

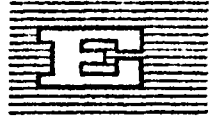
UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/SR.409
9 October 1953

ENGLISH
Original: ENGLISH and
FRENCH



Dual Distribution

COMMISSION ON HUMAN RIGHTS

Ninth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND NINTH MEETING

held at the Palais des Nations, Geneva,
on Saturday, 30 May 1953, at 9 a.m.

CONTENTS:

pages

1. Election of the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (item 5 of the agenda) (E/CN.4/688, E/CN.4/688/Corr.1) (resumed from the 396th meeting) 4 - 5
2. Consideration of draft report of the ninth session of the Commission to the Economic and Social Council (item 22 of the agenda) (resumed from the previous meeting); and Suggestions of the Rapporteur concerning the drafting of the articles adopted and their order. 5 - 21

Present:

Chairman: Mr. AZMI (Egypt)
Rapporteur: Mr. KAECKENBEECK (Belgium)

Members:

Mr. WHITLAM	Australia
Mr. DIAZ-CASUENEVA	Chile
Mr. CHENG PAONAN	China
Mr. ABDEL-GHANI	Egypt
Mr. CASSIN	France
Mrs. CHATTOPADHYAY	India
Mr. HARFOUCHE	Lebanon
Mr. INGLÉS	Philippines
Mr. DRUTO	Poland
Mrs. RÖSSEL	Sweden
Mr. KRIVEN	Ukrainian Soviet Socialist Republic
Mr. MOROSOV	Union of Soviet Socialist Republics
Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
Mrs. LORD	United States of America
Mr. PEROTTI	Uruguay
Mr. JEVREMOVIĆ	Yugoslavia

Representatives of non-governmental organizations:

Category B and Register

Catholic International Union for Social Service	Miss de ROMER
International Federation of Business and Professional Women	Mrs. SCHRADER-RIVOLLET
International Federation of Friends of Young Women	Mrs. FIECHTER
International Federation of University Women	Mrs. FIECHTER

Representatives of non-governmental organizations (continued):

Category B and Register (continued)

International League for the
Rights of Man

Mr. ROBINET de CLERY

Women's International League
for Peace and Freedom

Mrs. BAER

World Union of Catholic
Women's Organizations

Miss de ROMER

Secretariat:

Mr. Humphrey

Representative of the
Secretary-General

Mr. Das)

Mrs. Bruce)

Secretaries to the Commission

1. ELECTION OF THE MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (item 5 of the agenda) (E/CN.4/688, E/CN.4/688/Corr. 1)(resumed from the 396th meeting)

The CHAIRMAN invited representatives to revert to item 5 of the agenda, which related to the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Secretary-General's memorandum (E/CN.4/688 and E/CN.4/688/Corr. 1) contained a list of candidates proposed by members of the Commission, together with relevant biographical data. Sixteen candidates had been nominated, and twelve must be elected. The names of the candidates had been printed on the ballot papers, and he would request representatives to put a mark against the names of the candidates of their choice. Any paper which contained more than twelve votes would be considered as invalid, but representatives were naturally free to choose fewer than twelve of the candidates nominated.

The elections would be governed by rules 62 and 64 of the rules of procedure of the functional commissions of the Economic and Social Council.

Seventeen members of the Commission were present; the required majority would therefore be nine.

Mr. HOARE (United Kingdom) wished to make a rectification in the curriculum vitae of the United Kingdom candidate, Mr. Hiscocks, who was a professor not at the University of Michigan as stated in the Secretary-General's memorandum, but at the University of Manitoba.

Mr. MOROSOV (Union of Soviet Socialist Republics) drew attention to an error in the Russian and French texts of the memorandum in the date of birth of the Soviet Union candidate, Mr. Emelyanov. The correct date, namely 1909, was given in the corrigendum to the memorandum (E/CN.4/688/Corr. 1).

The election was then held by secret ballot.

At the invitation of the CHAIRMAN, Mrs. Rössel (Sweden) and Mr. Harfouche (Lebanon) acted as tellers.

