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COMMISSION ON HUMAN RIGHTS

Third Session

SUMMARY RECORD OF THE EIGHTY-FIRST MEETING

Lake Success, New York
Friday 18 June 1948, at 2.30 p.m.

Chairman:	Mrs. Franklin D. ROOSEVELT	United States of America
Rapporteur:	Mr. MALIK	Lebanon
Members:	Mr. HOOD	Australia
	Mr. LEBEAU	Belgium
	Mr. STEPANENKO	Byelorussian Soviet Socialist
	Mr. LARRAIN	Chile /Republic
	Mr. CHANG	China
	Mr. LOUTFI	Egypt
	Mr. ORDONNEAU	France
	Mrs. MEHTA	India
	Mr. QUIJANO	Panama
	Mr. CARPIO	Philippine Republic
	Mr. KLEKOVKIN	Ukrainian Soviet Socialist Republ
	Mr. PAVLOV	Union of Soviet Socialist Republi
	Mr. WILSON	United Kingdom
	Mr. FONTAINA	Uruguay
	Mr. VILFAN	Yugoslavia

Consultants from Non-Governmental Organizations:

Miss SENDER	American Federation of Labor
Mr. VANISTENDAEL	International Federation of Christian Trade Unions
Mr. ROBINOW	World Federation of United Nations Associations
Miss DRENNAN	Catholic International Union for Social Service

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	Mr. NOLDE	Commission of the Churches on International Affairs
	Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
	Mrs. Van den BERG	International Women's Alliance
	Mrs. PARSONS	International Council of Women
	Miss SCHAEFER	International Union of Catholic Women's Leagues
	Miss ROBB	Liaison Committee of Women's International Associations
	Mr. BIENENFELD	World Jewish Congress
Secretariat:	Mr. HUMPHREY	Director of the Division of Human Rights
	Mr. LAWSON	Secretary of the Commission

CONTINUATION OF DISCUSSION ON THE DRAFT REPORT OF THE COMMISSION ON HUMAN RIGHTS TO THE ECONOMIC AND SOCIAL COUNCIL (document E/CN.4/148)

The CHAIRMAN proposed that, in order to speed up its work, the Commission should restrict the discussion in the following way: speeches would be limited to five minutes and only one speech for and one against would be allowed for each question under discussion.

Mr. PAVLOV (Union of Soviet Socialist Republics) did not think the discussion should be restricted to that extent at a time when the Commission had reached the end of its work.

Mr. MALIK (Lebanon) and Mr. LEBEAU (Belgium) admitted the need for gaining time but wished to reserve their delegations' right to state briefly their views, particularly on the question of implementation, which had not yet been discussed.

Mr. WILSON (United Kingdom) and Mr. FONTAINA (Uruguay) supported the Chairman's proposal.

The Commission decided, by 11 votes to 1, with 4 abstentions, that each speaker would be allowed to speak only once on the same subject and that speeches would be limited to five minutes.

Paragraph 6

Mr. MALIK (Lebanon) reminded the Commission that two amendments had been proposed to paragraph 6 of the report: (1) the Chinese representative had requested the insertion of the words: "because of the necessity for members to have ample time to examine the various documents" after the words: "of 26 May"; (2) the United States representative had requested that the words: "and in violation of the agreement" be replaced by the words: "and that certain members felt the delay was in violation of the agreement". It was for the Commission to decide on those two amendments.

/The CHAIRMAN

The CHAIRMAN opened the discussion on the Chinese amendment first.

Mr. VILFAN (Yugoslavia) said that the Chinese amendment did not respect the chronological order of events. The Chinese representative's proposal to convene the second meeting of the Commission for the afternoon of 26 May "because of the necessity for members to have ample time to examine the various documents" had been moved only after the Commission had agreed in principle to inform the Secretary-General of the Byelorussian and Ukrainian representatives' delay in arriving.

Mr. CHANG (China) reminded the Commission that his proposal had been moved and adopted during the discussion on the USSR representative's proposal.

The Commission adopted the Chinese amendment by 11 votes to 4, with one abstention.

The CHAIRMAN then put to the vote the United States amendment.

Mr. PAVLOV (Union of Soviet Socialist Republics) said his delegation attached very great importance to the principle of paragraph 6 of the report. He had personally listened to recordings of the discussion during the first meeting of the Commission and had been able to ascertain that the summary record of that meeting was a correct report of what had happened.

During the first meeting of the Commission, the USSR delegation had asked the Chairman to draw the Secretary-General's attention to the fact that the representatives of the Byelorussian and the Ukrainian Soviet Socialist Republics had not arrived in time for reasons beyond their control and because of a violation of the agreement adopted by the General Assembly on 31 October 1947; it had also asked the Commission to call the Secretary-General's attention to the necessity of taking measures to prevent a repetition of such incidents. After a short discussion, the USSR delegation had agreed to change its proposal so

/that it would

that it would be the Commission itself and not the Chairman who brought those facts to the Secretary-General's knowledge. The Chairman had then formally stated that, as there were no objections, the USSR proposal thus amended was adopted by the Commission.

