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ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES

Third Session

SUMMARY RECORD OF THE SECOND MEETING

Held at Lake Success, New York,  
on Tuesday, 10 January 1950, at 12 noon.

CONTENTS:

- Election of officers.
- Adoption of the agenda.

<u>Chairman:</u>	Mr. EKSTRAND	Sweden
	later Mr. MASANI	India
<u>Members:</u>	Mr. CHANG	China
	Mr. DANIELS	United States of America
	Mr. FORMASHEV	Union of Soviet Socialist Republics
	Miss MONROE	United Kingdom of Great Britain and Northern Ireland
	Mr. MENESES PALLARES	Ecuador
	Mr. NISOT	Belgium
	Mr. ROY	Haiti

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**RESTRICTED**  
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<sup>1</sup>The 42nd meeting of the Sub-commission was held in closed session. The Summary Record (E/CN.4/Sub.2/SR.42) is therefore distributed as a restricted document.

<u>Members:</u>	Mr. SHAFaq	Iran
(Cont'd)	Mr. SPANLEN	France
	Mr. WINLEWICZ	Poland

Representatives of specialized agencies:

Dr. ANGELL	United Nations Educational, Scientific and Cultural Organization (UNESCO)
Mr. Soto de la JARA	International Labour Organisation (ILO)

Consultant from a non-governmental organization (Category A):

Miss SENDER	American Federation of Labor (AF of L)
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<u>Secretariat:</u>	Mr. HUMPHREY	Director, Human Rights Division
	Mr. LAWSON	Secretary of the Sub-Commission

ELECTION OF OFFICERS

1. Mr. DANIELS (United States of America) proposed that the Sub-Commission should re-elect Mr. Ekstrand (Sweden) as Chairman, Mr. Roy (Haiti) as Vice-Chairman and Miss Monroe (United Kingdom) as Rapporteur. The work of those members as officers of the Sub-Commission at its two previous sessions had proved eminently satisfactory.

2. Mr. SHAFaq (Iran) warmly supported Mr. Daniels' proposal. By following it, the Sub-Commission would save valuable time. The Sub-Commission was a small non-political body. There was no reason to contemplate a change of officers at the current session.

3. The CHAIRMAN, while expressing appreciation of the confidence shown in him and his fellow-officers, stressed that the burden of responsibility borne by them during the two preceding sessions had been a heavy one. For that reason, and because of the international character of the Sub-Commission, he believed that a change of officers might well be considered.

4. Miss MONROE (United Kingdom) and Mr. ROY (Haiti) associated themselves with the Chairman's views. Both the honour and the responsibilities of office should, they felt, be shared by other members.

5. Mr. FORMASHEV (Union of Soviet Socialist Republics) also endorsed the Chairman's view. By electing the same officers for three successive sessions, the Sub-Commission would establish an undesirable precedent. He could not accept the view that the Sub-Commission was a purely technical, rather than a political, body; under its terms of reference, it was bound to fulfil certain functions of a clearly political nature. In view of that fact, and in the interest of a fair distribution of responsibilities, it was proper that the officers should be changed periodically.

6. Mr. Formashev therefore nominated Mr. Masani (India) for the office of Chairman, Mr. Winiewicz (Poland) for the office of Vice-Chairman, and Mr. Meneses Pallares (Ecuador) for the office of Rapporteur.

7. Mr. CHANG (China) strongly favoured the proposal made by Mr. Daniels. He shared the view that the Sub-Commission was not a political organ but a body composed of individual experts. That being so, there could be no objection to the re-election of officers who had done such excellent work at past sessions.

8. Mr. NISOT (Belgium) suggested that, since a question of personalities was involved, a vote should be taken by secret ballot.

It was so decided.

At the Chairman's request, Mr. Nisot (Belgium) and Mr. Shafaq (Iran) acted as tellers.

9. The CHAIRMAN called upon the Sub-Commission to elect a Chairman.

A vote was taken by secret ballot.

As a result of the vote, Mr. Masani (India) was elected Chairman.

10. The CHAIRMAN called upon the Sub-Commission to elect a Vice-Chairman.

A vote was taken by secret ballot.

As a result of the vote, Mr. Winiewicz (Poland) was elected Vice-Chairman.

/11. The CHAIRMAN

11. The CHAIRMAN called upon the Sub-Committee to elect a Rapporteur.

A vote was taken by secret ballot.

As a result of the vote, Mr. Meneses Pallares (Ecuador) was elected Rapporteur.

12. The CHAIRMAN thanked the members of the Sub-Commission for their confidence in him during the previous two sessions, and congratulated his successor.

13. Mr. ROY (Haiti) and Miss MONROE (United Kingdom) associated themselves with the Chairman's remarks.

Mr. MASANI (India) took the Chair.

14. The CHAIRMAN thanked the Sub-Commission for the honour done to him and his fellow-officers. He hoped that the spirit of co-operation established by his predecessor would be maintained, and stressed that the change just effected should be regarded strictly as a matter of principle and not of personalities.

#### ADOPTION OF THE AGENDA

15. Mr. SHAFaq (Iran) was of the opinion that the questions requiring the briefest discussion should be examined first, in order that the members of the Sub-Commission might have time to study carefully the detailed material prepared by the Secretariat in connexion with the more comprehensive questions. On the basis of that principle, he suggested that item 10, "Yearbook on Minorities", and item 11, "Communications relating to the prevention of discrimination and the protection of minorities", should be dealt with immediately after the item under discussion.

