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President: Mr. S. Amjad ALI (Pakistan).

Present: The representatives of the following countries:

Argentina, Belgium, Canada, China, Cuba, Czechoslovakia, Egypt, France, Iran, Mexico, Pakistan, Philippines, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Observers from the following countries:

Chile, India.

The representatives of the following specialized agencies:

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, International Civil Aviation Organization, Universal Postal Union, International Telecommunication Union, World Meteorological Organization.

Prevention of discrimination and protection of minorities: report by the Secretary-General under resolution 414 (XIII), section B II, paragraph 23 (E/2264 and Add.1, E/L.375, E/L.377, E/L.377/Rev.1, E/L.378/Rev.1.)

[Agenda item 14]

1. The PRESIDENT invited the Chairman of the Social Committee to introduce the Committee's report (E/2264) on prevention of discrimination and protection of minorities.

2. Mr. NOSEK (Czechoslovakia), Chairman of the Social Committee, briefly reviewed the report, adding that the Committee had decided not to discuss the substance of agenda item 14 but to confine itself to the various draft resolutions and amendments that had been submitted. The Committee had approved a draft resolution which it recommended to the Council for adoption.

3. The PRESIDENT said that, as the Council had agreed to hear the representative of the WFTU on item 14, it might be appropriate to call upon him now.

4. Mr. LESAGE (Canada) suggested that the Council should follow the Committee's procedure and avoid discussing the substance of the item. If the Council took that decision, the WFTU representative should also refrain from going into the substance of the matter.

5. The PRESIDENT invited the representative of the WFTU to speak on item 14, asking him to confine his remarks to the draft resolution and amendments before the Council.

6. Mr. ESKANDARY (World Federation of Trade Unions) said that his organization had asked to speak on the report of the Social Committee in view of the fundamental importance of preventing discrimination, a question of vital concern not only to the working masses but to all mankind.

7. The Social Committee's decision that the Sub-Commission should continue its work did not reflect the unceasing attempts of certain Member States, not only to hamper that organ in its work, but to do away with it entirely.

8. His organization whole-heartedly endorsed the draft resolution approved by the Social Committee because it recommended continuing the Sub-Commission and convening it in 1952. That recommendation was particularly gratifying since the reasons which had led to the creation of the Sub-Commission five years previously were still valid, and events such as those occurring in South Africa were not of a kind to confirm the Council's optimism at its thirteenth session.

9. The Council's earlier decision (resolution 414 (XIII), section B I, paragraph 18 (d)) to discontinue the Sub-Commission, apart from paralysing the work of a useful organ, had caused great consternation among the working masses and had undoubtedly undermined

the prestige of the United Nations, particularly among the peoples of the colonial and under-developed countries. At its fourth session, the Sub-Commission had made recommendations (E/CN.4/641, annex I, resolution VII) to the Commission on Human Rights expressing its disagreement with the Council's decision. The General Assembly had subsequently adopted resolution 532 B (VI), which emphasized the importance of combating discrimination and invited the Economic and Social Council to permit the Sub-Commission to continue its work and to take the necessary steps to promote the efforts of the United Nations to do away with discrimination. That resolution, adopted despite the opposition of colonial Powers in whose territories racial discrimination was most prevalent, was binding on the Council, as Article 66 of the Charter empowered the Council to decide how it wished to carry out the recommendations of its parent body but not to question whether or not those instructions should be carried out.

10. The representatives of the non-governmental organizations at the fourth session of the Sub-Commission had all felt that its work should be continued and intensified and had urged that wider use should be made of the resources of their organizations. He could cite many instances of discrimination, particularly in the colonial countries, as evidence of the need for the Sub-Commission to increase its efforts and thereby satisfy the legitimate aspirations of millions of workers throughout the world. In view of the prevailing discrimination against workers, the *Conférence syndicale Africaine de Bamako* in The French Sudan had adopted a resolution in October 1951 recommending the abolition of all discriminatory measures against the labouring classes, particularly as applied to the indigenous population in Africa.