The summary record of the first meeting, which recorded both his proposal and the decision of the Commission, had not so far given rise to any objection or correction.

Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) felt that it would be better to state clearly the reasons which had prevented him and the Ukrainian representative from arriving in time for the beginning of the third session of the Commission, instead of saying that it was "for reasons beyond their control".

The CHAIRMAN pointed out that it would be completely outside the competence of the Commission to state that there had been violation of the agreement adopted on 31 October 1947 by the General Assembly. Speaking as representative of the United States, she said that, as some members of the Commission had expressed the opinion that Mr. Stepanenko and Mr. Klakovkin had been prevented from arriving in New York in time as a result of a violation of the said agreement, her delegation had moved an amendment to paragraph 6 of the report to make it clear that it was the opinion of "certain members" and not of the Commission itself.

Mr. PAVLOV (Union of Soviet Socialist Republics) said it had never been maintained during the discussion on his proposal that the question was outside the Commission's competence.

Mr. WILSON (United Kingdom) felt that there had been a misunderstanding at the first meeting of the Commission. The USSR delegation had believed, in all good faith, that the Commission had decided that there had been violation of the agreement of 31 October 1947. On the other hand, the United Kingdom delegation believed, also in all

/good faith

good faith, that the Commission had expressed no opinion on that question. His delegation would vote for the United States amendment, because it was certain that the Commission had not decided that there had been violation of the agreement.

Mr. LEBEAU (Belgium) said he remembered very well that the Commission had adopted, by 10 votes to 1, the proposal to adjourn its work, on the clear understanding that, if the representatives of Byelorussia and the Ukrainian SSR had not arrived in time for the following meeting, their alternates would have the right to vote. The USSR delegation had then asked that the Commission should establish that there had been violation of the agreement of 31 October 1947. He had pointed out at the time that, as the question had been settled in its practical aspect, he could not vote in favour of the USSR resolution. Indeed, he believed that the Commission was incompetent to express its opinion on the question of the approval of the agreement concerning the seat of the United Nations and access to the United States.

He recalled saying that the incidents were serious; that they were not isolated incidents; that his delegation had heard of similar cases and that he thought it advisable that the Commission should authorize the Chairman to report these facts to the United States authorities and to stress how the Commission felt on the subject. It had been argued that it would be more advisable to have those observations forwarded by the Secretary-General and the Commission had agreed to that. It could not be said that the USSR resolution which asked that the Commission should establish violation of the agreement of 31 October 1947, had been adopted by tacit consent. He personally would never have voted for the resolution if it had been put to the vote.

In his opinion the summary record of the first meeting was wrong when it stated that the USSR resolution had been adopted as there had been no objections. The Belgian delegation agreed with the observations made by the United States representative and would vote for her amendment.

/Mr. FONTAINA

Mr. FONTAINA (Uruguay) said that, although he had not attended the first meeting, it seemed obvious to him that the Commission had unanimously deplored the regrettable incident which had happened and had expressed the hope that it would not happen again; furthermore, it seemed to him that there had been some confusion when a decision was taken on the opinion expressed by the USSR representative. It seemed that certain delegations would never have voted in favour of the USSR resolution, had they realised that it amounted to a kind of reprimand of the authorities of a Member State. It would be better therefore to state in the report that the Commission had regretted the incident and had brought it to the attention of the Secretary-General, without expressing any opinion on the international aspect of the question.

He formally moved the adjournment of the discussion on that point.

The Commission adopted the United States amendment to paragraph 6 of the report by 12 votes to 4.

Mr. PAVLOV (Union of Soviet Socialist Republics) then proposed that the Commission should listen to the recordings of the discussion of the first meeting. It would thus be able to ascertain that the summary record of the meeting was correct.

The CHAIRMAN, supported by Mr. ORDONNEAU (France), stressed that the Commission would find it difficult to listen to recordings which gave the speeches in their original language without any interpretation.

The Commission rejected the USSR proposal by 10 votes to 4, with 2 abstentions.

Mr. HOOD (Australia) wondered whether it was necessary to retain at the end of paragraph 6 of the report the following sentence from the resolution proposed by the USSR representative at the first meeting of the Commission: "and called the attention of the Secretary-General to the necessity of taking measures to prevent a repetition of such

/incidents in

incidents in the future."

The CHAIRMAN reminded the Commission that Mr. Laugier, Assistant Secretary-General of the Department of Social Affairs, had attended that meeting and that it had been left to his discretion how to inform the Secretary-General of the fact that certain representatives could not arrive in time for the third session of the Commission on Human Rights; that the Commission had expressed its fears in case such an incident happened again, and that it had expressed the wish that measures should be taken to prevent a repetition of such incidents in the future. The Commission had not decided by vote on the instructions it wished to give the Secretariat.

