to rest and leisure, persons belonging to a minority would enjoy the same rights as all other individuals. To request Member States to guarantee to every person the right to work whether or not he belonged to a minority, to stipulate explicitly that any member of a minority would enjoy that right, could in no way encroach on national sovereignty. There was therefore no obstacle to the adoption of sub-paragraph (5).

A vote was taken by roll-call on sub-paragraph (5) as follows:

In favour: Mr. Borisov, Mr. McNamara, Mr. Shafagh.

Against: Mr. Daniels, Mr. Masani, Miss Monroe,
Mr. Nisot, Mr. Roy, Mr. Spanien.

Abstaining: Mr. Chang, Mr. Ekstrand, Mr. Meneses Pallares.

Sub-paragraph (5) of Mr. Borisov's proposal was rejected by 6 votes to 3, with 3 abstentions.

Paragraph B

Mr. SHAFAGH would vote against paragraph B because it had no connexion with the questions the Sub-Commission should deal with. It

/presented

presented political considerations on which it was impossible to reach a decision without undertaking a careful study of the entire problem raised in paragraph B.

Mr. McNAMARA would also vote against paragraph B for the same reasons and because the concept of fascist or nazi views was not clearly defined. The text should apply to all totalitarian regimes. Moreover, paragraph B was not sufficiently well drafted to guarantee the protection of freedom of opinion. If that text were adopted, it might be used to limit freedom of opinion and particularly to limit the right to make justified criticism of any group.

Mr. NISOT would vote against the text because there was other subversive propaganda to which the paragraph should also apply.

Mr. SPANIEN was strongly opposed to any fascist or nazi doctrine because those doctrines permitted the physical destruction of their opponents. He would vote against paragraph B because it represented distortion of the principles set forth in article 30 of the Universal Declaration of Human Rights.

A vote was taken by roll-call on paragraph B as follows:

In favour: Mr. Borisov

Against: Mr. Daniels. Mr. Ekstrand, Mr. McNamara,
Mr. Masani, Miss Monroe, Mr. Nisot, Mr. Roy,
Mr. Spanien, Mr. Shafagh.

Abstaining: Mr. Chang, Mr. Meneses Pallares.

Paragraph B was rejected by 9 votes to 1, with 2 abstentions.

Mr. MENESES PALLARES explained that he had abstained throughout the vote because on the one hand he agreed with the intention of Mr. Borisov who sought to guarantee minority rights but on the other hand he considered it dangerous to do so without defining what constituted a minority and without knowing to what group of persons those rights would be granted.

Mr. BORISOV noted that constructive proposals aimed at guaranteeing the most fundamental minority rights had just been rejected by the Sub-Commission. If the Sub-Commission, which had been established for the protection of minorities had found it possible to reject such proposals, he wondered to what the Sub-Commission would devote its efforts in the future and whether the bodies by which it

/had been

had been established would consider it advisable to continue its existence.

JOINT PROPOSAL SUBMITTED BY MR. MENESES PALLARES, MR. ROY AND MR. SHAFAGH (E/CN.4/Sub.2/59) (continued)

The CHAIRMAN recalled that he had submitted an amendment to delete in the operative part the words "upon specific application or in reply to questionnaires" and to insert after the word "regarding" the following text: "legislative measures for the protection of any minority or group within their jurisdiction".

Mr. SHAFAGH explained that he wanted to enable the Secretariat to obtain all useful information on the living conditions and the status of minorities. The adoption of his proposal would warn Governments that they would be called upon to furnish such information.

Mr. HUMPHREY (Secretariat) proposed the following redraft of the second paragraph: "Calls upon the Secretary-General to request the various Governments to furnish him with full information regarding legislative measures for the protection of minorities within their jurisdiction and regarding the status of any minority in the light of the provisions of the Universal Declaration of Human Rights".

The CHAIRMAN and the sponsors of the proposal accepted that wording.

Mr. McNAMARA pointed out that it was important to retain the word "any" before the word "minority", in order to make clear that information had to be furnished regarding all minorities, whether or not legislative measures had been taken for their protection.

Mr. SPANIEN remarked that such an investigation could not be undertaken before the adoption of the Covenant on Human Rights.

Mr. NISSE thought that the proposal was asking Governments to perform a task which they could not fulfil as long as it had not been agreed what was meant by minority.