11. The WFTU had consistently fought discrimination in all its forms. In view of the acute nature of the problem, the WFTU urged the Council to adopt forthwith the draft resolution submitted by the Social Committee which would enable the Secretariat to prepare for a session of the Sub-Commission in 1952.

12. The Council should, however, define the Sub-Commission's future terms of reference in such a way that it could begin the study of specific discriminatory practices, particularly in the fields of wages, employment, social legislation, housing, education, trade-union rights and democratic freedoms. The Council should also decide to consider annually a report on progress in the fight against discrimination and should plan for the non-governmental organizations and particularly the labour unions to **participate in that work**.

13. In conclusion he said that the WFTU in stressing the need for solving the problem of discrimination also recognized that the work of the Sub-Commission should be improved; but any action by the Council to that end should be aimed at intensifying rather than slackening the campaign against discrimination.

14. Mr. STERNER (Sweden) said all members were agreed that the problem of discrimination against minority groups was of the utmost importance and was also one of the most difficult to solve because of people's deeply rooted prejudices. Difficulties also

arose in regard to the procedure to be followed in dealing with the problem. Certain countries, in particular the Eastern European countries, were less ready than others to supply the basic information needed for planning practical action and to co-operate in implementing such action. In view of the attitude of certain countries it was understandable that some members felt any survey made of the problem would be incomplete, and became somewhat hesitant in approaching the whole subject. There should, however, be no hesitation in doing everything possible to obtain the necessary information and ensure the universal implementation of the measures adopted.

15. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had been in existence for several years. While it was generally recognized that the membership of the Sub-Commission had included many highly competent people, the Sub-Commission had not achieved very practical results. Its difficulties, in addition to those he had already mentioned, might also be due to its organization as a standing commission on which various political factions were represented.

16. His delegation would have favoured a new approach to the problem, emphasizing the work done by UNESCO. The research done by UNESCO into the question provided a basis for sound publicity and effective action, such as the taking of educational measures to combat prejudice. Such methods had proved very effective in the United States of America, where they had led to a considerable improvement in conditions. In addition to educational measures, research and publicity, a case might be made for the adoption of legislative measures. Legislation had been tried with some success in the United States and the Government was about to make further experiments along those lines. Its experience might provide valuable guidance for the adoption of international legislation.

17. It appeared to his delegation that the best way of promoting effective action for the solution of the problem would have been to use the resources of the Secretariat. When the latter had gathered material in collaboration with UNESCO and other specialized agencies and prepared tentative recommendations, the Commission on Human Rights might have established an *ad hoc* committee to consider the work done. Other alternative methods along the same lines might have been worked out. The majority of the General Assembly, however, had thought otherwise and had decided that the Sub-Commission should be revived. While he would gladly have supported the adoption of a different procedure for dealing with the problem, had there been any support for that idea in the Social Committee, he did not feel that the subsidiary question of whether the Sub-Commission should be convened in 1952 or 1953 was of great importance.

18. Since, however, it had been decided to revive the Sub-Commission, an effort must be made to enable the latter to carry out its work successfully by establishing clear and definite terms of reference for it. It had been suggested that the Sub-Commission should not be convened until after the Commission on Human Rights had discussed the Sub-Commission's report on

the work so far accomplished and set out new terms of reference for it. If that suggestion was followed it was, however, unlikely, in view of the heavy agenda of the Commission on Human Rights, that the Sub-Commission would be able to meet before 1954.

19. His delegation had therefore submitted a compromise proposal (E/L.377) suggesting that the Sub-Commission should meet in 1952 but devote its session to the consideration of future plans of work, which might then be approved by the Commission on Human Rights. He wished to submit his delegation's amendment (E/L.377) as an amendment not to the draft resolution submitted by the Social Committee (E/2264) but to the joint amendment proposed by France and the United Kingdom (E/L.375).¹

20. His delegation would vote against point 1 and against paragraph 1 in point 2 (a) of that amendment (E/L.375) but would support paragraph 2 in point 2 (a), which had been taken from a Swedish draft resolution (E/AC.7/L.121) originally submitted to the Social Committee.