Mr. MALIK (Lebanon) proposed that the drafting of the second sentence of paragraph 6 of the report should be changed as follows:

"The Commission drew the attention of the Secretary-General of the United Nations to the fact that these representatives could not arrive in time for the beginning of the third session of the Commission for reasons independent of their will, and that certain members felt the delay was in violation of the agreement adopted by the General Assembly on 31 October 1947; and to the necessity of taking measures to prevent a repetition of such incidents in the future."

The Commission adopted the new draft by 13 votes to 1, with 1 abstention.

The Commission adopted paragraph 6 of the report as a whole by 10 votes to 4 with 2 abstentions.

/Paragraph 11

Paragraph 11

The CHAIRMAN, speaking as representative of the United States, recalled that she had stated at the previous meeting that she would move an amendment to paragraph 11 of the report. However, she would not do so on the clear understanding that paragraph 11 was not intended to indicate approval of the summary records, but that its aim was to indicate the documents where the expression of views of the members could be found.

The Commission adopted paragraph 11 of the report by 11 votes, with 4 abstentions.

Before discussing the two proposals suggested by the Rapporteur in respect of paragraph 12, the CHAIRMAN asked members of the Commission to express briefly their views on the question of implementation.

Speaking as representative of the United States, she read out document E/CN.4/145 containing the joint proposals of the United States and Chinese delegations on the implementation of the Covenant. She emphasized that those recommendations had been put forward in the form of general principles. As regards implementation proper, the Chinese and United States delegations had tried to confine themselves to as simple a programme as possible, for they felt that, in that particular field, it was necessary to act with caution and only in the light of experience. To make the Covenant acceptable to all -- and the United States hoped that it would be -- the measures proposed for its implementation had, above all, to be realistic.

Mr. HOOD (Australia) was surprised that a proposal concerning implementation, which was in no way related to the work done in Geneva by the Working Group, should be referred to the Commission at a time

/when it was

when it was completing its work.

The Australian delegation felt that the ground had already been prepared and that the Commission had sufficient material at its disposal to begin drafting the articles concerning implementation. The report drawn up by the Working Group in Geneva should serve as a starting point for the drafting of those texts. That was the meaning of the resolution adopted by the last session of the Economic and Social Council.

Pointing out that several Governments had alreadyannounced their approval of the Working Group's recommendation, he reminded the Commission of the plan put forward by Professor Cassin and of the useful memorandum prepared by the Secretariat on the question of petitions.

On the whole, the Australian delegation regarded Professor Cassin's document as extremely constructive, particularly as regards the difficult question of the setting up of a standing Committee.

The Australian Government favoured the creation of an International Court of Human Rights. Plans for such a Court had been approved by a majority at Geneva and its functioning would be directly linked with the system of petitions. The Australian delegation had drawn up proposals for the statute of that Court, corresponding as far as possible to the statue of the International Court of Justice. The document was included among those that would be referred to the Economic and Social Council. If document E/CN.4/145 was a new proposal concerning implementation, it could also be referred to the Council, but he did not see why it had been referred to the Commission at that stage.

/Mrs. MEHTA (India)

Mrs. MEHTA (India) said that her delegation had always laid great stress on the question of implementation. The question could be divided into two stages: after drafting the Covenant, which provided for the measures to be taken by the States to ensure implementation within their territories, the Commission would have to turn to the setting up of international machinery to deal with cases of non-implementation and violation of the Covenant, questions which were all the more difficult as they involved the question of national sovereignty.

The League of Nations used to receive individual petitions. The peoples of the world expected that the United Nations would undertake the same function. The United Nations had already received a large number of representations, and there was a demand, therefore, for an organization to deal with those petitions, not necessarily judicially but in a spirit of conciliation.

The Working Group at Geneva had suggested the creation of a tribunal and of a Standing Committee. The setting up of an ad hoc tribunal had not been viewed with favour by most Governments, while that of a Standing Committee had, on the contrary, been supported by the majority. The new proposal submitted by the Chinese and United States delegations and relating mostly to the disputes over the violation of Human Rights, did not, however, view the question from the wider angle of the implementation of the Covenant at the request of an individual or a group of individuals; it envisaged the establishment of a committee which would not, however, be authorized to receive individual petitions.

To fill in that gap the Indian delegation proposed that document E/CN.4/145 should be amended as suggested in document E/CN.4/151.

/The Indian delegation

The Indian delegation realized the difficulties raised by dealing with representations from individuals, which were not always from reliable sources. In spite of those apparent difficulties, however, the right to petition the United Nations in connection with the defence of human rights and of fundamental freedoms should not be denied to anyone.

Mr. KLEKOVKIN (Ukrainian Soviet Socialist Republic) objected on a point of procedure. He felt that, if the Commission were to discuss the question of implementation in general, its debate should be based on the Working Group's report; if the discussion dealt only with new new United States and Chinese proposal, then it was not in order, for, in that case, the Commission should also examine the proposals put forward by other delegations.

