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Tenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND FIFTY-SIXTH MEETING

Held at Headquarters, New York,  
on Wednesday, 31 March 1954, at 2.50 p.m.

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Discrimination and Protection of Minorities (E/CN.4/703 and Corr.1;  
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PRESENT:

|                    |                  |   |
|--------------------|------------------|---|
| <u>Chairman:</u>   | Mr. AZMI         | (Egypt)   |
| <u>Rapporteur:</u> | Mr. INGLES       | Philippines   |
| <u>Members:</u>    | Mr. WHITLAM      | Australia   |
|                    | Mr. NISOT        | Belgium   |
|                    | Mr. LABARCA )    | Chile   |
|                    | Mr. ORTEGA )     |   |
|                    | Mr. CHENG PAONAN | China   |
|                    | Mr. GHORBAL      | Egypt   |
|                    | Mr. JUVIGNY      | France  |
|                    | Mr. ROUSSOS      | Greece  |
|                    | Mr. RAJAN        | India   |
|                    | Mr. RIZK         | Lebanon   |
|                    | Mr. TYABJI       | Pakistan  |
|                    | Mr. BIRECKI )    | Poland  |
|                    | Mr. KULAGA )     |   |
|                    | Mr. ASIROGLU     | Turkey  |
|                    | Mr. SAPOZHNIKOV  | Ukrainian Soviet Socialist Republic                     |
|                    | Mr. MOROZOV      | Union of Soviet Socialist Republics                     |
|                    | Mr. HOARE        | United Kingdom of Great Britain<br>and Northern Ireland |
|                    | Mrs. LORD        | United States of America                                |
|                    | Mr. BRACCO       | Uruguay   |

Representatives of specialized agencies:

|             |   |
|-------------|---|
| Mr. MANNING | International Labour Organisation                                   |
| Mr. ARNALDO | United Nations Educational, Scientific<br>and Cultural Organization |

Representatives of non-governmental organizations:

|                                 |  |
|---------------------------------|--|
| <u>Category B:</u> Mrs. VERGARA | Catholic International Union for<br>Social Service |
| Mr. JOFTES                      | Co-ordinating Board of Jewish<br>Organizations     |
| Miss GUTHRIE                    | International Alliance of Women                    |
| Mr. PRICE                       | Pax Romana   |
| Mr. JACOBY )                    | World Jewish Congress                              |
| Mr. EASTERMAN )                 |  |
| Mrs. POLSTEIN )                 | World Union for Progressive Judaism                |
| Mr. RONALDS )                   |  |

Secretariat:

Mr. HUMPHREY

Director of the Division of  
Human Rights

Mr. SCHWELB

Deputy Director of the Division of  
Human Rights

Mrs. BRUCE )

Mr. DAS )

Secretaries of the Commission

REPORT OF THE SIXTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION  
AND PROTECTION OF MINORITIES (E/CN.4/703 and Corr.1; E/CN.4/L.359) (continued)

Mr. TYABJI (Pakistan) wished to state his Government's general position on the subject under discussion. Although Pakistan had its minorities, it had no minority problem. Its record with regard to the welfare of minorities was exemplary. The founder of the nation had promised that the minorities would be treated not only with justice and fairness but with generosity - a pledge that had been scrupulously carried out. A set of principles granting to the minorities the right freely to practise their religion and develop their culture, freedom of thought, expression and association, equality of status and opportunity, equality before the law, and social, economic and political justice had been adopted by the Constituent Assembly, and a provision regarding the protection of all the legitimate rights and interests of non-Moslem communities in Pakistan had been included in the Directive Principles of State Policy. The Pakistan Government made no distinction between the majority element in its population and the minorities, which suffered from no disabilities whatever. Nevertheless, as minority problems existed in other territories, his Government was deeply interested in their solution; minorities were palpable facts even though there might be disagreements regarding a correct definition.

He then turned to the draft resolutions submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the Commission's consideration (E/CN.4/703, annex I). With regard to draft resolution A, which dealt with the appointment of a special Rapporteur who would collate information on discrimination in education, he thought that the proposed study was useful and the choice of Mr. Ammoun as the Rapporteur most happy. In his own country, the religious minorities did not suffer from discrimination in the field of education; on the contrary, they were on the whole better educated and possessed greater educational facilities than the Moslem majority. In that connexion, he remarked that the term "minority" should not be given too narrow a definition; there were cases of discriminatory domination of a numerical majority by a powerful minority which should also be investigated by the special Rapporteur, as, for example, the case mentioned on page 5 of the summary record of the 57th meeting of the Committee on Information from Non-Self-Governing Territories.