Mr. McNAMARA suggested the word "minority" might be replaced by "racial, linguistic, national and religious groups".

/He requested

He requested that the second paragraph might be voted upon in two parts, first on the text up to and including the words "within their jurisdiction", and then the remaining portion. If the first part only were adopted, it would be clear that the racial, linguistic, national and religious groups in question represented minorities within the territory of a State.

Mr. SHAFAGH recalled the agreement that all the decisions of the Sub-Commission would be taken on the understanding that the term "minority" would be defined later.

Miss MONROE thought that the word "minority" should be defined first and that in the proposal the expression "recognized minority groups" should be used. The Sub-Commission could then define later what it understood by that expression.

Mr. NISOT thought that, by adopting the second paragraph, the Sub-Commission would be admitting that it was unequal to its task.

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

The amendment to replace the word "minority" by the words "racial, linguistic, national and religious groups" was rejected by 9 votes to 1 with 2 abstentions.

The CHAIRMAN put to the vote the text drafted by Mr. Humphrey up to and including the word "jurisdiction".

The first part of the second paragraph was adopted by 8 votes with 4 abstentions.

Miss MONROE explained that she had abstained because she considered the proposal premature.

Before Governments could reply to questions, they had to know what was meant by "minority".

Mr. NISOT requested that the reasons for his vote should be recorded in the report.

Mr. BORISOV had abstained because of the statements of various members that it was necessary first to define the term "minority". After the rejection of his own proposal for the protection of minorities, he wondered what use could be made of the information sought.

/The CHAIRMAN

The CHAIRMAN put the remaining part of the second paragraph to the vote.

The second part of the second paragraph was adopted by 8 votes, with 4 abstentions.

The CHAIRMAN put the third paragraph to the vote.

The third paragraph was adopted by 8 votes, with 4 abstentions.

The CHAIRMAN put to the vote the recital preceding the two paragraphs just adopted.

The recital was adopted by 8 votes, with 4 abstentions.

The CHAIRMAN put to the vote the proposal as a whole.

The joint proposal presented by Mr. Maneses Pallares, Mr. Roy and Mr. Shafagh was adopted as a whole by 8 votes, with 4 abstentions.

REVISED DRAFT RESOLUTION PRESENTED BY MR. DANIELS ON THE PROTECTION OF MINORITIES (E/CN.4/Sub.2/60)

Mr. DANIELS stated that in revising his draft resolution he had taken into account many of the points raised by other members of the Sub-Commission.

Miss MONROE suggested that the word "minorities" in the first line of the preamble might be replaced by the phrase "recognized minority groups".

Mr. SHAFAGH said that the words "members of such groups" at the end of sub-paragraph 2 of the operative part, should be replaced by the single word "groups". He suggested that if the text remained unaltered, a State might be obliged to grant a request made by only a few members of a minority.

Mr. DANIELS explained that the words "in reality expresses" implied that the desire expressed must be that of the majority of the members of a community. He nevertheless accepted the amendments proposed by Miss Monroe and Mr. Shafagh.

Mr. MENESES PALLARES proposed the insertion of the word "unity" before the word "security" in the last paragraph of the proposal. The last clause of the second recital would then be superfluous.

/Mr. DANIELS

Mr. DANIELS accepted that proposal.

Mr. NISOT thought that the last paragraph should be presented in the form of a reservation to the effect that minorities could enjoy the rights listed in the proposal only so long as they did not abuse them by threatening or undermining the unity and security of States. He pointed out, moreover, that the General Assembly could not make such recommendations until the Covenant on Human Rights had been adopted. It could not make recommendations to non-member States.

Miss MONROE enquired whether the right to use the languages of minority groups in judicial procedure would not impose unforeseen obligations upon States. It should be understood that the provision meant no more than the right of any member of a minority who did not know the language in which judicial proceedings were conducted to be assigned an interpreter.

Mr. DANIELS thought that that provision should not be interpreted too rigidly; if greater facilities could be extended, members of minorities should not be deprived of them.

Miss MONROE reaffirmed that it was impossible to impose upon States to furnish any facilities other than interpretation.

Mr. DANIELS, in reply to the objection raised by Mr. Nisot, pointed out that the Assembly could make recommendations to Member States. He was consequently ready so to amend his text that its recommendations would apply only to Member States of the United Nations.