The CHAIRMAN recalled that, in conformity with the decision taken the previous day, she had asked members of the Commission to state their views on the question of implementation for the Economic and Social Council's information. Document E/CN.4/145 would be forwarded to the Council on the same basis as other plans referred to the Commission, namely proposals of the French delegation, of the Australian delegation and the amendment just proposed by the Indian delegation.

Mr. MALIK (Lebanon) surveyed the history of the question of implementation since the Commission's initial group began work. Recalling the considerable work already accomplished, he suggested that the Commission should decide then and there to draft the articles

/relating to

relating to implementation at its next session. The position of the Working Group dealing with the question of implementation was comparable to that of the Drafting Committee which was drawing up the articles of the Declaration and of the Covenant: he Commission had based its decisions concerning the Declaration on the work of the Drafting Committee, and there was no reason why it should not take any decision on implementation on the basis of the Geneva Working Group's report.

Mr. Malik reserved the right to submit a draft resolution to that effect.

Mr. LEBEAU (Belgium) remarked that there was no need to stress the importance which his delegation attached to the question of implementation. It would suffice if he recalled that the Rapporteur of the Working Group had been Mr. Dehousse, the Belgian member of that Group.

The stand taken by the Belgian delegation was the one that Mr. Dehousse had always defended, namely that the Declaration on Human Rights might remain a dead letter unless positive measures were initiated to ensure its application by means of the ratification of the Covenant and the adoption of definite articles relating to its implementation.

Mr. Lebeau entirely agreed with the opinion expressed by Mr.Malik, which corresponded closely to the view of his delegation.

Mr. PAVLOV (Union of Soviet Socialist Republics) wished to know who was responsible for the decision to transmit to the Economic and Social Council the assortment of documents representing the point arrived at in a question on which the Commission was not in a position to

/take a decision

take a decision or make recommendations.

Mr. Pavlov stated that it appeared from a perusal of those documents that the idea of implementation did not have the same meaning for all members of the Commission. He noted moreover that it was proposed to set up a whole series of international organs; but there had not yet been any study of the question, and a discussion by the Commission on that subject could only be premature. The Commission should first reach agreement on the Covenant, which it had not yet begun to examine. It would be illogical to begin the examination of the question of implementation before that of the Covenant.

Apart from that point, Mr. Pavlov had two objections of principle to the various proposals submitted during the meeting. The first was that all those proposals infringed upon national sovereignty. They opened the way to inadmissible interference in the domestic affairs of any State by granting to a committee the right to make recommendations to member Governments, a right which belonged to the General Assembly alone. The second objection was that, according to those proposals, international investigations could be conducted on the basis of individual cases, which was likely to increase the causes of friction among the nations.

The USSR delegation would, however, put forward only its objection on the question of procedure. It hought that it would be a mistake to discuss implementation at the present stage of the Commission's work. The USSR delegation therefore made a formal proposal to adjourn the examination of the question of implementation, to postpone the transmission of that question to the Economic and Social Council until the Commission itself had studied the questions which had been referred to it, and to

append no annexes to the report.

Mr. WILSON (United Kingdom) stated that his delegation agreed on the whole with the joint China-United States proposal, and reserved the right to make a more detailed statement in that connection at a later time.

The United Kingdom delegation appreciated the work accomplished by the various delegations, although it did not in all cases agree with the substance of their proposals.

The application and observance of human rights depended, in the final analysis, on world public opinion and on the way in which the Covenant was received. The implementation measures under discussion concerned only one phase of the application of the Covenant; they might be compared to the penal code in international law, namely penalties laid down for individual cases of violation. Mr. Wilson agreed with the USSR representative that implementation measures would restrict the national sovereignty of each State; but that was an unavoidable concomitant of the Covenant which each State could accept or not. The Covenant would be binding upon States in so far as they agreed to be bound by it; it was for the Commission to decide whether it wished to take a further step by providing for the possibility of action against a State in cases of violation. The Commission should, however, exercize great discernment if it decided to take that step, because the various Governments should not be made to feel that any loss of their authority was involved and because it was primarily those Governments which had to ensure the Covenant's application.

Lastly, Mr. Wilson observed that it was impossible at present to foresee which States would sign the Covenant, or what would be their number.

/In view of

In view of that fact, the United Kingdom delelation expressed particular satisfaction with paragraph 3 of the joint China-United States proposal providing for a gradual formulation of implementation measures but leaving the actual development of those measures to the States which undertook to apply them, in other words to the signatories to the Covenant.

Mr. BIENENFELD (World Jewish Congress), while recognizing the excellence of the report submitted by the Geneva Working Group, drew the Commission's attention to the fact that any measures taken to ensure the implementation of the Declaration and the Covenant on Human Rights should apply equally to the implementation of the United Nations Charter, inasmuch as the Charter proclaimed the sanctity of fundamental human rights and in particular the observance of those rights regardless of race, sex, language and religion. There was in fact no reason why the procedure which would be adopted in respect of violations of the Covenant should not apply likewise to violations of the Charter. Mr. Bienenfeld thought, from the discussions which he had had with Mr. Dehousse and Professor Cassin, that they would both have raised that point.