With regard to draft resolution B, his delegation had had some misgivings about the appointment of a special expert, since it would seem that the work could be performed by UNESCO. In the light of the Philippine representative's statement, however, his delegation was inclined to look on the suggestion favourably, but it reserved its final position.

Draft resolution C involved an important matter of principle. Granting remuneration to the special Rapporteur would be contrary to the views expressed by the General Assembly; moreover, as the special Rapporteur would be one of the members of the Sub-Commission, an undesirable precedent of special remuneration for one of its own members by a United Nations organ would be established. He was therefore inclined to abstain on the draft resolution, while reserving his final position.

His delegation had an open mind when draft resolution D was concerned, and would determine its position in the light of the debate.

Mr. RIZK (Lebanon) thanked the representatives who had welcomed the Sub-Commission's choice of Mr. Ammou as special Rapporteur on discrimination in education. His delegation deemed it an honour that such an important task should be entrusted to an able Lebanese national.

He expressed his delegation's appreciation of the Sub-Commission's report, which would be most valuable to the Commission.

The CHAIRMAN declared the general debate closed. The Commission would now have to decide whether it should deal only with the draft resolutions in annex I, or with the report as a whole.

Mr. NISOT (Belgium) and Mr. WHITLAM (Australia) pointed out that the draft resolutions in annex I could not be considered apart from the Sub-Commission's resolutions in the body of the report, since four of the draft resolutions were based on the internal resolutions.

Mr. MOROZOV (Union of Soviet Socialist Republics) reminded the Commission of its decision at the 452nd meeting to discuss and vote on the draft resolutions after the general debate. That procedure did not, of course, preclude the submission of new proposals. The debates on the specific draft resolution would give representatives ample opportunity to express their views. The only course which was not open to the Commission was that of amending the internal resolutions, which had been adopted by the Sub-Commission and must therefore be kept intact as a basis for the discussion of the draft resolutions to which they referred. Thus, in discussing draft resolution A, which was based on internal resolution B, representatives could amend the draft resolution or submit a new alternative text, but in no case could they submit amendments to the internal resolution. If the Commission were to take it upon itself to revise the Sub-Commission's work, it would certainly have no time to take decisions which would be useful to the Economic and Social Council and the Sub-Commission.

Mr. JUVIGNY (France) did not consider that the USSR representative had made an exhaustive analysis of the procedure to be followed. Indeed, it was difficult to enumerate all the possible methods of dealing with the resolutions. For example, if the Commission were to adopt draft resolution B in its present form, it would be implying its approval of internal resolution F, to which reference was made in the preambular paragraph of the draft resolution. Any amendment of draft resolution B, however, would carry with it the implication that the Sub-Commission should not follow the procedure outlined in resolution F. Any decisions the Economic and Social Council might take with regard to the future work on the protection of minorities to be undertaken by the Sub-Commission, as outlined in internal resolution H, would also entail some revision of the Sub-Commission's resolution. Among the courses open to the Commission were, firstly, to discuss and amend the internal resolutions and then to vote on the draft resolutions in which those resolutions were mentioned; secondly, if

amendments could be permitted only to the draft resolutions, to incorporate in the latter some reference to the changes, which the Commission wished to make in the tenor of the internal resolutions; thirdly, to make recommendations to the Sub-Commission, stating that the Commission had taken note of the relevant internal resolution but considered that the Sub-Commission should take other measures. It was doubtful whether the same procedure would be applicable to all the draft resolutions, but it was essential to find the most effective methods possible for dealing with the individual drafts.

Mr. CHENG PAONAN (China) stressed that it would be unrealistic to discuss the draft resolutions or the internal resolutions separately, since they were to a great extent interdependent. The Commission should adopt the method of discussing the relevant internal resolutions with the corresponding draft resolutions and should use the draft resolutions and any separate proposals submitted by delegations as working documents to which amendments would be permitted.