<u>Number of members voting:</u>	17
<u>Invalid ballot-papers:</u>	0
<u>Valid ballot-papers:</u>	17
<u>Required majority:</u>	9

Number of votes obtained:

Mr. Hiscocks (United Kingdom)	16
Mr. Ammoun (Lebanon)	15
Mr. Roy (Haiti)	15
Mr. Bocobo (Philippines)	14
Mr. Chatenet (France)	14
Mr. Emelyanov (Union of Soviet Socialist Republics)	14
Mrs. Lord (United States of America)	14
Mr. Masani (India)	14
Mr. Winiewicz (Poland)	12
Mr. Mohammed (Egypt)	11
Mr. Santa Cruz (Chile)	11
Mr. Sørensen (Denmark)	11

The CHAIRMAN announced that the above-named candidates had been duly elected to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and accordingly requested the Rapporteur to redraft paragraph 11 of Chapter IV of the Commission's draft report on its ninth session to the Economic and Social Council to read:

"The Commission decided that, subject to the consent of their governments, the Sub-Commission on Prevention of Discrimination and Protection of Minorities would be composed of the following persons ..."

followed by the names of the twelve successful candidates. That was the formula that had been used to record the results of the original elections to the Sub-Commission.

2. CONSIDERATION OF DRAFT REPORT OF THE NINTH SESSION OF THE COMMISSION TO THE ECONOMIC AND SOCIAL COUNCIL (item 22 of the agenda) (resumed from the previous meeting); and

SUGGESTIONS OF THE RAPPORTEUR CONCERNING THE DRAFTING OF THE ARTICLES ADOPTED AND THEIR ORDER

Chapter IV - Prevention of Discrimination and Protection of Minorities

The CHAIRMAN invited representatives to consider section by section Chapter IV, together with Annex IV, of the Commission's draft report on its ninth session to the Economic and Social Council. ⁽¹⁾

(1) The draft report was issued as a working paper with limited distribution, for the use of those attending the session, under the symbols E/CN.4/L.298 and Addenda 1 - 5 thereto.

Paragraphs 1 - 4

Paragraphs 1 - 4 were adopted without discussion.

Paragraphs 5 - 11

Paragraphs 5 - 11 were adopted without discussion.

Paragraphs 12 - 15

At the suggestion of Mr. CASSIN (France)

it was agreed that the full stop after the words "discrimination raciale" in the sixth line of the French text of paragraph 14 should be deleted.

It was further agreed that, in the French text of paragraph 15, the sentence beginning with the words "La Commission a craint qu'un débat" should be amended to read:

"La Commission a craint qu'une discussion des doctrines religieuses et des vues erronées concernant les religions ne diminue pas, mais risque au contraire d'accroître les erreurs et les malentendus",

the English text being revised accordingly.

Paragraphs 12 - 15 were adopted as amended.

Paragraphs 16 - 17

The RAPPORTEUR suggested the following drafting change in the penultimate line of paragraph 17: "with a view to the ultimate aim of eliminating the disclosure of illegitimacy", the French text reading: "en vue de proscrire la divulgation..."

It was so agreed.

Paragraphs 16 - 17 were adopted as amended.

Paragraphs 18 - 19

Paragraphs 18 - 19 were adopted without discussion.

Paragraph 20

The RAPPORTEUR proposed the inclusion of the words: "although some members thought it unnecessary" at the end of the first sentence of paragraph 20.

Mr. CASSIN (France) proposed that the full stops after the word "Commission" in the second line and after the word "tribunal" in the fourth line be replaced by semi-colons, and that the word "enfin" be added after the second semi-colon in the French text only.

The above proposals were adopted.

Paragraph 20 was adopted as amended.

Paragraphs 21 - 26

Paragraphs 21 - 26 were adopted without discussion.

Paragraphs 27 - 31

The RAPPORTEUR proposed that the words "which were linked with the definition of minorities" in the second sentence of paragraph 29 should be replaced by the phrase: "of which account was taken in the definition of minorities proposed."

The Philippine delegation had also requested the inclusion at the end of the paragraph of the following passage:

"As for the definition itself, objection was raised to subparagraph (iii) on the grounds that the test of loyalty was a political factor which was out of place in a classification based on ethnic, religious or linguistic characteristics and that, moreover, it involved subjective elements which might in fact permit the imposition of discriminatory measures against minorities."