On behalf of his organization, Mr. Bienenfeld expressed the wish that a delegation would sponsor the memorandum published by the World Jewish Congress on that subject on 28 April 1948, and submit it to the next session of the Economic and Social Council.

Mr. CHANG (China) stated that, generally speaking, the Declaration on Human Rights could be said to represent the application of the Charter, while the Covenant was the application of the Declaration. The creation of committees of conciliation or of tribunals to deal with

/cases of

case of violation was a further degree of implementation. Though the Commission had agreed on the importance of the problem, it had not yet had time to study it in detail. The various proposals which had been submitted in that connection, and in particular the one submitted by Professor Cassin, deserved the Economic and Social Council's attention. In view of those facts, Mr. Chang supported the Rapporteur's proposal that the various proposals received should be transmitted to the Council with the explanation that the Commission had not had time to study them.

Mr. LOUTFI (Egypt) thought that it would be regrettable if the documents transmitted to the Economic and Social Council contained reference to provisions relating to implementation.

For its part, the Egyptian delegation would be in favour of the creation of a permanent committee for the examination of any petitions that might be submitted. Such a committee would fulfil the functions of a conciliator rather than that of judge or umpire. While the Egyptian delegation would have no objection if that committee examined individual petitions, it thought that the committee's work would be facilitated if, in the beginning at least, only petitions sent in by States were accepted, as had been suggested by the Chinese and United States delegations. It would be a lengthy process to draw up in detail the rules for the presentation and examination of petitions.

As regards the creation of an international court which would pronounce judgment in disputes on human rights, the Egyptian delegation thought that the plan was premature for several reasons, particularly because it would

/give individuals

give individuals direct access to international jurisdiction, a principle which few States were as yet prepared to accept.

Mr. FONTAINA (Uruguay) supported the views of the representatives of China and the United States. The delegation of Uruguay agreed with the suggestion that the joint China-United States proposal should be transmitted to the Economic and Social Council at the same time as the other documents relating to the question of implementation; but it wished it to be clearly understood, as the USSR representative had pointed out, that those documents did not in any way represent the views of the Commission as a whole.

Mr. LARRAIN (Chile) announced his delegation's support of the joint China-United States proposal. The fact that the Commission had not examined the Draft Covenant should not prevent it from transmitting to the Economic and Social Council any documents that were available on the question of implementation. The work which had already been accomplished could prove to be of great use in the Council's debates, and the objections which had been raised were, in the opinion of the Chilean delegation, only of a secondary character. The more comprehensive the documentation submitted to the Economic and Social Council was, the more useful it would be. The Chilean delegation was all the more willing to support the inclusion of document E/CN.4/145 as it thought that the document contained some highly acceptable ideas corresponding to its own views.

/Mr. VILFAN (Yugoslavia)

Mr. VILFAN (Yugoslavia) understood that the report was to refer to all questions referred by the Economic and Social Council to the Commission for consideration. He wondered, however, whether it would not be exaggerating the importance of the documents, which the Commission had not even had time to study, to reproduce them in extenso in the annex. He suggested as a compromise that the report should contain a short summary of the work accomplished so far on the question of implementation, and should merely indicate the various proposals received by giving their symbol numbers.

Mr. MALIK (Lebanon) stated that he had understood that such a procedure should be applied to Annex C which dealt with the subject of implementation. Annex B, however, being devoted to the Draft Covenant, should contain the whole of the Drafting Committee's report.

Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) thought that, if reference was going to be made to proposals submitted in writing, there was no reason why arguments presented orally by other representatives, such as those of the Soviet Union and Egypt, should not also be noted.

As regards the joint China-United States proposal, Mr. Stepanenko felt that it contained questions of principle which should at least be subjected to a thorough examination by the Commission. In his delegation's opinion, some of the provisions contained in that proposal were not acceptable, such as the creation of a committee vested with the right to make recommendations, which belonged to the General Assembly alone.

/The delegation of

The delegation of the Byelorussian SSR thought therefore that the Commission should confine itself to informing the Council that, owing to lack of time, it had been unable to examine the various documents which it had received in connection with the Draft Covenant and its implementation.

Mr. CARPIO (Philippines) thought, together with the representatives of the USSR and the Ukrainian SSR, that any discussion on implementation would merely be a waste of time at the present stage of the Commission's work. The Covenant was the only part of the Charter on Human Rights which required implementation measures, and as long as the Draft Covenant had not been dealt with, discussion on its implementation could only be regarded as premature. Mr. Carpio proposed that a vote should be taken on the Rapporteur's report without consideration of the annexes, which were unnecessary in the present circumstances.