Mr. MOROZOV (Union of Soviet Socialist Republics) pointed out to the French representative that, although the adoption of the existing texts of the draft resolutions would imply approval of the internal resolutions on which they were based, no delegation was forced to vote in favour of them: representatives could vote in favour of the text, vote against it, abstain from voting, amend the draft resolution or submit a diametrically opposite proposal. Nevertheless, the majority decisions of the Sub-Commission could not be tampered with; the Commission could give the Sub-Commission the necessary guidance without revoking its decision to deal with the draft resolutions and any other proposals which might be submitted.

The CHAIRMAN agreed with the French representative that several methods could be used to express the Commission's views on the internal resolutions; the latter could not, however, be amended. The Commission must regard the draft resolutions and other proposals as the working documents before it.

Mr. NISOT (Belgium) observed that the Sub-Commission would have facilitated the Commission's work considerably if it had incorporated the substance of its internal resolutions in the draft resolutions, instead of referring to them.

Mr. HOARE (United Kingdom) said that the Commission's agreement or disagreement on certain points in the Sub-Commission's own resolutions might be expressed through general recommendations drafted by the Commission, although that system would not be the best way of dealing with minor points of disagreement. The problem was to find some method of making quite clear to the Sub-Commission and to the Economic and Social Council where the Commission's view differed from the Sub-Commission's. While the Commission could not purport to amend the Sub-Commission's own resolutions, nevertheless it must show where it disagreed with the Sub-Commission, and that could only be done by reference to particular passages in those resolutions.

Mr. JUVIGNY (France) observed that the Commission could either adopt or reject the Sub-Commission's draft resolutions, or, if it could accept only parts of the resolutions on which the draft resolutions had been based, it could make a recommendation to the Sub-Commission to amend whatever the Commission considered faulty. The Commission could also amend the operative parts of draft resolutions when it found the basic Sub-Commission resolution defective.

Mr. NISOT (Belgium) said that recommendation to the Sub-Commission by means of a Commission resolution was the method he had envisaged.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that the obvious course, in view of the decision taken at the 452nd meeting, was to discuss draft resolutions A to D in annex I, together with any amendments or further proposals, and then take draft resolution E, to which any delegation that was dissatisfied could submit general amendments expressing disapproval of the whole report of the Sub-Commission and giving the reasons for such disapproval. His own delegation would vote in favour of draft resolution E. In discussing draft resolution A the Commission could take the Sub-Commission's resolution B as a basis, in accordance with the decision at the 452nd meeting.

Mr. HOARE (United Kingdom) asked whether it would be in order to propose an amendment to draft resolution A, inserting a second paragraph in the preamble to the effect that the Commission considered that the proposals for the study should be modified in certain ways, which for convenience, were stated in terms of amendments to the Sub-Commission's own resolution B.

The CHAIRMAN replied that such a method would be out of order, since it would be tantamount to amending the Sub-Commission's resolution. If the preamble was amended, the new text would have to state that the Commission considered that the Sub-Commission's resolution B omitted some point, distorted some principle or was otherwise unacceptable.

Mr. NISOT (Belgium) pointed out that the United Kingdom representative seemed to be contemplating the form of a resolution to the Council rather than a recommendation to the Sub-Commission.

Mr. HOARE (United Kingdom) said that he had not had any such distinction in mind. His aim was to find some method whereby the Commission could inform both the Council and the Sub-Commission in what respects it felt that the Sub-Commission's programme should be modified. The method suggested by the Chairman

would be good only if some question of principle were involved, whereas he himself was seeking some method of indicating that changes of less moment should be recommended; apparently it was not possible to do so in terms of an amendment to the Sub-Commission's basic resolutions, even if it was made clear that he was not actually amending those resolutions.

Mr. RIZK (Lebanon) thought that the confusion had arisen from a failure to bear clearly in mind the difference between the draft resolutions in annex I and the Sub-Commission's own resolutions in the body of the report. The Commission could surely amend the draft resolutions in any manner it deemed fit, since it was an organ superior to the Sub-Commission.

The CHAIRMAN replied that the difficulty arose, not from the fact that the Commission was dealing with two different kinds of resolutions, but from the fact that some members were seeking a way to amend indirectly decisions which would not normally be subject to amendment.