The amendments read out by the Rapporteur were adopted.

Paragraphs 27 - 31 were adopted as amended.

Paragraphs 30 - 31

Mr. HOARE (United Kingdom) pointed out that the word "a" preceding the words "general agreement" in the third line of paragraph 31 should be deleted.

Paragraphs 30 - 31 were adopted as amended.

Paragraphs 32 - 35

Paragraphs 32 - 35 were adopted without discussion.

Paragraph 36

The RAPPORTEUR said that the United Kingdom delegation had requested that the following sentence be inserted in paragraph 36 before the words: "At its 400th meeting,":

"On the other hand, the view was expressed that many of the services proposed fell within the scope of the existing resolution".

It was so agreed.

Paragraph 36 was adopted as amended.

Paragraph 37

Paragraph 37 was adopted without discussion.

Annex IV - Proposals and amendments relating to prevention of discrimination and protection of minorities and voting thereon.

Paragraphs 1 - 4

Paragraphs 1 - 4 were adopted without discussion.

Paragraphs 5 - 10

The RAPPORTEUR drew attention to an omission from paragraph 10: the amendments proposed by the United Kingdom delegation to the subsequent paragraphs of the draft resolution on abolition of discriminatory measures had been withdrawn, and it was therefore necessary to add the following words after sub-paragraph 3 of paragraph 10: "Amendments to subsequent paragraphs were, after discussion, withdrawn."

It was so agreed.

Paragraphs 5 - 10 were adopted as amended.

Paragraphs 11 - 19

Paragraphs 11 - 19 were adopted without discussion.

Paragraphs 20 - 24

Mr. MOROSOV (Union of Soviet Socialist Republics) drew attention to a mistake in the figures for the adverse votes in the second vote recorded in paragraph 24.

Paragraphs 20 - 24 were adopted as amended.

Paragraphs 25 - 29

Paragraphs 25 - 29 were adopted without discussion.

Mr. HOARE (United Kingdom) suggested that, since representatives were familiar with the remainder of Annex IV, which contained the text of resolutions adopted and statements of fact, there was no need for the Commission to examine it paragraph by paragraph.

It was so agreed.

Paragraphs 30 - 62

Paragraphs 30 - 62 were adopted without discussion, subject to one minor editorial emendation.

Chapter IV and Annex IV of the draft report were approved as amended, subject to drafting changes and amendments.

Chapter IV and Annex IV (continuation)⁽¹⁾ (resolutions on programme of work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities)

Paragraphs 40 - 43

Paragraphs 40 - 43 were adopted without discussion.

Paragraph 44

Mr. HOARE (United Kingdom) considered that paragraph 44 gave too succinct an account of a lengthy discussion. Some important points were not mentioned, such as, for instance, the questions relating to the work of the special rapporteur and the General Assembly's policy decision that rapporteurs appointed for specific purposes should not be remunerated. He asked that consideration of paragraph 44 be deferred in order to permit his delegation to study the text and submit an appropriate amendment.

It was so agreed.

Paragraph 45

Paragraph 45 was adopted without discussion.

Mrs. LORD (United States of America), having expressed a desire for more time to examine the document under consideration, which had only been distributed that morning,

the CHAIRMAN ruled that consideration of the sections of the draft report contained in documents E/CN.4/L.298/Addenda 3, 4 and 5 be deferred until the next meeting.

He accordingly invited the Rapporteur to submit his suggestions concerning the drafting of the articles adopted and their order.⁽²⁾

Additional articles on Civil and Political Rights (E/CN.4/L.289)

The RAPPORTEUR suggested that, in order to save time, the Commission should confine itself to dealing with drafting questions relating to the concordance

(1) Circulated to those attending the session as document E/CN.4/L.298/Addendum 5.

(2) Circulated to those attending the session as document E/CN.4/L.264 and Addenda 1 and 2 thereto, and E/CN.4/L.289, all with limited distribution.

of the two texts, and defer for the time being consideration of the position which each of the new articles should occupy in the draft covenant on civil and political rights.

It was so agreed.

Article A.

The RAPPORTEUR pointed out that a change was required in the French text of sub-paragraph (b), which should begin with the words "(b) de voter et d'être élu ..." instead of "(b) d'élire et d'être élu ..."

