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AND  
SOCIAL COUNCILCONSEIL  
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ET SOCIALE/CN.4/Sub.2/SR.17  
6 December 1947

ORIGINAL: FRENCH

## COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION  
AND THE PROTECTION OF MINORITIES

## FIRST SESSION

Summary Record of the Seventeenth Meeting  
held at the Palais des Nations, Geneva,  
on Saturday, 6 December 1947, at 9.40 a.m.

## PRESENT:

Chairman:	Mr. E.E. EKSTRAND	(Sweden)
Vice-Chairman:	Mr. Herard ROY	(Haiti)
Rapporteur:	Mr. Joseph NISOT	(Belgium)
Members:	Mr. W.M.J. McNAMARA	(Australia)
	Dr. C.H. WU	(China)
	Mr. J. DANIELS	(United States of America)
	Mr. Samuel SPANIEN	(France)
	Mr. M.R. MASANI	(India)
	Mr. Rezazada SHAFaq	(Iran)
	Miss Elizabeth MONROE	(United Kingdom)
	Mr. A.P. BORISOV	(Union of Soviet Socialist Republics)
Secretariat:	Mr. Emile GIRAUD	
	Mr. H.A. HEKIMI	

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Discussion of the Report.

The CHAIRMAN declared discussion open on the Report of Mr. NISOT (Rapporteur) (Document E/CN.4/Sub.2/38).

Mr. NISOT (Rapporteur) drew attention to the fact that an error had crept into the text of page 1 of Document E/CN.4/Sub.38 (continuation). The whole paragraph concerning the Sub-Commission's decision on "Communications from the National Association for the Advancement of Coloured People" should be deleted.

Mr. MASANI (India) confirmed that the proposal he had made had not been adopted by the Sub-Commission, and that it was therefore in order to delete this passage.

The CHAIRMAN, in order to avoid discussion, asked members to inform the Secretariat in writing of any factual or typographical errors that should be corrected.

Mr. BORISOV (Union of Soviet Socialist Republics) proposed that the first part of the Report should be discussed at the morning meeting, and the second part in the afternoon, since the latter part had only just been distributed.

The CHAIRMAN said that in any case a beginning should be made with the first part. The Sub-Commission would then see when it could pass on to the second part. He proposed that the text be discussed page by page.

Dr. WU (China) asked that in the English text he should be referred to as the "alternate" instead of the "deputy" of Mr. C.F. CHANG.

Mr. BORISOV (Union of Soviet Socialist Republics) asked that his name be preceded by his initials A.P. He requested the Chairman to read out the text before starting the discussion.

Mr. MASANI (India) and Dr. WU (China) thought this would be a waste of time and asked that only the second part be read out.

Mr. A.P. BORISOV (Union of Soviet Socialist Republics) agreed that texts with which the members were already familiar, such as the Terms of Reference, need not be read, but he asked that the new texts inserted in the Report should be read out. He would, however, bow to the decision of the majority. He proposed that in paragraph 3 on page 1 of the Report the words "invited by the Sub-Commission in virtue of a decision of the Economic and Social Council" be deleted because they created the impression that the Economic and Social Council had designated Mrs. Lefauchaux personally.

Decision: This change was accepted.

Terms of Reference of the Sub-Commission.

Mr. McNAMARA (Australia) considered that the recommendation formulated by the Sub-Commission on the re-examination of the Terms of Reference (page 2 of the Draft Report) should not appear at the beginning of the Document. It might seem to indicate that the Sub-Commission was not competent to interpret its Terms of Reference. He proposed that the recommendation be inserted after the proposal made by Miss MONROE.

Mr. NISOT (Rapporteur) could see no other solution than to put it at the end of the Document.

Decision: The recommendation will be inserted at the end of the Report.

Draft Declaration on Human Rights.

The CHAIRMAN wished it to be mentioned on page 2 that it was the Drafting Committee of the Commission on Human Rights that had decided on the Articles to be submitted.

to the Sub-Commission. He proposed to insert after the words: "certain Articles in the Draft" the words "which had been brought to its notice by the Drafting Committee". Otherwise it might seem as if it was the Sub-Commission that had chosen the Articles in an arbitrary manner.

