

**United Nations**  
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**Nations Unies**  
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UNRESTRICTED

E/CN.4/Sub.2/SR 37  
27 June 1949

ENGLISH  
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-SEVENTH MEETING

Held at Lake Success, New York,  
on Thursday, 23 June 1949, at 2.30 p.m.

**CONTENTS:** Consideration of Part C of resolution 217 (III) of  
the General Assembly on the fate of minorities (E/CN.4/Sub.2/  
65, E/CN.4/Sub.2/69, E/CN.4/Sub.2/75, E/CN.4/Sub.2/76,  
E/CN.4/175).

Memorandum submitted by the United Nations Educational  
Scientific and Cultural Organization on its participation  
in the implementation of resolution 116 B (VI) of the  
Economic and Social Council (E/CN.4/173).

<u>Chairman:</u>	Mr. EKSTRAND	Sweden
<u>Rapporteur:</u>	Miss MONFOE	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. MENESFIS PALLARES	Ecuador
	Mr. NISOT	Belgium
	Mr. ROY	Haiti
	Mr. SHAFAKH	Iran
	Mr. SPANLEN	France

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Also Present: Miss ZUNG

Commission on the Status of Woman

Representative of a specialized agency:

Mr. ARNAIDO

United Nations Educational,  
Scientific and Cultural  
Organization (UNESCO)

Consultants from non-governmental organizations:

<u>Category A</u>	Mr. STOLZ	American Federation of Labor (AF of
	Mrs. MEAGHER	World Federation of Trade Unions (WFTU)
<u>Secretariat:</u>	Mr. HUMPHREY	Representative of the Secretary- General
	Mr. LAWSON	Secretary of the Commission

CONSIDERATION OF PART C OF RESOLUTION 217 (III) OF THE GENERAL ASSEMBLY  
ON THE FATE OF MINORITIES (E/CN.4/Sub.2/65, E/CN.4/Sub.2/69, E/CN.4/Sub.2/  
75, E/CN.4/Sub.2/76, E/CN.4/175)

The CHAIRMAN requested the Sub-Commission to consider the  
draft resolution presented by Mr. Daniels (E/CN.4/Sub.2/76).

Mr. NISOT stressed the clarity of the new text and pointed  
out that it had been worked out in a most conciliatory spirit. For  
his part he supported it wholeheartedly.

Miss MONROE and Mr. SPANIEN agreed to withdraw their draft  
resolution (E/CN.4/Sub.2/69), since Mr. Daniels' proposed text expressly  
mentioned it and since it was understood that the Sub-Commission would  
refer to it at its following session, when it took up consideration of  
the definition and classification of minorities.

Mr. McNAMARA approved Mr. Daniels' draft resolution as a whole.  
He objected, however, to the importance which the text seemed to accord  
to the section of document E/CN.4/Sub.2/69 which dealt with minorities,  
because in his opinion that section had certain weaknesses and sometimes  
even departed from the truth. Mr. McNamara explained that those  
criticisms were in no way directed at other parts of document E/CN.4/Sub.2/  
69, the merits of which he fully recognized.

/Mr. BORISOV

Mr. BORISOV (supported Mr. McNamara's criticism of document E/CN.4/Sub.2/69. In his opinion the adoption of that draft resolution far from contributing to the prevention of discrimination and the protection of minorities, would on the contrary have the effect of hindering the work of the Sub-Commission.

He denounced the very spirit in which the draft resolution had been drawn up. He thought that the authors did not approach the problem in the proper way. It should not be necessary, for example, for members of a minority to have to resort to an interpreter in order to make themselves understood in court; again, the education of minority groups at all grades should be in their native language.

If the Sub-Commission wished to accomplish useful work it should take up at its forthcoming session the consideration of practical questions concerning discrimination against minorities and should not indulge in abstract discussion of what should be understood by the words "discrimination" or "minority". There could therefore be no question of adopting document E/CN.4/Sub.2/69 as a basis for future work.

Mr. DANIELS said that while all members might not share the views of Miss Monroe and Mr. Spanien, the Sub-Commission could not be other than grateful to them for having devoted so much time and thought to so complex a problem. Document E/CN.4/Sub.2/69 was prepared as a memorandum and would naturally constitute only one of the constructive elements to which the Sub-Commission would have recourse in its future work.