Article B.

There were no comments on article B.

Article C.

Mr. KAECKENBEECK (Rapporteur) suggested that in the English text of article C, at the end of paragraph 3, the words "convicted prisoners" should be substituted for the word "prisoners". The French text required no alteration, but the English text seemed somewhat vague and not to reflect the exact meaning of the French.

Mr. HOARE (United Kingdom), although agreeing with the Rapporteur about the vagueness of the text, said that he would prefer the simple term "prisoners". It did not necessarily follow that a convicted person found himself in prison, whereas the article dealt with prisoners, and not with persons who might stand in need of social rehabilitation after serving a sentence.

Mrs. LORD (United States of America) also preferred the term "prisoners", and pointed out that persons detained in custody before trial might well stand in need of social rehabilitation. They would be explicitly excluded if the qualified expression "convicted prisoners" were used.

Mr. WHITLAM (Australia) supported the United Kingdom and United States representatives.

The RAPPORTEUR said that his object had been to bring the two texts into line with each other, as was his duty. The point, however, was not an important one, and after hearing the observations of the United Kingdom, United States and Australian representatives he would retain the simple term "prisoners". In view

of the different systems in force in the Anglo-Saxon countries and France respectively, the slight difference in terminology would not give rise to difficulties.

Article D.

The RAPPORTEUR suggested that the French text of article D should be amended to read: "Les Etats parties au Pacte s'engagent à assurer le droit égal des hommes et des femmes de jouir de tous les droits civils et politiques".

It was so agreed.

Articles E and F.

There were no comments on article E or on article F.

Article G.

The RAPPORTEUR observed that the expression "full age" used in the English text of paragraph 2 of article G was not a technical term, and did not correspond to the French term "âge nubile", the English legal term "of age" being equivalent to "majorité".

The term "âge nubile" was used mainly in Roman law to indicate the physical maturity necessary for the conclusion of the marriage contract, with all its consequences. Its equivalent in English was "marriageable age", which should be used in the English text, to make it applicable to the different systems of law.

Mr. MOROSOV (Union of Soviet Socialist Republics) supported the Rapporteur's proposal. In Russian, too, the term "marriageable age" would be more correct than the term "age of majority".

Mr. HOARE (United Kingdom) accepted the Rapporteur's proposal.

The Rapporteur's proposal that the term "marriageable age" be substituted for the words "full age" in paragraph 2 of article G in the English and Russian texts was adopted.

The RAPPORTEUR pointed out that in the last line of paragraph 4, the future rather than the past tense should be used in the French text. The final sentence of paragraph 4 would then read:

"Dans ce dernier cas, des mesures spéciales pour la protection de l'enfance seront prévues par la loi".

In order to bring the English and French texts into line, the last sentence of paragraph 4 of the English text should be amended to read:

"In the latter case, special measures for the protection of any children shall be provided by law."

Mr. HOARE (United Kingdom) said that the proposed change involved a point of substance. His delegation's vote had been cast on the basis of the English text as it stood in paragraph 4 of article G. The phrase "protection of any children" was too vague. It would, moreover, be difficult at the present stage to make a substantive change in the text, and he believed that the difficulty would have to be solved later.

Mr. DIAZ-CASANUEVA (Chile) said that the object of the Chilean proposal adopted by the Commission had been to establish special measures of protection for all children: those of the marriage, those born out of wedlock and those adopted. In his opinion, the English text as drafted restricted the sense of the Chilean proposal, which was precisely expressed by the French text.

Mr. CHENG PAONAN (China) recalled that the Commission had decided to use the words: "In the last-mentioned case" instead of the words "In the latter case" in the last sentence of paragraph 4.

The RAPPORTEUR concurred.

Mr. CASSIN (France) thought that if it had been the intention to provide for the protection of all children, a special article should have been inserted in the draft covenant on civil and political rights. The particular paragraph under discussion dealt with the protection of children in connexion with marriage and its dissolution. Hence, it could only refer to the protection of children of the marriage in the event of death of the parents or dissolution of the marriage. Moreover, at its eighth session, the Commission had adopted a general article on the protection of children which appeared in the draft covenant on economic, social and cultural rights.