21. He requested a separate vote on the operative paragraphs of the Social Committee's draft resolution, since his delegation would support the retention of paragraph 3 of the operative part.

22. Mr. MEADE (United Kingdom) said his delegation and the French delegation had submitted a joint amendment (E/L.375) to the Social Committee's draft resolution (E/2264), since they felt that the latter did not represent the greatest possible measure of agreement.

23. The draft resolution had certain defects. With regard to paragraph 1 of the operative part, for example, it was not practical to hold a session of the Sub-Commission in 1952, since the Sub-Commission's report on its previous session had not yet been considered by the Commission on Human Rights. In the Social Committee the Polish representative had declared that General Assembly resolution 532 B (VI) was binding and must be strictly implemented. That was a most commendable attitude, but it was clear that the General Assembly's wish that the Sub-Commission should meet in 1952 was conditional upon the prior consideration of the Sub-Commission's report and recommendations on its future work by the Commission on Human Rights. Such prior consideration was essential, since otherwise it would not be known at what point the Sub-Commission had suspended its work. It was also essential that the Commission on Human Rights should discuss the terms of reference of the Sub-Commission, since the directive "with special emphasis on the prevention of discrimination of any kind" in paragraph 2 of the operative part of the draft resolution was too general to be of any value.

24. The additional paragraph proposed in point 1 of the joint amendment stated facts which could not be contested and was of importance as an introduction to the points which followed. Paragraph 1 of the operative part of the joint amendment pursued that introductory paragraph to its logical conclusion. The

words "as soon as possible" had been inserted to avoid precipitating a discussion of the Council's calendar of meetings for 1953. He drew attention to the last phrase in that paragraph: "in sufficient time for the convening of a further session of the Sub-Commission in 1953". If that was to be implemented, the earlier in 1953 the Commission on Human Rights considered the Sub-Commission's work the better. The paragraph also incorporated a useful suggestion made by the representative of Sweden with regard to a descriptive list of the various research projects and action programmes on the prevention of discrimination and protection of minorities which had already been initiated or were being planned. He did not think the Sub-Commission should draw up its own terms of reference, but there was nothing to prevent members of the Sub-Commission from giving their views on them. Lastly, as the Swedish representative had pointed out, paragraph 2 of the operative part of the joint draft amendment had been taken from a Swedish proposal.

25. He hoped the joint amendment would help to clarify the situation and would be acceptable to the Council.

26. Mr. EPINAT (France) said the joint draft amendment was an attempt to produce a reasonable compromise which would facilitate the work of the United Nations in connexion with the prevention of discrimination and protection of minorities.

27. The Swedish (E/L.377/Rev.1) and Polish (E/L.378/Rev.1) amendments both suffered from the same defect in that they recommended the convening of a session of the Sub-Commission in 1952, when nothing definite would yet have been settled with regard to the Sub-Commission's work or terms of reference. His delegation and that of the United Kingdom were attempting to provide the most satisfactory conditions possible for the meeting of a body which should submit properly considered projects to the Commission on Human Rights.

28. Mr. CHENG PAONAN (China) said his delegation had, in the Social Committee, voted against the draft resolution calling for a meeting of the Sub-Commission in 1952. His delegation was, of course, disappointed that the Commission on Human Rights had not yet considered the Sub-Commission's report on its fourth session (E/CN.4/641), but it appreciated the fact that the former had been compelled to devote nearly all its time to the drafting of the covenants on human rights.

29. His delegation considered General Assembly resolution 532 B (VI) binding, but the fact that the General Assembly had not foreseen that the Commission on Human Rights would again delay consideration of the Sub-Commission's report affected the strict implementation of that resolution by making it undesirable for the Sub-Commission to meet in 1952. He suggested that when the Council considered the report of the Commission on Human Rights, it should make it clear that the Commission should give the highest priority to consideration of the Sub-Commission's report when it met in 1953.