Mr. CHANG asked Mr. Daniels whether he was right in assuming that if the Sub-Commission decided, under paragraph A of his draft resolution, to place the definition and classification of minorities on the agenda of its forthcoming session, it would be obliged under the terms of paragraph B not only to discuss that item but also to adopt a definition at its forthcoming session.

He too thought that paragraph B gave too much importance to document E/CN.4/Sub.2/69 and he proposed that that paragraph, which added nothing to the draft resolution, should be deleted. Miss Monroe and Mr. Spanien could, if they wished, avail themselves of paragraph C of the draft resolution in order to place their own draft resolution before the Sub-Commission again during the forthcoming session.

/Miss MONROE

Miss MONROE objected to the criticisms of principle which Mr. Borisov had made of the draft resolution she had presented jointly with Mr. Spanien. Those criticisms were completely unfounded. The provisions of the draft resolution in question, far from trying to keep minorities in a position of subjugation and ignorance, would, on the contrary, grant them the greatest freedom in all fields, including that of education.

Mr. SPANIEN, associating himself with Miss Monroe's protest, declared that minorities would be able to recognize who were their true champions.

He repeated that, in an attempt at compromise, he and Miss Monroe had accepted Mr. Daniels' draft resolution, but only on condition that their own draft resolution should stand in its entirety, to be discussed by the Sub-Commission at its following session.

Mr. SHAFAGH pointed out that the draft resolution should refer to the "provisional" agenda of the following session.

Mr. DANIELS accepted that amendment.

In reply to Mr. Chang, he stated that paragraph B could not be interpreted as committing the Sub-Commission to the adoption of a definition of minorities at the following session.

Mr. McNAMARA, clarifying his position, said that he would like to see paragraph B deleted, but not for the reasons given by Mr. Borisov. In his opinion, it would be desirable for the Sub-Commission to undertake a study of the definition and classification of minorities; what it should not do, however, was to appear to grant undue importance to the proposals contained in document E/CN.4/Sub.2/69, because of their inherent weaknesses.

The CHAIRMAN put to the vote paragraph A of the draft resolution presented by Mr. Daniels (E/CN.4/Sub.2/76).

Paragraph A was adopted by 11 votes to one.

Mr. CHANG stressed that he had voted in favour of paragraph A because of Mr. Daniels' clarification of the scope of the paragraph.

/The CHAIRMAN

The CHAIRMAN put to the vote paragraph B of the draft resolution presented by Mr. Daniels.

Paragraph B was adopted by 9 votes to 3.

The CHAIRMAN put to the vote paragraph C of the draft resolution presented by Mr. Daniels.

Paragraph C was adopted by 11 votes to none, with one abstention.

The CHAIRMAN put to the vote the whole of the draft resolution presented by Mr. Daniels.

The draft resolution was adopted by 11 votes to one.

The CHAIRMAN requested the Sub-Commission to consider the draft resolution presented by Mr. Shafagh (E/CN.4/Sub.2/75).

Mr. SHAFAGH pointed out that his draft contained nothing new with regard to the Sub-Commission's future work programme, which he had merely set down in an orderly manner.

In the last paragraph, however, he provided for the possibility of prolonging the 1950 session by one or two weeks. In that connexion, he mentioned that the draft resolution was wrong in addressing its request directly to the Economic and Social Council: as a matter of fact, it was for the Secretary-General to draw the Council's attention to that point and document E/CN.4/Sub.2/75 should be amended accordingly.

Mr. HUMPHREY (Secretariat) suggested that the Sub-Commission should specify the date at which it wished to meet in 1950.

Miss MOIROE pointed out that it was important to fix the date for the following session before the sixth session of the Commission on Human Rights, so that the Sub-Commission could forward its comments and suggestions regarding the provisions of the draft Covenant on Human Rights which concerned the prevention of discrimination and the protection of minorities to that body in good time.

Mr. HUMPHREY (Secretariat), in reply to a question raised by Mr. ROY, said that the length of the Sub-Commission's sessions was not limited in any way except by considerations of a budgetary nature. In that connexion, he drew the attention of the Sub-Commission to the financial

implications of a possible decision to prolong the 1950 session. As the Sub-Commission was composed of experts, each additional week of work would mean an extra expenditure of \$1,620 in per diem allowances for the members.