Mr. NISOT (Rapporteur) accepted the proposal.

Decision: The proposal was adopted.

Mr. SPANIEN (France) thought it would be sufficient to say "the Drafting Committee, which considered that it should draw the Sub-Commission's attention to certain Articles".

Mr. McNAMARA (Australia) stated that the second phrase created a false impression, seeing that all the Articles in the Draft were designed to protect minorities and prevent discrimination.

Mr. NISOT (Rapporteur) pointed out that the text fully met Mr. McNAMARA's point, since it would be stated that the Articles in question had been brought to the notice of the Sub-Commission.

Mr. A.P. BORISOV (Union of Soviet Socialist Republics) proposed for the sake of greater clarity the words "of the Articles of the Declaration mentioned below."

Mr. NISOT (Rapporteur) stated that if the Sub-Commission were to embark on a grammatical analysis of each sentence, its work would never end. When mention was made of the Declaration, that actually meant the Articles which had been submitted to the Sub-Commission. He recalled that the Commission on Human Rights expected to have the Sub-Commission's Report by the morning of Monday, 7 December, at the latest.

The CHAIRMAN put to the vote the text proposed by Mr. BORISOV and that of Mr. NISOT.

Decision: The text proposed by Mr. NISOT was adopted by 7 votes to 2, with 3 abstentions.

ARTICLE 6

On Mr. McNAMARA's proposal, and with Mr. NISOT's consent, the Sub-Commission decided to modify the text as follows:

Page 3, line 4, to replace "completing" by "extending".

In the second paragraph of the English text, to replace "list" by "enumeration". The French text to remain unaltered.

To replace the words "paragraph 3 of Article 2 of the Charter" by "in Article 6 as drawn up by the Drafting Committee".

To replace (page 3) the words "but had merely interpreted and clarified it" by "but had interpreted and clarified it".

Mr. McNAMARA (Australia) considered that the paragraph immediately preceding Mr. NISOT's observation should be re-drafted.

Mr. NISOT (Rapporteur) asked for suggestions or formal proposals.

Mr. MENESES (Ecuador), who had been unable to attend the first meetings of the Sub-Commission, asked for an observation to be inserted in the Report under his own name.

Mr. DANIELS (United States of America), on a point of order, supported this proposal, on condition that no additional remarks by members who had attended all the meetings of the Commission should be allowed.

Decision: The proposal was adopted.

With the consent of Mr. NISOT (Rapporteur) the Sub-Commission agreed to add Mr. MENESES' remarks to the other observations contained in the Report.

Mr. SPANIEN (France) drew attention to the fact that if the word "nationality" in the fourth paragraph on page 3 were allowed to remain, it might cause confusion. He suggested that the paragraph be drafted as follows: "Finally, the Sub-Commission wished to make it clear that the words "national origin" should be interpreted by taking this conception, not in the sense of citizen of a State, but in the sense of national characteristics."

Decision: This change was adopted.

Miss MONROE (United Kingdom) suggested that the word "included" on the second line of page 3 of the English text, be replaced by "embodied".

Decision: This change was adopted.

Mr. A.P. BORISOV (Union of Soviet Socialist Republics) asked that the text be discussed paragraph by paragraph in logical order. He proposed the following changes in the fourth paragraph on page 3:

To put a full stop after the word "nationality" and to replace the remainder of the text by the following sentence: "The Sub-Commission recommends to the Commission on Human Rights that this concept be defined more precisely."

The CHAIRMAN, following an observation by Mr. NISOT, stated that the text, as amended by Mr. SPANIEN, had been adopted. He informed members that the remarks included in the Report were personal observations which ought not to be discussed.

Mr. SPANIEN (France) pointed out that during the discussion he had announced his intention of making certain reservations. If the Sub-Commission decided it was too late to submit observations, he would bow to its decision; if not, he would submit the text to the Rapporteur.