Mr. MOROZOV (Union of Soviet Socialist Republics) observed that it was not necessary for all the Commission's recommendations to be addressed to the Economic and Social Council. The Commission should address all the recommendations within its competence and on which it could reach general agreement to the Sub-Commission, as it had always done hitherto. If any delegation strongly disagreed with any such decision, it could raise the matter in the Council on its own initiative, but the only matters that the Commission as a whole was bound to refer to the Council were those upon which it was not competent to take a decision.

Mr. WHITLAM (Australia) said that although the Commission could not amend the Sub-Commission's own resolutions, it could certainly express its own opinion on them and embody that opinion, in the form of amendments to the equivalent draft

resolutions. The easiest course would be to draft recommendations to the Sub-Commission embodying proposals for any requisite changes in the plans it had set out in detail and then address resolutions to the Council, together with the recommendations made to the Sub-Commission, so that the Council would be fully cognizant of the whole of the action taken by the Commission. The preambles to the draft resolutions would accordingly have to be amended by the insertion of paragraphs to the effect that the Commission, having noted the Sub-Commission's resolutions, had, however, considered that the course of action contemplated in them should be modified and had made the requisite recommendations to the Sub-Commission, as set forth in the documents appended. That method would provide the requisite link between the action recommended to the Sub-Commission and the resolution addressed to the Council.

Mr. CHENG PAONAN (China) pointed out that the suggestion that the Commission should make recommendations to the Sub-Commission without forwarding any of the latter's draft resolutions to the Economic and Social Council would mean a delay of at least one year where the Sub-Commission's work programme was concerned - a situation which should be avoided.

Although the Commission could not amend the Sub-Commission's own resolutions, it was perfectly free to adopt, reject, or amend the draft resolutions in the annex, or even substitute new resolutions for them, and by such action it could, in fact, nullify the Sub-Commission's own resolutions if it so desired.

Mr. ORTEGA (Chile) noted that there was general agreement that the Commission could do as it pleased with the draft resolutions in the annex. Whether or not it had the right to amend the other resolutions was a matter of no practical significance, for it could clearly indicate its attitude towards

them by amending the draft resolutions in the annex. The only question to be resolved was whether, when the Commission had adopted a text embodying its own ideas, that text should go to the Economic and Social Council or back to the Sub-Commission. In order not to waste an entire year, it would be better to send the text to the Council, accompanied by the Sub-Commission's drafts, for purposes of comparison.

Mr. MOROZOV (Union of Soviet Socialist Republics) saw no need to ask the Council to act as an arbiter in a matter the Commission was fully competent to decide for itself. Exaggerated importance was being attached to the subject under discussion, since the draft resolutions dealt merely with preparatory work and did not contain any recommendations of substance. He suggested that the Commission should discuss them forthwith.

Mr. TYABJI (Pakistan) said the resolution in the annex mainly comprised two parts: a preamble and an operative part. The preamble referred to resolutions adopted by the Sub-Commission; as those could not be altered by the Commission, if a change were sought, a substitute resolution could be presented by the delegation requiring the change, and the substitute resolution, if passed, could form a new or additional preamble. Changes in the operative paragraph presented no problems as those could be made by the Commission.

Mrs. LORD (United States of America) wondered whether it would be possible to insert in a draft resolution, after the reference to a resolution of the Sub-Commission, a statement that the latter text was subject to modifications, which would then be set out. That was the method that had been followed the preceding year, as could be seen in the Commission's report (E/2447, paragraph 259)

Mr. NISOT (Belgium) suggested that the Commission might proceed by discussing the resolutions in the body of the report as though they were not the Sub-Commission's property. When it had finished with those texts, the Commission would see more clearly what action it wished to take on the draft resolutions in the annex.

Mr. RIZK (Lebanon) proposed an amendment to draft resolution A in annex I: to insert the words "which may be made" in the second paragraph, after the words "for comments".

The CHAIRMAN noted that there was general agreement that the Commission would take up the draft resolutions in the annex, making such amendments as it wished and commenting on the relevant internal resolutions in the process, and would then vote on them. He proposed that at the following meeting the Commission should proceed directly to the consideration of draft resolution A.

It was so decided.

The meeting rose at 5.10 p.m.