He did not consider that the text of paragraph 4 of article G required amendment. In his opinion, it was clear from the context that what was meant was the protection of children of the marriage.

Mr. WHITLAM (Australia) said that he, too, had voted in favour of the text on the understanding that its scope was limited to the protection of children of the marriage.

The CHAIRMAN ruled that at the report stage a substantive discussion was out of order. The Commission clearly desired that no change be made to the text.

The examination of the texts of the additional articles on civil and political rights being concluded, he would invite representatives to examine the texts of articles 33 - 59 on measures of implementation.⁽¹⁾

Articles 33 - 59: Measures of implementation

Article 33

The RAPPORTEUR drew attention to a change in punctuation in paragraph 1. He then proposed that in paragraph 2 the words "in the field of human rights" be rendered in French as "dans le domaine des droits de l'homme", instead of "dans les matières concernant les droits de l'homme".

In paragraph 3, he suggested the introduction in the French text, after the words "sont élus", of the words "ratione personae", and further suggested that the words "in their personal capacities" in the English text should be replaced by the words "in their personal capacity."

The first and third changes were adopted.

Article 33 was adopted as amended.

Article 34

The RAPPORTEUR pointed out that the word "specially" should be deleted from the first paragraph of the English text, as it had no counterpart in the French text.

It was so agreed.

Article 34 was adopted as amended.

Article 35

The RAPPORTEUR considered it advisable to insert the word "an" before the words "election to fill a vacancy" in the English text. In the French text, to bring it into line with the English, the words "au moins" should be inserted after the words "Trois mois".

It was so agreed.

Article 35 was adopted as amended.

(1) Circulated to those attending the session as documents E/CN.4/L.264, and Addenda 1 and 2 thereto, with limited distribution.

Article 36

The RAPPORTEUR suggested that the word "shall" should be inserted before the word "submit" in the English text.

He further suggested that the French text be amended to read: "Le Secrétaire général des Nations Unies dresse la liste alphabétique de toutes les personnes ainsi présentées et la communique ..."

It was so agreed.

Article 36 was adopted as amended.

Article 37

The RAPPORTEUR thought the words "the President of", the equivalent of which did not appear in the French text, should be deleted from the English text. He also believed that it would be better to insert the words "this part of" between the words "in" and "the Covenant" at the end of the article.

It was so agreed.

Article 37 was adopted as amended.

Article 38

The RAPPORTEUR considered that in paragraph 1 in the French text, the words "de chaque Etat" should be replaced by the words "d'un même Etat", which would express more accurately the Commission's intentions. He further suggested that, to bring it closer to the French text, which was modelled directly on the second sentence of Article 3, paragraph 1, of the Statute of the International Court of Justice, the English text of paragraph 1 should be amended to read: "The Committee may not include more than one national of the same State."

It was so agreed.

The RAPPORTEUR pointed out that the French and English texts of paragraph 3 needed to be brought into line, either by deleting the words "of nine" from the English text, or by inserting the words "de neuf" after the word "quorum" in the French text.

It was decided to delete the words "of nine" from the English text.

It was similarly decided to delete the words "by the Court" from the English text of the same paragraph.

Article 38 was adopted as amended.

Article 39

The RAPPORTEUR proposed that the word "shall" be inserted before the words "be eligible" in the second and third lines of the English text of paragraph 1, and the word "sont" before the word "rééligibles" in the French text of the same paragraph.

It was so agreed.

At the suggestion of Mr. CASSIN (France),

it was agreed to sub-divide the first sentence of the first paragraph, so that it ran:

"1. The members of the Committee shall be elected for a term of five years. They shall be eligible for re-election if renominated."

The RAPPORTEUR proposed, in the interests of conciseness and textual concordance, that the fourth sentence of the English text of paragraph 1 be drafted to read:

"Immediately after the first election the names of these five members shall be chosen by lot by the President of the International Court of Justice."

It was so agreed.

The RAPPORTEUR thought it would be preferable to substitute the word "above" for the word "preceding" in the English text of paragraph 2.

After an exchange of views between Mr. HOARE (United Kingdom), the CHAIRMAN and the RAPPORTEUR,

it was decided to retain the word "preceding".

Article 39 was adopted as amended.

