



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL

E/C.2/319

5 September 1951

ORIGINAL: ENGLISH

COUNCIL COMMITTEE ON
NON-GOVERNMENTAL ORGANIZATIONS

Dual distribution

REPORTS OF THE AD HOC COMMITTEE ON THE ORGANIZATION
AND OPERATION OF THE COUNCIL AND ITS COMMISSIONS

Statement submitted by the World Jewish Congress,
a non-governmental organization in Category B
consultative status.

The Secretary-General has received the following statement, which is circulated in accordance with paragraphs 22 and 23 of Council resolution 288 B (X) :

Dated : 5 September 1951

Received: 5 September 1951

The Ad-Hoc Committee on the Organization and Operation of the Council and its Commissions (E/1795 - E/AC.34/23 p.29) recommended, by six votes in favour and one against with one abstention, that "the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities be discontinued, its work being taken over by the Commission on Human Rights".

The reasons given were that

- 1) the Sub-Commission had had difficulty in establishing a satisfactory work-program,
- 2) on the subject of discrimination, it had made no effective progress,
- 3) it had been concerned mostly with work relating to minorities and that, in this respect, its recommendations had not been found acceptable by the Human Rights Commission.

Ad 1) The Sub-Commission, due to its rather vague terms of reference, had difficulties in establishing its program at the beginning. It overcame these difficulties at its first session, as may be seen by the description of its activities in its reports (E/CN.4/52, E/CN.4/351, E/CN.4/358) and in the report of the Secretary-General (E/AC.34/5/add.4 p.33 - 39).

Ad 2) The statement that the Sub-Commission has made no effective progress on the subject of discrimination is unjustified. On the contrary, the various valuable recommendations of the Sub-Commission were with one exception adopted by the Human Rights Commission and by the Council.

a) The Sub-Commission drafted a text relating to the term "Prevention of Discrimination", which was approved by the Commission on Human Rights (E/AC.34/5/Add.4 para 143, 144)

b) Its detailed recommendations as to education in the field of discrimination were accepted by the Commission and by the Council (para 156, 161, 162).

c) Its recommendation on the method of collecting material useful to prevent discrimination was adopted by the Commission and by the Council (para 159, 160) and has induced 24 governments to provide clarifying information (E/CN.4/Sub.2/122 - 122 Add.23)

d) Its recommendations to inquire into the continuing validity of treaties concluded or declarations made before the League of Nations, which intended to combat discrimination and protect minorities were adopted by the Commission and by the Council (para 164 - 166) and led to the most lucid study of the Secretary-General in document E/CN.4/367.

e) The study of other problems of discrimination is far advanced (see E/CN.4/358 and the Provisional Agenda for the fourth session of the Sub-Commission E/CN.4/Sub.2/123).

A Sub-Commission which succeeded in having nearly all its recommendations on discrimination adopted by the Commission and by the Council cannot be said to have made "no effective progress" and having been "concerned mostly with work relating to minorities".

Ad 3) The statement of the Ad-Hoc Committee is not exact, that the recommendations of the Sub-Commission on the minority problem had not been found acceptable by the Commission.

- a) A recommendation submitted by the Sub-Commission concerning the protection of minorities was approved by the Commission and led to Council Resolution 303 F (XI).
- b) As to the definition of minorities and recommendations on interim measures by the Sub-Commission, the Commission did not find the recommendations unacceptable, but thought them only premature (E/AC.34/5/Add.4 para 172).

The Proposed Absorption of the Work of the Sub-Commission by the Human Rights Commission.

Reference is made to the letter of Mr. M.R.Masani, the Chairman of the Sub-Commission (E/2073), where he pointed out that the Human Rights Commission did not find time, at its last session, to deal with any item on its Agenda other than the draft Covenant on Human Rights and that, at its preceding session, it was able to devote less than a day's work to the vital problem of discrimination.

The Sub-Commission, on the other hand, has clarified the complexities of the problem of prevention of discrimination and protection of minorities and has succeeded to meet with the approval of the Commission and of the Council in most cases. Admiration for the work of the Sub-Commission must be expressed particularly in view of the fact that only three sessions were convened since its establishment. It would be unjustifiable that the Sub-Commission, having advanced so far, should be dissolved, though the Commission would hardly find time to discuss the vital problems involved. Indeed, in view of the decision of the Council, at its present session it would appear that the Commission, at least in 1952, will be fully engaged in re-examining the draft Covenant.

The Commission rejected the repeated requests of the Sub-Commission that it be empowered to investigate complaints. However, the inclination of a body to achieve rather too much, should never be a reason for its dissolution.

If the Sub-Commission were dissolved in spite of the fact that it did valuable work, which can hardly be done by the Commission, public opinion would take this as a symptom of the United Nations' diminishing interest in the protection of vital human rights.

The World Jewish Congress, for all those reasons, submits that the recommendation of the Ad-Hoc Committee should not be accepted.