Mr. McNAMARA remarked that the second recital and the last paragraph of the operative part duplicated each other. The draft resolution would grant elementary rights, such as the use of the mother tongue and everyone's right to make himself understood before a tribunal. He failed to see how the enjoyment of such harmless rights could endanger the security or even the unity of a State. The draft resolution stated twice that the limited rights which it defined were granted only with certain reservations. He also failed to understand why it should be stated that in schools subsidized by the State the languages of minority

groups would be taught only "provided that such groups request it" and "that the request in reality expresses the spontaneous desire of such groups". Surely the desire to know one's native tongue was the most natural in the world.

Miss MONROE recalled the use made by the Germans of the right of the German minority in Czechoslovakia to be educated in its own language. Subversive publications had been circulated, threatening the security of the Czechoslovak State.

The CHAIRMAN proceeded to take a vote paragraph by paragraph.
The first paragraph was adopted by 9 votes, with 2 abstentions.
The second paragraph was adopted by 8 votes to 2, with 2 abstentions.
The third paragraph was adopted by 10 votes, with 2 abstentions.

The CHAIRMAN put to the vote the amendment proposed by Miss MONROE to the first paragraph of the operative part.

That amendment consisted in the substitution of the words "recognized minority groups" for the word "groups".

That amendment was adopted by 9 votes to 2, with 1 abstention.

The first paragraph of the operative part, as amended, was adopted by 10 votes with 2 abstentions.

The CHAIRMAN put to the vote sub-paragraph (1).

Sub-paragraph (1) was adopted by 8 votes with 4 abstentions.

Mr. SHAFAGH explained that in voting for sub-paragraph (1) he had interpreted it as meaning that States would provide any prisoner belonging to a minority group with an interpreter, obviously whenever the prisoner did not understand the language of the country.

Mr. MASANI interpreted the text in the same way.

Mr. DANIELS replied that a vote had already been taken on a text, no further clarification of its meaning could be made. It would be

advisable to adhere to the meaning of the text which was clear.

Miss MONROE had abstained in the vote as those provisions would be included in the Covenant on Human Rights. The text in question would thus be a duplication as soon as the covenant was adopted.

The CHAIRMAN put sub-paragraph (2) to the vote.

Sub-paragraph (2) was adopted by 10 votes, with 2 abstentions.

The CHAIRMAN then put the last paragraph to the vote.

Mr. DANIELS read the following text for the last paragraph:
"Affirms that minorities shall possess these or other rights so long as they are not used for the purpose of threatening or undermining the unity and security of States."

Mr. NISOT supported that wording.

Mr. McNAMARA said that by mentioning the idea of unity of the State, minorities would be deprived of their constitutional right to request that the State should become a federation, a request which did not undermine the security of the State.

Mr. DANIELS replied that in the concept of the citizens of the United States a federation did not threaten the unity of the State.

Mr. CHANG did not see why it was necessary twice to make reservations regarding the rights proclaimed. For that reason he had abstained in the vote on sub-paragraph (2). Since the second paragraph of the recital had been adopted, he would vote against the last paragraph, which repeated reservations already set forth in the second paragraph of the recital.

Mr. BORISOV asked Mr. Daniels whether he would accept to delete the last paragraph. The Sub-Commission had already rejected his proposal, which would ensure to all members of a minority group the right to work. They were not being granted anything more than the right to speak their

own language, but even while granting them such simple rights, the security of the State was being brought into the picture.

Mr. DANIELS wished to maintain his text.

The CHAIRMAN put to the vote the last paragraph as Mr. Daniels had just presented it.

The last paragraph was adopted in that form by 9 votes to 3.

The CHAIRMAN put the whole of Mr. Daniels' draft resolution to the vote, as amended.

The whole of the draft resolution as amended was adopted by 9 votes to 1, with 2 abstentions.

Mr. SPANLEN said he had voted in favour of the resolution submitted by Mr. Daniels in the belief that the teaching of the language of a minority group would, in fact, require no change, whatever the country, in the structure of the scholastic system.

Mr. NISOT explained that he had abstained in the vote though he wholeheartedly endorsed the principles set forth in Mr. Daniels' draft resolution. In his opinion, however, that draft resolution contained a juridical error. He reserved the right to have the reasons for his abstention included in the Sub-Commission's report.