Mr. BORISOV was surprised that financial implications should be mentioned when it was a question of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, while considerations of that nature were never invoked for other Commissions.

Mr. HUMPHREY (Secretariat) pointed out that in drawing the attention of members to that matter, he was only obeying the express instructions of the Economic and Social Council.

Mr. McNAMARA did not see the advantage of making arrangements at that juncture for the 1950 session to extend beyond the two weeks regularly provided for.

In Mr. DANIELS' opinion, the Sub-Commission should devote its attention to the last paragraph only of document E/CN.4/Sub.2/75, the proposal regarding the 1950 session. The rest of the document merely duplicated the Sub-Commission's earlier decisions.

The CHAIRMAN, Mr. McNAMARA and Mr. SPANIEN supported that point of view.

The CHAIRMAN therefore asked the Sub-Commission to vote only on Mr. Shafagh's proposal to request the Secretary-General to make arrangements for a session of from three to four weeks in 1950 (last paragraph of document E/CN.4/Sub.2/75).

Mr. SPANIEN suggested that it should be made clear that the session would take place in January 1950.

Mr. SHAFAGH accepted that suggestion.

The CHAIRMAN first put to the vote the deletion of that part of the proposal stipulating that the session would last "from three to four weeks".

There were 6 votes for and 6 against: in view of the equal division of the vote, that part of the proposal was retained in the text.

/The CHAIRMAN

The CHAIRMAN then put to the vote the following text:

"The Sub-Commission on the Prevention of Discrimination and the Protection of Minorities

"Requests the Secretary-General to make arrangements for a session of the Sub-Commission of from three to four weeks in January 1950 in order that it may have sufficient time to complete the contemplated studies and recommendations."

The text was adopted by 7 votes to 4.

Miss MONROE urged that it was necessary to give the reasons which made it important for the 1950 session to take place in January, namely, before the sixth session of the Commission on Human Rights.

Mr. HUMPHREY (Secretariat) undertook on behalf of the Secretary-General to place those reasons before the Economic and Social Council.

Mr. MASANI pointed out that the provisional agenda adopted for the next session did not make any reference to the examination of the provisions of the draft Covenant on Human Rights, on which the Sub-Commission would have to give an opinion.

He therefore proposed that the Sub-Commission should adopt the following draft resolution:

"The Sub-Commission on the Prevention of Discrimination and the Protection of Minorities

"Decides to include the following item in the provisional agenda of its third session:

"Consideration of provisions to be included in the draft International Covenant on Human Rights relating to the prevention of discrimination and the protection of minorities."

The draft resolution was adopted by 11 votes to none.

The CHAIRMAN considered that that decision ended the consideration of the questions raised by the draft resolution submitted by Miss Monroe and Mr. Spanien.

Mr. McNAMARA wished to make it clear that the criticism he had made at the beginning of the meeting concerned paragraph 2 only of the draft resolution put forward by Miss Monroe and Mr. Spanien (E/CN.4/Sub.2/69) and not the document as a whole. The text seemed to him to contain a number of very interesting ideas, which deserved careful consideration.

/Thus, in paragraph 6

Thus, in paragraph 6, Miss Monroe and Mr. Spanien praised the initiative taken by the Secretariat with regard to petitions (E/CN.4/165) and invited the Sub-Commission to support that initiative. In his view, that was a very valuable suggestion which should be retained. In view of the fact that the draft resolution submitted by Miss Monroe and Mr. Spanien had been withdrawn from the agenda of the current session, he proposed that a separate resolution should be adopted on that topic.

Miss MONROE pointed out that when the Sub-Commission had discussed paragraph 6 the previous day, most members had considered that the question was satisfactorily dealt with in the preamble to Mr. Daniels' draft resolution (E/CN.4/Sub.2/66). She thought, however, that the solution proposed by Mr. McNamara was preferable.

Mr. SPANIEN recalled that he also had proposed the previous day that a special resolution should be adopted. Mr. Daniels had said, however, that although his text did not refer explicitly to the initiative taken by the Secretariat, it implied approval of document E/CN.4/165.

He himself, therefore, had no marked preference. If Mr. McNamara pressed for the adoption of a resolution expressing the Sub-Commission's approval, he would vote for such a text. If, however, the Sub-Commission decided that Mr. Daniels' explanation was enough, he would not oppose that either, provided it was noted in the report that the decisions adopted by the Sub-Commission implied approval of the Secretariat's initiative.