Article 40

After an exchange of views,

it was agreed, at the suggestion of the CHAIRMAN, to retain the words "if it is necessary" in paragraph 1 of article 40.

The RAPPORTEUR thought that, in view of the changes made by the Commission to the text of article 34, paragraph 3, a change should be made in paragraph 2 of article 40, the words "in accordance with both paragraph 1 above and paragraph 3 of article 34" being replaced by the word "thus", inserted between the words "persons"

and "nominated". In addition, the words "to the Covenant" should be added at the end of the first sentence after the words "the States Parties".

It was so agreed.

The RAPPORTEUR having suggested further minor drafting changes,
article 40 was adopted as amended.

Article 41

After an exchange of views between the RAPPORTEUR, Mr. HOARE (United Kingdom) and the CHAIRMAN,

it was agreed to substitute the word "a" for "his" in the third and fifth lines of paragraph 1, and to substitute the words "in it" for "in that case" in the seventh and eighth lines of the same paragraph.

Article 41 was adopted as amended.

Article 42

Article 42 was adopted without discussion.

Article 43

Article 43 had been rejected.

Article 44

After an exchange of views between Mr. CASSIN (France), Mr. HOARE (United Kingdom) and the RAPPORTEUR,

article 44 was adopted with minor editorial emendations.

Article 45

Article 45 was adopted without discussion.

Article 45 bis

Article 45 bis was adopted without discussion.

Article 46

Article 46 was adopted, subject to the replacement of the words "lors de" by the word "à" in the French text.

Article 47

At the suggestion of the RAPPORTEUR,
article 47 was adopted, subject to sub-paragraph (b) being amended to read:

"Decisions of the Committee shall be made by a majority vote of the members present; if the votes are equally divided the Chairman shall have a casting vote."

Article 48

Article 48 was adopted on the understanding that the English version would be brought into line with the French text.

Article 49

Article 49 had been rejected.

Article 50

Article 50 was adopted with slight editorial changes in the English text.

Article 51

Article 51 was adopted without discussion.

Article 52

The RAPPORTEUR suggested that the term "complaining State" be used instead of the words "communicating State" in paragraph 1. He also proposed a drafting improvement to the end of the French text of that paragraph, which seemed to him unduly vague.

Both suggestions were adopted.

The RAPPORTEUR suggested that the words "par l'Etat destinataire" be inserted after "communication originale" in the French text.

Mr. CASSIN (France) thought it would be advisable to use the word "originaire" rather than "originale", to give a more accurate rendering of the English word "initial".

Both suggestions were adopted.

Mr. HOARE (United Kingdom), while approving the substitution of the expression "complaining State" for "communicating State", drew attention to a possible consequential ambiguity in paragraph 3. It was not absolutely clear whether the

complaining State would be the State whose anxieties had been aroused or the one that made the written communication. In practice, however, he thought that there should be no difficulty, because it was obvious that a State considering that another State was not giving effect to a provision of the covenant would send a written communication to that State as well as to the Committee.

Article 52 was adopted as amended.

Article 53

Article 53 had been rejected.

Article 54

Article 54 was adopted without discussion.

Article 55

Article 55 was adopted with slight editorial changes in the French text.

Article 56

After a discussion in which Mr. CASSIN (France), Mr. HOARE (United Kingdom), Mr. WHITLAM (Australia) and the CHAIRMAN took part,

it was agreed to retain the word "matter" in preference to the word "case".

Article 56 was adopted unchanged.

Article 57

Article 57 was adopted, subject to the replacement in the French text of the words "une solution amicale" by the words "une solution aimable".

Article 58

Article 58 was adopted, subject to the replacement in the English text of the word "of" by the word "or".

Article 59

Article 59 was adopted without discussion.

First new article

The first new article was adopted without discussion.

Second new article

The second new article was adopted, subject to minor editorial emendations proposed by the French and Yugoslav representatives.

Order of articles

The RAPPORTEUR explained that he had tried to rearrange the articles of the draft covenant on civil and political rights in what he thought was the most logical order in the light of the articles adopted at the present session. In doing so, he had consulted the United Kingdom representative, who had made a number of pertinent suggestions.