REVISED PROPOSAL BY MR. DANIELS WITH REGARD TO THE HANDLING OF PETITIONS
(E/CN.4/Sub.2/66)

After explaining the main changes he had made in his original text, Mr. DANIELS emphasized that his proposal was intended to make available to the Sub-Commission the most complete documentation possible, without prejudicing the way in which that documentation would be used in drawing up resolutions and recommendations.

He added that he had included in the first recommendation the proposal which Mr. Roy had submitted and with which he himself was in agreement.

The first recommendation was adopted by 8 votes to 1, with 3 abstentions.

The second recommendation was adopted by 8 votes, with 4 abstentions.

The introduction to the third recommendation was adopted by 7 votes to 1, with 4 abstentions.

Paragraph 1 of the third recommendation was adopted by 7 votes to 1, with 4 abstentions.

/Mr. SHAFAGH

Mr. SHAFAGH pointed out that the original text of paragraph 2 of the recommendation had contained the expression "to request informally further information...". He urged that the word "informally" be retained.

Mr. NISOT considered that the inclusion of the word "informally" would make the sentence contradictory; no request from an official body was informal.

The proposal to retain the word "informally" was rejected by 3 votes to 1, with 7 abstentions.

Paragraph 2 of the third recommendation was adopted by 6 votes to 4, with 2 abstentions.

Paragraph 3 of the third recommendation was adopted by 6 votes to 2, with 2 abstentions.

Mr. ROY said that he had abstained in the vote on paragraph 3. In his view all the members of the Sub-Commission were as much entitled to know the particulars of the activities of the Petitions Committee as the three members who made up that committee; a complete report should therefore be made by that Committee to the Sub-Commission.

Paragraph 4 of the third recommendation was adopted by 5 votes to 1, with 5 abstentions.

Mr. SHAFAGH stated that he had abstained from voting on paragraph 4 because that paragraph appeared to him to serve no purpose.

The proposal submitted by Mr. Daniels as a whole was adopted by 7 votes to 4, with 1 abstention.

Mr. SPANIEN said that he had voted against the proposal because he thought that the problem with which the proposal dealt should have been studied as a whole; it was for that reason that he himself had submitted a different text.

Miss MONROE explained that she had voted against the proposal because she preferred a different procedure.

Mr. MENESES PALLARES said he had abstained; in his view, the adoption of such a proposal was premature as long as resolution 75 (V) had not been amended.

Mr. NISOT reserved the right to have inserted in the report the considerations which had governed his vote.

Mr. BORISOV had voted against Mr. Daniels' proposal, and reserved the right to have the reason for his vote included in the report.

DRAFT RESOLUTION SUBMITTED BY MR. SPANIEN AND MISS MONROE ON PROCEDURE FOR FURTHERING THE PROTECTION OF MINORITIES (E/CN.4/Sub.2/69)

Mr. MASANI observed that the draft resolution under consideration contained a certain amount of purely theoretic material which had already been included in resolutions adopted by the Sub-Commission; the draft should, therefore, be considered a working document, and decisions should be taken only on paragraphs 4 and 7.

Miss MONROE said that the document might be regarded as a plan of work which could be adopted by the Sub-Commission for its next session. It might be considered paragraph by paragraph.

Mr. McNAMARA supported the view that paragraphs 4 and 7 contained definite proposals upon which the Sub-Commission should take a decision. He added that the proposal in paragraph 6 should also be submitted to the consideration and formal decision of the Sub-Commission.

Mr. DANIELS pointed out that the content of paragraph 6 had already been included in a proposal which he had submitted concerning communications.

Mr. CHANG thought that the document, considered as a working paper, could unquestionably be of value. He expressed approval of certain suggestions it contained, but thought that they should be submitted in the form of draft resolutions to be examined by the Sub-Commission at its next session.

Mr. SPANIEN in reply to Mr. Daniels, agreed that his proposal was intended primarily to secure the amendment of resolution 75 (V). Nevertheless, the text submitted by Miss Monroe and Mr. Spanien went further than Mr. Daniels' draft resolution in that it welcomed the initiative taken by the Secretariat. Furthermore, paragraph 6 contained certain points not included in Mr. Daniels' draft resolution.