The CHAIRMAN recalled that Mr. SPANIEN had in fact expressed this wish. His remarks could therefore be inserted in the Report.

Mr. A.P. BORISOV (Union of Soviet Socialist Republics) stated that the observations he had made during the discussion were mentioned in the Summary Record of meetings. It was therefore superfluous to repeat them in the Report.

On the proposal of Miss MONROE it was decided that in the text of the Recommendation adopted by the Sub-Commission the words: "races and minorities" should be replaced by "races or minorities".

On the proposal of Mr. BORISOV it was decided to reverse the order of the words: "Convention" and "Declaration" in the text of the Recommendation, and to insert in the first line of paragraph 7 on page 3, after the word "amending" the words "the second paragraph of a proposal".

### ARTICLE 13

On the proposal of Mr. McNAMARA (Australia) the Sub-Commission adopted the following changes: on page 4, line 12, after the word "circulate", the words "more freely" should be added.

On page 4, line 20, the words "the following text" should be replaced by "the following addition to the first paragraph".

Mr. MENESES (Ecuador) asked for the following remarks to be inserted under Article 13:

"In my opinion paragraph 2 of Article 13 should also embody the following concepts:

No State may refuse to grant its nationality to persons born upon its soil.

No person may be deprived of the nationality of his birth, unless by his own free choice he acquires another nationality.

Every person is obliged to renounce the nationality of his birth or adoption upon acquiring a new nationality."

#### ARTICLE 15

The Sub-Commission adopted the Report on Article 15 without any observation.

#### ARTICLE 28

Following a proposal by Mr. McNAMARA (Australia), the Sub-Commission agreed that in the English text the word "examination" should be put in the plural. The French text to remain unchanged.

The words "in the third line of the text" to be added to the remarks.

#### ARTICLE 36

Mr. A.P. BORISOV (Union of Soviet Socialist Republics) noted that the Summary Records contained all the necessary information on the changes in the original texts. The interpretations given by the Rapporteur did not reflect all the opinions that had been expressed. He proposed that all comments by the Rapporteur after Article 36 be omitted.

Mr. NISOT (Rapporteur) expressed his willingness to omit all the comments.

Miss MONROE (United Kingdom) thought the text was clear enough to show the Commission what the Sub-Commission had done. It would be sufficient simply to point out how the text had been amended by such and such a member.

Mr. A.P. BORISOV (Union of Soviet Socialist Republics) thought the discussion that took place during the examination of this Article was reported in the Summary



Records of the meetings and should, therefore, not be given again in the Report.

Mr. NISOT (Belgium) saw no objection to leaving in the Report the amendments made by members, as Miss MONROE had suggested.

Dr. WU (China) agreed with Mr. BORISOV. The addition of all the amendments would make the Report unnecessarily long. The text would become too academic. Merely by comparing it with the original text the Commission could easily see what changes had been made.

Mr. MASANI (India) shared the view expressed by Mr. BORISOV and Dr. WU.

Miss MONROE (United Kingdom) withdrew her amendment.

Mr. NISOT (Belgium) agreed to omit any remarks that were not essential.

Mr. McNAMARA (Australia) asked for the word "had" to be deleted from the English text of his remark.

Decision: This change was adopted.

The Sub-Commission adopted the first part of Mr. NISOT's Report.

The CHAIRMAN proposed that the Sub-Commission start its examination of the second part of the Report.

Mr. A.P. BORISOV (Union of Soviet Socialist Republics), on a point of order, observed that members had only received the second part that morning, and consequently had had no time to study it. He recalled that he had proposed that the document should be examined in the course of the afternoon meeting. He also seemed to remember that the CHAIRMAN had suggested that the Report should be distributed 24 hours before the discussion. He was asking for a few hours only, in which to read the document, and formally moved that the

meeting be adjourned, and the second part examined in the afternoon.

The CHAIRMAN, after a discussion in which Dr. WU (China), Mr. SPANIEN (France) and Mr. BORISOV (Union of Soviet Socialist Republics), took part, decided that the second part should be examined at 2 p.m.

The meeting rose at 11.35 a.m.