Mr. INGLES (Philippines) said that, although, in general, he did not oppose the suggested provisional order of the articles, he took exception to the proposal that paragraph (c) should be taken out of article 47 (now numbered 39) and made into a separate article (article 41). The suggestion that a procedural article should be converted into a substantive one was unacceptable to his delegation, which had voted in favour of article 47 (c) on the understanding that it provided simply for a rule of procedure of the Human Rights Committee. If the Committee were empowered to provide, *inter alia*, in its rules of procedure for the protection of the right of the complaining State, the State complained against or the State whose national was concerned, to make oral or written submissions to the Committee, it was clear that there would be nothing to prevent the Committee from according the same privilege to other States Parties to the Covenant. The conversion of article 47 (c) into a substantive article, however, might be interpreted as precluding the Committee from doing so. In the view of his delegation, all the States Parties had an interest in the fulfilment of the Covenant, and they should not otherwise be prevented from approaching the Committee with information.

The RAPPORTEUR said that the proposed change had first been mooted by the United Kingdom representative. The idea that had prompted the re-arrangement was that sub-paragraph (c) of article 47 dealt with the rights of parties. Wherever sub-paragraph (c) was placed, its provisions would have to be observed. The question was whether the Commission wanted it to be a merely procedural matter, or one of substance.

After an exchange of views between Mr. HOARE (United Kingdom), Mr. DIAZ-CASANUEVA (Chile) and Mr. CASSIN (France), the last two of whom sympathized with the Philippine representative's point of view, the RAPPORTEUR withdrew the proposal.

The CHAIRMAN pointed out that, since paragraph (c) was to be retained in article 47, which would then be incorporated in toto in article 39, article 41 would fall.

Mr. JEVREMOVIĆ (Yugoslavia) pointed out that so far the Commission had taken no formal decision as to the order in which the articles of the draft covenants were to be arranged. The Yugoslav delegation could not subscribe to the arrangement suggested by the Rapporteur, and he therefore proposed that it be regarded as provisional only. A statement to that effect should be included in the report, covering not merely Part IV, but the other parts of the draft covenants also.

Mr. CASSIN (France) agreed with the Yugoslav representative.

It was so decided.

The Rapporteur's proposals on the order of the articles on measures of implementation (Part IV), as amended and as a whole, were adopted subject to the proviso suggested by the Yugoslav representative.

Chapter VI - Communications

Chapter VI was adopted without discussion.

Annex I

The RAPPORTEUR suggested a minor drafting change in Annex I, D, proposing that, in order to prevent misunderstanding, "Measures of Implementation" should read "System of periodic reports".

It was so agreed.

Annex VI

Mr. CASSIN (France) considered that the end of paragraph 4 of Annex VI to the draft report (Financial implications of decisions of the Commission), where it was stated that the Secretary to the Committee should be "provided from the existing establishment", required amendment. In his opinion, the text should state that the Secretary to the Committee would be "placed on the establishment", once he had been elected. It was essential that that change be made, otherwise the Human Rights Committee might be faced with the necessity for making a legal interpretation of the text when the time came for it to elect its Secretary.

Mr. HUMPHREY (Secretariat) pointed out that Annex VI had been prepared on the sole responsibility of the Secretariat. It would therefore not be proper for the Commission to seek to amend it. Under the rules of procedure, the Secretary-General was obliged to submit to the Commission estimates of the financial implications of any of its proposals. That practice, which had been strictly observed, was much appreciated by the Economic and Social Council. The Commission could, of course, comment on the paper in a footnote, but it had no responsibility in the matter. As to the French representative's argument, the paper was based on the assumption that the Secretary to the Committee would be appointed from the present staff of the United Nations Secretariat; otherwise the financial implications of his salary would have to be taken into account.

After further discussion in which Mr. CASSIN (France), the RAPPORTEUR, the CHAIRMAN and Mr. HUMPHREY (Secretariat) took part, the last-named said that there was no objection to the last sentence of paragraph 4 of Annex VI being modified to indicate that the Secretary-General had assumed the substantive foundation of the sentence as drafted. It would still be open to the Commission to make any comment it pleased.

The CHAIRMAN suggested that the matter might be safely left to the Secretariat.

It was so agreed.

The meeting rose at 1.15 p.m.