Mr. ROY did not think it was necessary to adopt a special resolution. He pointed out that in drafting the first two paragraphs of document E/CN.4/Sub.2/66, Mr. Daniels had taken up a proposal that he himself had submitted and which simply reproduced the Secretariat's recommendations.

The introduction of those recommendations word for word in a Sub-Commission resolution was in his opinion the best way of paying tribute to the Secretariat. The Sub-Commission's approval had moreover been noted in the summary record of the preceding meeting.

/Mr. McNAMARA

Mr. McNAMARA replied that the two paragraphs in question were not at all satisfactory in that respect. In point of fact, the first paragraph did not contain any of the Secretary-General's recommendations regarding the extension of the powers of the Commission on Human Rights with regard to petitions, and it simply asked for powers for the Sub-Commission which that body already possessed.

The second paragraph might even be dangerous, since it was restrictive in character.

He then read certain passages from document E/CN.4/165, prepared by the Secretary-General, and said that if the Sub-Commission wished to escape from the intolerable position in which it had been placed by resolution 75 (V), it must express explicit approval of the Secretariat document and also request that any new power which might be granted to the Commission on Human Rights by the Economic and Social Council should be extended automatically to the Sub-Commission.

He therefore proposed that the Sub-Commission should adopt a resolution which would include the last sentence of paragraph 6 of document E/CN.4/Sub.2/69:

"The Sub-Commission welcomes and supports the initiative taken by the Secretariat to preserve the good name of the United Nations (E/CN.4/165)" and also the following sentence:

"And requests the Secretary-General to ask the Economic and Social Council to extend to the Sub-Commission any additional rights and privileges which it may accord to the Commission on Human Rights."

Mr. SHAFAGH and Miss MONROE reminded Mr. McNamara that it had previously been decided to include an appreciation of the Secretariat's initiative in the report of the current session.

Mr. McNAMARA replied that no matter how the report was worded, he wished his proposal to be put to the vote.

The CHAIRMAN asked Mr. McNamara to submit his proposal in writing so that it could be distributed before the next meeting.

Mr. McNAMARA pointed out that the Sub-Commission had not yet finished examining document E/CN.4/Sub.2/65, which he had submitted as an amendment to Mr. Daniels' draft resolution.

Mr. SPANLEN and the CHAIRMAN thought it was no longer in order to examine that amendment, in view of the fact that the draft resolution in question (E/CN.4/Sub.2/66) had already been adopted.

Mr. McNAMARA said that in that case he would submit the text as an independent proposal, replacing the words "the above provisions" by the words "the proposals contained in document E/CN.4/Sub.2/66".

Mr. DANIELS said that such a resolution would be useless, since there was already a General Assembly resolution (119 (II)) which requested the Secretary-General to submit reports on all matters falling within the competence of the Economic and Social Council.

Mr. LAWSON (Secretariat) read resolution 119 (II) and explained that it also applied to the decisions of the Sub-Commission.

Mr. McNAMARA said that he was satisfied by that explanation and withdrew his proposal.

MEMORANDUM SUBMITTED BY THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION ON ITS PARTICIPATION IN THE IMPLEMENTATION OF RESOLUTION 116/B (VI) OF THE ECONOMIC AND SOCIAL COUNCIL (E/CN.4/173)

The CHAIRMAN called on Mr. Arnaldo, who wished to present to the Sub-Commission the memorandum submitted by UNESCO on the subject of its participation in the implementation of resolution 116/B (VI) of the Economic and Social Council (E/CN.4/173).

/Mr. ARNALDO

Mr. ARNALDO (UNESCO) recalled that UNESCO was called upon to participate in four different ways in the implementation of the resolution under consideration:

(1) First, it had been requested to make available to the Sub-Commission any relevant material or analyses that might result from that organization's proposed study of social tensions.

UNESCO expected to complete that study before its fourth General Conference, which would be held the following September in Paris. Mr. Arnaldo hoped that, within one or two months, he would be able to make available to the members of the Sub-Commission the documents mentioned on pages 2 and 3 of document E/CN.4/173, some of which expressly mentioned minorities.