Mr. QUIJANO (Panama) stated that his delegation supported the joint China-United States proposal. It thought, however, that, in view of the large number of proposals of which the Commission on Human Rights was seized, the Commission was not in a position to make any recommendation on the subject of implementation. It should therefore inform the Economic and Social Council that it had not had time to study the question and that it thought that its examination should be postponed until the Covenant itself was examined.

/The CHAIRMAN

The CHAIRMAN put to the vote the USSR representative's proposal that no annexes should be appended to the report.

The USSR proposal was rejected by 6 votes to 4, with 5 abstentions.

The CHAIRMAN next put to the vote the first suggestion made by the Rapporteur to the effect that Annex B of the Drafting Committee's report should be appended to the report with a statement to the effect that the Commission had had no time to examine the part of the report concerning the Draft Covenant.

The Rapporteur's proposal was adopted by 12 votes to 4.

The CHAIRMAN put to the vote the second proposal made by the Rapporteur to the effect that paragraph 12 of the report should include a reference to the third part of the Commission's last report to the Economic and Social Council (Geneva session) stating that the Commission had had no time to examine the question of implementation, but that it was appending in Annex C the statement made by Professor Cassin on the question as well as the proposals submitted by the representatives of the United States, of China and of Australia.

Mr. PAVLOV (Union of Soviet Socialist Republics) asked that statements on implementation made by certain delegations at the present meeting should also be appended to the report.

/Mr. Malik (Lebanon)

Mr. MALIK (Lebanon) suggested that the annex dealing with the question of implementation should include only references to the appropriate documents specifying their symbol numbers. Delegations which wished their statements to be mentioned could have them distributed as Commission documents.

The Commission decided by 14 votes, with 2 abstentions, that delegations which wished that the report should include mention of their statements on the question of implementation should have those statements distributed as Commission documents.

The Commission decided by 12 votes to 5, with 1 abstention, that the annex to the report dealing with the question of implementation should include only references to documents concerning implementation indicating their symbol numbers.

Mr. MALIK (Lebanon) asked the Commission to state its views on the following draft resolution, on the basis of which it could, at its next session, start drafting articles concerning implementation:

/"The Commission

"The Commission decides that further work on implementation is of the utmost importance and that therefore it should embark on this work at its fourth session on the basis of the Report of the Working Group on implementation at the second session of the Commission, taking into account the other documentation in Annexes B and C."

In reply to a question by Mr. WILSON (United Kingdom), Mr.Malik made it clear that his resolution by no means excluded any other documents which might be submitted at a later stage.

Mr. PAVLOV (Union of Soviet Socialist Republics) recalled that his delegation had always held that the question of implementation should be studied on parallel lines with the Covenant. For that reason he suggested that the words: "together with work on the Covenant" should be inserted after the words: "it should embark on this work".

The USSR representative's proposal was adopted unanimously.

The resolution submitted by the representative of Lebanon was adopted by 13 votes, with 4 abstentions.

Paragraph 13

Paragraph 13 of the report was adopted unanimously.

Paragraph 14

Paragraph 14 of the report was adopted by 13 votes, with 2 abstentions.

Paragraph 15

In reply to a question by Mr. STEPANENKO (Byelorussian Soviet Socialist Republic), the CHAIRMAN explained that the court decisions mentioned in paragraph 15 of the report were decisions on questions connected with human rights pronounced by the courts of various countries. Whenever a State considered that a decision pronounced by its courts was connected with human rights, it would send a copy of that decision to the Secretariat, which would then decide whether that decision should appear in the yearbook on human rights.

Mr. LEBEAU (Belgium) recalled that budgetary considerations should be taken into account. He suggested therefore that the second sentence of paragraph 15 should be changed to read: "...and should also be included in the Yearbook subject to budgetary considerations."

The amendment proposed by the representative of Belgium was adopted by 15 votes to 1.

Paragraph 15 as a whole was adopted by 12 votes, with 3 abstentions.

Paragraph 16

Paragraph 16 of the report was adopted unanimously.

Paragraph 17

Mr. PAVLOV (Union of Soviet Socialist Republics) recalled that his delegation was of the opinion that the Draft Convention prepared by the Ad Hoc Committee on Genocide could not be considered as a sound basic document for the Economic and Social Council or the General Assembly. Several of the draft's provisions were faulty and the USSR delegation thought that those should be pointed out to the Council.

Stressing the importance which the USSR delegation attached to the question of genocide, Mr. Pavlov suggested that the first sentence of paragraph 17 should

/be retained

be retained, but that it should be added that the Commission recognized that it was in the interest of nations to take steps to combat genocide and that the Economic and Social Council and the General Assembly should elaborate as soon as possible a convention on genocide.

After brief discussion the Commission decided by 7 votes, with 8 abstentions, to insert the USSR representative's proposal as a footnote to paragraph 17 of the report.

Paragraph 17 as a whole was adopted by 13 votes to 3, with 3 abstentions.

Paragraph 18

Paragraph 18 was adopted by 16 votes to none.