30. His delegation would vote against the Social Committee's draft resolution (E/2264), unless the joint amendment (E/L.375) was adopted, and would

¹ The revised Swedish amendment was circulated in the course of the meeting as document E/L.377/Rev.1.

vote against any amendments calling for a meeting of the Sub-Commission in 1952.

31. Mr. RODRIGUEZ FABREGAT (Uruguay) said that the problems of prevention of discrimination and protection of minorities were extremely serious; the General Assembly had been well aware of that fact when it had adopted its resolution 532 B (VI). That resolution was mandatory on the Council and had to be obeyed to the letter; no new circumstances had arisen which might be said to invalidate it.

32. Discrimination was one of the most burning problems of the day, and to overcome it would require a sincere and concerted effort on the part of the United Nations. The General Assembly had decided to revive the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had worked faithfully and well for several years; consequently, to question the renewal of the Sub-Commission's existence was to question the General Assembly resolution itself. The essential points in that resolution were that the Sub-Commission was to continue its work, and that it was to be convened in 1952. The draft resolution approved by the Social Committee (E/2264) covered precisely those points, and was therefore unassailable.

33. The United Kingdom and French amendment (E/L.375), on the other hand, would introduce unnecessary complications. It was plain that there was no need to consult the Commission on Human Rights on the question whether the Sub-Commission should resume its work and hold a session in 1952, since the General Assembly resolution already indicated that it should do so. He would therefore vote against that amendment, which would distort the mandate of the General Assembly, and against any other amendments tending in that direction.

34. He would warmly support the draft resolution submitted by the Social Committee (E/2264), and paragraph 1 of the Swedish amendment (E/L.377/Rev.1) because it stated even more unequivocally that a session of the Sub-Commission would be convened in 1952.

35. Mr. FENAUX (Belgium) remarked that his country was as anxious as any other to prevent discrimination and to ensure the protection of minorities. Belgium, which had given refuge to victims of Nazi persecution, was free from racial prejudice, and had never exercised racial discrimination in its overseas territories. Consequently, when the Belgian delegation had voted for the discontinuance of several subsidiary bodies of the Council, among them the Sub-Commission on Prevention of Discrimination and Protection of Minorities, it had done so not because it was not fully aware of the importance of the subjects dealt with by those bodies, but because it had favoured another method of approach to those subjects. Since the General Assembly had decided to revive the Sub-Commission, his delegation would of course concur in that decision, but it could not accept the Social Committee's draft resolution because the Commission on Human Rights should be given an opportunity to examine the Sub-Commission's report and to work out the Sub-Commission's terms of reference.

36. He would therefore vote for the joint amendment submitted by France and the United Kingdom (E/L.375), under which those entirely reasonable conditions had to be fulfilled before the Sub-Commission was reconvened.

37. Mr. BORATYNSKI (Poland) said that the draft resolution adopted by the Social Committee was an exact implementation of General Assembly resolution 532 B (VI), which had itself been accepted by a substantial majority. Delegations which had been opposed, in principle, to reviving the Sub-Commission had suffered a defeat on that occasion; but they had reopened the fight in the Social Committee and were apparently determined to continue it in the Council. The joint amendment submitted by France and the United Kingdom (E/L.375) represented a last-ditch attempt to prevent the Sub-Commission from doing its work by postponing its next session until the Commission on Human Rights had worked out its terms of reference—which, as the Swedish representative had justly remarked, might easily delay that session until 1954. He therefore appealed to those delegations which were sincerely anxious to do away with discrimination not to be misled by technical and procedural arguments, but to keep firmly in mind that the amendment involved a question of principle.