With regard to the improvement of textbooks, UNESCO had taken into consideration the necessity for preventing any discrimination against minority groups. Special studies would be published on that subject also.

(2) Secondly, the Economic and Social Council had requested UNESCO to collaborate with the United Nations in a programme worked out on the basis of resolution 116/B (VI). Mr. Arnaldo wished to assure the Sub-Commission that his Organization would try to collaborate sincerely with all the United Nations organs concerned.

(3) Thirdly, resolution 116/B (VI) suggested that UNESCO should consider the desirability of initiating and recommending the general adoption of a programme of disseminating scientific facts designed to remove what was commonly known as racial prejudice. In that connexion, Mr. Arnaldo drew the attention of the Sub-Commission to the plan of action which appeared on page 4 of document E/CN.4/173. That plan had already been submitted for approval to the Executive Board of UNESCO, which the previous week had adopted the following resolution on the subject:

"The Director-General is instructed:

"(1) To collect scientific materials from biology, anthropology, sociology, psychology, history, linguistics and related fields concerning the problems of race and the position of minorities;

"(2) To give wide diffusion to the scientific information collected;

"(3) To prepare an educational campaign based on this information."

That resolution would be submitted to the General Conference the following September.

/Mr. Arnaldo

Mr. Arnaldo wished to stress, in that connexion, that where questions of common interest were concerned, UNESCO wished to establish as close a collaboration as possible with the United Nations, with its specialized agencies and especially with the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, since it was from the latter that the recommendations which were at the basis of the proposed programme of action had originated.

(4) Finally, the Economic and Social Council had asked UNESCO to consider the creation of a committee to study the principles of a democratic and universal education. In that connexion, Mr. Arnaldo drew the attention of the Sub-Commission to the last paragraph of document E/CN.4/173, which stated that UNESCO proposed to undertake a preliminary exploration in 1949 with a view to planning the creation of such a committee for 1950.

In conclusion, Mr. Arnaldo asked the members of the Sub-Commission to let him have any comments or suggestions they might wish to make for closer collaboration between UNESCO and the Sub-Commission.

Mr. MENESES PALLARES proposed that the Sub-Commission should adopt the following draft resolution:

"The Sub-Commission on the Prevention of Discrimination and the Protection of Minorities

"Takes note of the progress memorandum (E/CN.4/173) of the Director-General of UNESCO on the participation of that Organization in the implementation of resolution 116/B (VI) of the Economic and Social Council;

"Welcomes the programme contained therein on the dissemination of scientific facts designed to remove what is commonly known as racial prejudice;

"Notes that the Executive Board of UNESCO has approved in resolution form the programme described above for consideration by its General Conference at its fourth session;

"Recommends that the Economic and Social Council be invited to commend UNESCO for the initial steps it has taken in the implementation of Council resolution 116/B (VI) and further, that the Council be requested to urge UNESCO to continue its consideration of further steps in that direction in close collaboration with the United Nations."

Mr. McNAMARA and Mr. SHAFAGH supported the draft resolution.

Mr. BORISOV, supported by Mr. NISOT and Miss MONROE, stated that the Sub-Commission could not adopt such a resolution without having taken note of the documents of which Mr. Arnaldo had spoken.

Mr. SHAFAGH proposed that the Sub-Commission should simply take note of the progress memorandum of the Director-General of UNESCO, and thank that Organization for its collaboration.

After a short discussion, the CHAIRMAN announced that he would confer with Mr. Meneses Pallares to produce a draft resolution by the following Monday which would be acceptable to all. In the meantime, he proposed that the following draft resolution should be adopted.

"The Sub-Commission on the Prevention of Discrimination and the Protection of Minorities

"Takes note of the progress memorandum of UNESCO on the participation of that Organization in the implementation of resolution 116/B (VI) of the Economic and Social Council."

The draft resolution was adopted by 6 votes to none, with 5 abstentions.

Miss ZUNG (Commission on the Status of Women) expressed regret that the Sub-Commission had examined only the question of minorities during the current session and had not dealt with the question of discrimination, in particular that of discrimination against women.

She hoped that that would not be the case at the next session of the Sub-Commission.

The CHAIRMAN announced that the draft report of the current session would be distributed to the members of the Sub-Commission the following day.

The meeting rose at 5 p.m.