REPORT OF THE AD HOC COMMITTEE ON COMMUNICATIONS (document E/CN.4/148/Add.2)

The CHAIRMAN stated that the Report of the Ad Hoc Committee on Communications would be inserted after paragraph 18.

Mr. CHANG (China) recalled that the names of members of other sub-committees dealing with other paragraphs had not been mentioned. He proposed therefore that the names of members of the Ad Hoc Committee on Communications should be omitted.

Mr. MALIK (Lebanon) pointed out that the Ad Hoc Committee on Communications had a different status. It was a permanent committee of the Commission, and he thought that the names of its members should therefore be listed.

It was decided by 5 votes to 1, with 9 abstentions, to retain the words: "composed of the representatives of Chile, France, Lebanon, the Union of Soviet Socialist Republics and the United States of America."

The CHAIRMAN recalled that the Ad Hoc Committee had been created for the third session and she asked the Commission to decide whether it should be maintained for the fourth session.

It was decided by 4 votes to 2, with 10 abstentions, that the Ad Hoc Committee on Communications should not be retained.

The report of the Ad Hoc Committee on Communications was adopted by 13 votes to none, with 3 abstentions.

FRANCE-UNITED STATES OF AMERICA PROPOSAL ON THE NEXT SESSION OF THE COMMISSION ON HUMAN RIGHTS (document E/CN.4/150)

The CHAIRMAN recalled that the Commission had decided to comply with the Chinese representative's request to include in its report the first two paragraphs of the France-United States proposal (document E/CN.4/150). She asked the members of the Commission to vote on the third paragraph of the proposal.

The third paragraph of the proposal was adopted by 13 votes to none, with 4 abstentions.

Annex A

The CHAIRMAN proposed the adoption of the title: "Draft United Nations Declaration on Human Rights."

Mr. LEBEAU (Belgium) stated his preference for the title: "Draft International Declaration on Human Rights". The formula proposed by the Chairman was more restrictive; Mr. Lebeau felt that States which were not members of the United Nations but had applied for membership should also be able to conform to the Declaration.

It was decided by 11 votes to 4 to substitute the word: "international" for: "United Nations."

The CHAIRMAN proposed that the word: "on" in the English title of the Draft Declaration should be replaced by the word: "of". She made it clear that she proposed that alteration for purely grammatical reasons.

Mr. MALIK (Lebanon) supported the Chairman's view. He thought that the word: "of" was preferable because a Declaration on, concerning or about Human Rights did not necessarily list all those rights, while the word: "of" indicated quite clearly that the list was complete.

It was decided by 10 votes to none, with 4 abstentions, to substitute the word: "of" for the word: "on".

It was decided, by 14 votes to none with one abstention, to adopt the title: "Draft International Declaration of Human Rights".

/Preamble

Preamble of the Declration.

The CHAIRMAN recalled that the United States delegation had voted against certain articles of the Declaration, but that it would vote in favour of the Declaration as a whole. She added that all members of the Commission would have the opportunity to raise certain points again.

Mr. VILFAN (Yugoslavia) reserved his Government's freedom of action.

Mr. MALIK (Lebanon) read out the Preamble.

Mr. LOUTFI (Egypt) proposed that the French word: "populations" in the penultimate line of the Preamble should be rendered in English as: "peoples".

It was so decided by 14 votes to none, with 1 abstention.

Mr. KLEKOVKIN (Ukrainian Soviet Socialist Republic) remarked that the Preamble as a whole had not been put to the vote at the previous meeting. There were considerable divergencies between the Russian and English texts of the Preamble and his delegation was placed in an awkward position.

The CHAIRMAN recalled that the Commission had adopted each paragraph of the Preamble separately and that, moreover, it had been understood that members of the Commission would check the accuracy of translations.

After a brief discussion on the agreement of the English and Russian texts the Preamble as a whole was adopted by 14 votes to none, with 4 abstentions.

Articles of the Declaration

Mr. MALIK (Lebanon) read out the Declaration.

Mr. WILSON (United Kingdom) asked that the commas in the English text of Article 5 should be omitted.

Agreed.

Mr. ORDONNEAU (France) proposed that the wording of the French text of paragraph 3 of Article 21 should be changed as follows: "Toute personne peut librement former des syndicats et s'y affilier pour la défense de ses intérêts."*

/Agreed.

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* This correction only affects the French text.

Agreed.

Mr. ORDONNEAU (France) suggested that the word: "aux" should be substituted for the word "les" in the penultimate line of the French text of Article 27.*

Agreed.

Mr. WILSON (United Kingdom) suggested that the second word: "of" in the English text of the second paragraph of Article 27 should be omitted.**

Agreed.

Mr. PAVLOV (Union of Soviet Socialist Republics) stated that he would be unable to vote in favour of the Draft Declaration, which his delegation considered unsatisfactory. While it could not be said that the document contained nothing at all, since it did, in a somewhat vague way, repeat certain generally accepted democratic concepts of fundamental rights; but it did nothing to ensure respect for human rights. Regardless of the insistence of the USSR delegation, the Commission had been unwilling to issue such a document as had been proposed by the USSR delegation on 4 and 27 May.