38. The Polish delegation had moved its amendments (E/L.378/Rev.1 and E/L.379) to the joint amendment merely in order to forestall the attempt to adjourn the Sub-Commission's session indefinitely. He was prepared to support paragraph 1 of the Swedish amendment (E/L.377/Rev.1), and would also support paragraph 2, if the Swedish representative agreed to insert some phrase which would indicate that the Sub-Commission at its 1952 session would not be limited to working out its terms of reference, but could also carry on the work it had interrupted.

39. He accordingly proposed the insertion, after the words "specialized agencies", of the words: "to continue its work with special emphasis on the prevention of discrimination of any kind within the terms of reference of the Sub-Commission"; and, after the words "a report", of the words "on this subject as well as".

40. Mr. Mendez (Philippines) felt that the draft resolution approved by the Social Committee (E/2264) faithfully carried out the instructions of the General Assembly, in that it specified both that the Sub-Commission should continue its work and that it should be convened in 1952.

41. Contrary to what the Uruguayan representative had said, paragraph 1 of the Swedish amendment (E/L.377/Rev.1) was more restrictive than the corresponding paragraph of the Social Committee's text, since it omitted the mention of continuation of the Sub-Commission's work, and he therefore preferred the Social Committee's wording. He would be able to support only the first part of paragraph 2 of the Swedish amendment, ending with the words "specialized agencies". On the joint amendment proposed by France and the United Kingdom (E/L.375) he asked for a vote paragraph by paragraph; he would vote against the first two, and in favour of the third, which dealt with UNESCO.

42. The renewed existence of the Sub-Commission should be reassuring to those governments which had insisted that there was no discrimination in the territories under their jurisdiction, since that was the very organ to which they could submit proof of their statements, thereby eradicating the impression in the mind of the public that discrimination was rife in colonial territories.

43. Mr. LESAGE (Canada) said that his delegation had voted to discontinue certain subsidiary bodies of the Council in the honest belief that such an action would be in the interests of more effective work by the United Nations. Himself the member of a minority, he was as opposed to discrimination as his country was, and he could only regret that the Polish representative had imputed sinister motives to delegations which disagreed with him only on the question of the best method to follow to eradicate discrimination in all its forms.

44. The joint amendment (E/L.375) to the draft resolution approved by the Social Committee (E/2264) outlined a method which he thought preferable; but if the majority of the Council believed that a question of principle, rather than of method, was involved, the Canadian delegation would, in order to achieve agreement and to give proof of its sincere desire to combat discrimination and to protect minorities, be prepared to vote in favour of convening the Sub-Commission in 1952. In the interests of such agreement, he warmly appealed to the United Kingdom and French delegations to withdraw their joint amendment. The Swedish amendment could then be moved to the draft resolution itself, and the Polish representative's point could be met by inserting in paragraph 2

of that amendment, after the words "specialized agencies", simply the words "to continue its work and". He hoped that the Council would then be able to achieve unanimity on a question of vital interest to all Member States.

45. Mr. KOTSCILNIG (United States of America) observed that there was general agreement that the United Nations must take more effective action than hitherto in the field of prevention of discrimination and protection of minorities. Many members agreed that the Sub-Commission's work had suffered in the past because of the absence of clear-cut terms of reference, and it was for that reason that a substantial minority in the Social Committee had wished those terms of reference to be reviewed by the Commission on Human Rights before the Sub-Commission held its next session. The Swedish amendment, however, pointed a way out of that difficulty by giving the Sub-Commission clearer instructions than were contained in the Social Committee's resolution, and therefore removed the major objection to a 1952 session. If that amendment were adopted, the Commission on Human Rights and the Council would receive recommendations from the Sub-Commission on which they could take prompt and constructive action.

46. He would therefore vote for the Swedish amendment with the additional phrase proposed by the representative of Canada, and associated himself with the Canadian representative's appeal that the joint amendment (E/L.375) should be withdrawn and that a unanimous action might be taken, giving proof of the Council's desire to do everything in its power to combat discrimination in any form.

The meeting rose at 1 p. m.