16. Miss MONROE (United Kingdom), while not opposing Mr. Shafaq's suggestion, expressed the view that the Sub-Commission would be in a better position to discuss the proposed contents of the Yearbook after considering the other questions dealing with minorities.

17. The CHAIRMAN drew attention to the last paragraph of document E/CN.4/Sub.2/89, a memorandum submitted by the Secretary-General on "Suggested Studies of the Problem of Minorities", which stated (paragraph 16): "Finally, the desirability  
/of publishing

of publishing the studies suggested above, either in the first edition of a Year-book on Minorities, or in some other form, might be considered by the Sub-Commission." He felt that that paragraph was in accordance with Miss Monroe's contention, and accordingly proposed that item 10 should remain where it was in the order of points in the agenda, and that item 11 should become item 5.

It was so agreed.

18. Mr. DANIELS (United States of America) thought that item 8, "Definition and classification of minorities", should precede item 6, "Consideration of provisions to be included in the Draft International Covenant on Human Rights..." and item 7, "Further consideration of Part C of resolution 217 (III) of the General Assembly".

19. Miss MONROE (United Kingdom) supported the suggestion made by Mr. Daniels. In her opinion, moreover, item 7 was one of the most important items on the Sub-Commission's agenda; since the General Assembly had considered that part of its resolution sufficiently difficult and complicated to warrant referring it to the Sub-Commission, it was incumbent upon the Sub-Commission to give the matter the most careful and mature consideration.

20. In accordance with the views expressed by Mr. Daniels and Miss Monroe, the CHAIRMAN proposed that items 6, 7 and 8 should be re-numbered, respectively, as 9, 8 and 7.

It was so decided.

21. Mr. EKSTRAND (Sweden) recalled that in previous sessions the Sub-Commission had included in its agenda the point, "Additional items". That procedure made it possible for questions of importance to be proposed during the session, and he proposed that such a point should be added to the agenda, following item 11.

22. The CHAIRMAN observed that the inclusion of such an item was a common practice, and would give the Sub-Commission greater freedom to examine any questions it might consider useful. He supported Mr. Ekstrand's proposal, on the condition that questions to be included under the heading "Additional items" should be submitted within the first week of the current session.

It was so decided.

/23. Mr. FORMASHEV

23. Mr. FORMASHEV (Union of Soviet Socialist Republics) expressed the view that it was not within the Sub-Commission's competence to consider measures for the implementation of the Bill of Human Rights, as proposed in item 9 of the provisional agenda. If the Bill of Human Rights was eventually adopted, measures for its implementation would essentially be a matter within the domestic jurisdiction of the States concerned, and any attempt to provide for the implementation of the bill on an international level would constitute a violation of the Charter. He would, if necessary, formally propose the deletion of item 9 from the provisional agenda.

24. Mr. NISOT (Belgium) was of the opinion that the inclusion of item 9 was premature inasmuch as the Covenant on Human Rights did not yet exist and the powers to be granted to the United Nations in that sphere were not yet known. The Sub-Commission was thus bound by Article 2, paragraph 7 of the Charter. He therefore supported Mr. Formashev's proposal to delete item 9 from the provisional agenda.

25. Mr. SPANIEN (France) did not feel that the item could properly be deleted in view of the fact that the Sub-Commission had been specifically invited to consider questions connected with the implementation of the Bill of Human Rights by the Commission on Human Rights.

26. Mr. SHAFIQ (Iran) said that, although he agreed in principle with Mr. Formashev's view, he did not consider that the inclusion of the item in fact implied any intervention in the domestic affairs of States. The Sub-Commission was merely called upon to examine the question of implementation and to state its views.

27. In reply to a question by Mr. EKSTRAND (Sweden), Mr. HUMPHREY (Director, Division of Human Rights) said that the item had been included in accordance with the request made by the Commission on Human Rights that the Sub-Commission should postpone its consideration of questions of implementation of human rights until its third session.



28. Mr. DANIELS (United States of America) considered that the substance of the question could more appropriately be discussed when item 9 of the agenda came up for discussion.

29. Mr. WINIEWICZ (Poland) supported the view that the inclusion of item 9 was premature and contrary to Article 2, paragraph 7, of the Charter.

30. The CHAIRMAN said it was clear from the Secretariat representative's statement that item 9 had been properly included on the provisional agenda. He drew the Sub-Commission's attention to the fact that the decision to hold the current session in the month of January had been taken precisely to enable the Sub-Commission to submit its recommendations on measures for inclusion in the draft Covenant to the Commission on Human Rights.

The proposal to delete item 9 of the provisional agenda was rejected by 9 votes to 2, with 1 abstention.

31. The CHAIRMAN proposed that provision should be made in the agenda for discussion of reports from the specialized agencies, in view of the fact that their representatives were present at the session.

32. Mr. SHAFIQ (Iran) suggested that item 6 of the revised agenda should be expanded to include discussion of the specialized agencies' reports.

It was so decided.

33. The CHAIRMAN stated, in reply to a question from Mr. WINIEWICZ (Poland), that discussion of the draft resolutions contained in document A/C.3/307/Rev.2, which had been referred to the Sub-Commission by the Commission on Human Rights, would be included under item 7 of the provisional agenda.

The agenda as amended was adopted.

34. The CHAIRMAN announced that the Sub-Commission's next meeting would be closed to the public while item 5 of the revised agenda, "Communications relating to the prevention of discrimination and the protection of minorities", was under discussion, but would thereafter be open.

The meeting rose at 1 p.m.