The chief faults of the Draft Declaration the Commission was about to vote lay in the absence of any effective measures to combat Fascism and Nazism and to provide against the possibility of their re-appearance; the deletion of all references to democracy; the rejection of the original article 31 and hence the limitation of certain rights; the absence of any provision for the implementation of human rights; and the rejection of any specific definition of the rights and obligations of individuals to the State.

Despite, however, the weak and inadequate document which was now before the Commission, the USSR delegation was confident that there would eventually emerge a Declaration which would effectively encourage the progress of democracy and the fight against Nazism and Fascism.

Mr. PAVLOV asked to have his statement appended to the report of the Commission as an expression of the minority view.

/Mr. VILFAN

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* This correction only affects the French text.

** This correction only affects the English text.

Mr. VILFAN (Yugoslavia) associated himself with the statement of the USSR representative and supported his request that that statement should appear in the Commission's report.

Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) expressed his wholehearted support of the evaluation of the Draft Declaration given by the USSR representative. He too felt confident that the future would see a declaration which would be in accordance with the spirit and letter of democracy and the principles of the United Nations.

Mr. KLEKOVKIN (Ukrainian Soviet Socialist Republic) stated that he would abstain from voting on the Draft Declaration as a whole, as it was not acceptable to his delegation.

In taking part in drawing up the Draft Declaration, he had borne in mind the desire of people throughout the world for freedom from war and enslavement. He had striven to have incorporated in the Declaration some clear provision which would enable the people of the world to live in peace, free from the threat of Fascism and destructive wars. That idea had not received the support of the Commission, and the Draft Declaration he was now asked to vote upon was therefore quite inadequate.

The CHAIRMAN put to the vote the Draft Declration as a whole.

The Commission approved the Draft Declaration by 12 votes, with 4 abstention

Mr. CHANG (China) thought that the actual figures of the vote should be included in the Commission's report. The world should know that the Declaration produced after two years of serious work had obtained the support of twelve members, with four abstentions and no one opposed.

The CHAIRMAN asked the Commission to vote upon the inclusion in its report of the USSR statement as a minority view. The proposal for its inclusion had been supported by the representatives of the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and Yugoslavia.

The Commission decided by 11 votes to 1, with 2 abstentions, to include the

/USSR

USSR statement in the report.

A vote on the report of the Commission on Human Rights to the Economic and Social Council was taken by roll-call, as follows:

In favour: Australia, Belgium, Chile, China, Egypt, France, India, Lebanon Panama, United Kingdom, United States of America, Uruguay.

Abstaining: Byelorussian Soviet Socialist Republic, Ukrainian Soviet Socialist Republics, Union of Soviet Socialist Republics, Yugoslavia.

The report was adopted by 12 votes to none, with 4 abstentions.

Mr. CARPIO (Philippines) explained that he would have voted for the adoption of the report, had he had the right to vote.

Mr. QUIJANO (Panama) stated that his delegation deeply appreciated the honour of contributing to the drafting of such an important document.

Work on a Declaration on Human Rights had begun at San Francisco in 1945, on the proposal of the delegations of Mexico, Cuba and Panama. Panama had been the only country to submit a draft, and Mr. Quijano was pleased and proud to note that after months of arducus work the Commission had produced a Declaratinn which incorporated all the principles which had appeared in that original document.

The Draft Declaration seemed to him to combine brevity and clarity. Certain articles were perhaps rather long, and the document as a whole was not perfect. It did, however, represent a step forward on the road to perfection, and would, he thought, gain the recognition of the legislatures of the various countries of the world.

In conclusion, Mr. Quijano paid tribute to the Chairman, who had succeeded in instilling into the work something of the noble spirit of the late Franklin D. Roosevelt.

Mr. FONTAINA (Uruguay) supported the statement of Mr. Quijano; he wished to stress that the representative of Panama had stated the views of all the Latin-American countries.

/Out of respect

Out of respect for the USSR representative, whose work had been of the highest quality, Mr. Fontaina wished to explain that he had voted against the inclusion of the USSR statement in the report, not for any political reasons but for reasons of logic. Had Mr. Pavlov submitted an alternative draft declaration, he would gladly have voted for the inclusion of both draft declarations, as an expression of the majority and minority view.

Mr. PAVLOV (Union of Soviet Socialist Republics) stated that he would hand in a list of all the texts proposed by the USSR to be appended to his statement.

Mr. CHANG (China) expressed his appreciation for the great work of the Chairman.

In closing the third session of the Commission on Human Rights, the CHAIRMAN thanked the Commission for its patience and hard work, and expressed her satisfaction at the results achieved. On behalf of the Commission, she thanked the members of the Secretariat whose work had contributed to the success of the session.

The meeting rose at 7.20 p.m.