/Mr. Spanien

Mr. Spanien admitted, however, that it would be possible to amend the document in the light of the discussion that had taken place. The Sub-Commission could vote on the ideas set out in that document, paragraph by paragraph, and on concrete proposals embodied in paragraphs 4 and 7; Miss Monroe and Mr. Spanien would redraft those two paragraphs in the form of resolutions.

Miss MONROE said that the proposals in paragraphs 2, 4 and 7 could be grouped in a single resolution and paragraph 6 could be taken as a separate resolution. She thought that it would be more advisable to request the amendment of resolution 75 (V) in a special resolution than in a paragraph of another proposal.

Mr. BORISOV said that the Sub-Commission had not sufficient time at its disposal to make an exhaustive study of that document. He suggested that the Sub-Commission should undertake the consideration^{of} that paper at its following session, in January 1950. The examination of the various items on the agenda could thus be completed.

Mr. SPANIEN did not agree with Mr. Borisov. The document which he had submitted jointly with Miss Monroe had been intended to be part of the preparatory work for the following session. To postpone its examination until the following session would therefore seem to be illogical.

Mr. DANIELS thought that part II of that document alone raised so many basic problems that it was doubtful whether Miss Monroe and Mr. Spanien would have sufficient time and adequate guidance to draft the suggestions contained therein in a new form.

Mr. SPANIEN stated that the document defined the field in which the Secretariat should undertake studies. Part II was of undoubted assistance in that respect. The Secretariat must have specific instructions to carry out studies, the need for which had been recognized by all members of the Sub-Commission.

Mr. DANIELS, referring to the requisite amendments to resolution 75 (V), said that it would be inopportune to adopt two resolutions on the same subject.

Mr. ROY and Mr. NISOT agreed with Mr. Daniels.

The CHAIRMAN said that the authors of that document could, in the light of the debate, submit one or several draft resolutions to the Sub-Commission containing the suggestions which they had incorporated in their paper.

REPORT OF THE COMMITTEE APPOINTED TO REVIEW THE CONFIDENTIAL LIST OF COMMUNICATIONS (E/CN.4/Sub.2/61)

Mr. McNAMARA said that the Sub-Commission, contrary to the statement appearing in document E/CN.4/Sub.2/61, had in fact adopted certain measures. The Sub-Commission had adopted Mr. Daniels' proposal; furthermore the working paper submitted by Miss Monroe and Mr. Spanien might contain some interesting suggestions in that respect.

Mr. McNamara added that if the Sub-Commission took action on the report of the Committee on Communications, he would request the deletion of the word "simply" and of paragraph 2.

Mr. BORISOV observed that the Sub-Commission had already taken action on document E/CN.4/Sub.2/61. He had abstained when that decision had been taken and saw no reason why the Sub-Commission should take a new vote on that document.

The CHAIRMAN said that the Sub-Commission took note of the report of the Committee appointed to review the confidential list of communications.

PREPARATION OF THE SUB-COMMISSION'S REPORT

Miss MONROE reminded the Sub-Commission that its previous report had been somewhat confused because each member had wished his views to be included. In the new report the views of members would be recorded in footnotes. Their appropriate place, however, was in the summary records.

Mr. BORISOV said that it was for the Sub-Commission to decide how the views of members should be included in the report.

Mr. NISOT agreed.

/Mr. SPANIEN

Mr. SPANLEN said that the Sub-Commission should decide, after the report had been completed, whether the members' explanations of their votes should be included in it or not.

Miss MONROE said that the first part of the report dealing with the opening stages of the Sub-Commission's work would be ready on the evening of Thursday, 23 June 1949. It would then be necessary to compile a supplement containing the Sub-Commission's most recent decisions.

Mr. BORISOV said that the Sub-Commission should, in principle, finish its work on Monday, 27 June. It was imperative that the report should be ready as soon as possible so that the members of the Sub-Commission might have adequate time to examine it.

Mr. MASANI asked that the report should be completed before the end of the week so that the Sub-Commission could adopt it on Monday, 27 June.

The CHAIRMAN stated that the Sub-Commission would complete its work on Monday, 27 June and that the report would be at the disposal of its members on the afternoon of Friday, 24 June.

The meeting rose at 5.30 p.m.