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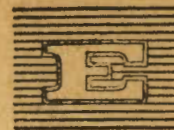
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COMMISSION ON HUMAN RIGHTS

Tenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND SIXTY-FIRST MEETING

Held at Headquarters, New York,  
on Monday, 5 April 1954, at 10.50 a.m.

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Discrimination and Protection of Minorities: draft resolution B:  
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(12 p.)

54-10337

PRESENT:

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



Representatives of specialized agencies:

Mr. MANNING	International Labour Organisation
Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization

Representatives of non-governmental organizations:

<u>Category B:</u>	Mrs. VERGARA	Catholic International Union for Social Service
	Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
	Mr. JOFTES	Co-ordinating Board of Jewish Organizations
	Mr. LONGARZO	International Conference of Catholic Charities
	Miss SMITH	International Federation of Women Lawyers
	Mr. JACOBY	World Jewish Congress
	Mrs. POLSTEIN) Mr. RONALDS )	World Union for Progressive Judaism
	Mr. PENCE	World's Alliance of Young Men's Christian Associations

<u>Register:</u>	Mr. HARDMOND	National Baptist Convention Inc.
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<u>Secretariat:</u>	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: DRAFT RESOLUTION B: STUDY OF THE PRESENT POSITION  
AS REGARDS MINORITIES THROUGHOUT THE WORLD (E/CN.4/703 and Corr.1; E/CN.4/L.368)  
(continued)

Mr. ASIROGLU (Turkey) considered that it would be premature to study the question of special protection for certain minority groups before the term "minority" had been satisfactorily defined. The reservations expressed by the representative of the Secretary-General in the Sub-Commission concerning the undertaking of so ambitious and politically delicate a task seemed, therefore, to be justified. The Sub-Commission could not, however, be blamed for the situation, since the definitions which it had submitted to the Commission had been rejected without comment. The Commission should have given the Sub-Commission guidance in the performance of its difficult task; the absence of such guidance was only too evident from some of the provisions of internal resolution F. In particular, sub-paragraphs (i) and (iv) of paragraph 3 showed that an ill-considered choice of subjects for study could harm minorities by stressing their differences from the dominant group; the reference to a sufficient number of persons in paragraph 3 (v) was misleading, since the important factor was the proportion of the population constituting the minority, and not the actual number of persons; the proposal in paragraph 4 that the study should be selective was undesirable, since technical studies should deal with general considerations and not with particular cases; finally, the consideration of measures at present in force, proposed in paragraph 4, would give rise to political difficulties and was contrary to Article 2, paragraph 7, of the Charter. The Turkish delegation could not vote in favour of draft resolution B or accept the proposal that an expert should be appointed for the study; its negative vote, however, would not imply disapproval of the valuable work performed by the Sub-Commission.

Mr. HOARE (United Kingdom) observed that representatives had criticized the action proposed in draft resolution B on three counts. Some considered that



the proposed study was dangerous; others did not think that the Commission should give its assent to the procedure of appointing independent experts and paid rapporteurs; and a third group stressed the fact that the Sub-Commission had failed to comply with the Economic and Social Council's directive to proceed further in its endeavour to arrive at a final definition of the term "minority" and that such a definition was prerequisite to any study. The best way of dealing with the draft resolution might therefore be to amend it, instead of voting on it directly, for if the draft were rejected without comment the Sub-Commission might receive the impression that the Commission had on each occasion disapproved of all the work that had been done with regard to minorities and had given no guidance for the continuance of that work.

If the Commission thought that such a procedure would be expedient, he would submit an amendment recalling resolution 502 B II (XVI) of the Economic and Social Council, asking the Sub-Commission to give further study to the definition and to report to the Commission's next session, and deciding that the study proposed in internal resolution F should not be initiated at the present time. The amendment would, of course, propose also the deletion of the operative paragraph of the draft resolution.

Mrs. LORD (United States of America) considered that the Sub-Commission should give further careful consideration to the subjects dealt with in internal resolution F. The proposed study was premature and would entail dangerous political consequences. It was to be hoped that the Sub-Commission would review its decision at its next session.

Mr. MOROZOV (Union of Soviet Socialist Republics) stated that his delegation did not consider that the procedure of appointing a special expert to carry out a study was appropriate. It would therefore vote against the operative paragraph of draft resolution B. Such a vote, however, would not imply, as the United Kingdom representative seemed to think, that the Commission did not wish the Sub-Commission to continue its study of the problems referred to in draft resolution B; it would merely mean that the Commission disapproved of the proposed method and wished the Sub-Commission to take different steps to achieve its purposes.



The United Kingdom suggestion went too far in its insistence on a definition before any practical steps could be taken. It might well prove to be more expedient to make concrete recommendations and then to return to the definition with the advantage of added experience. Although the USSR delegation disagreed with the provisions of paragraphs 2 and 3 of internal resolution F, it would be prepared to support any practical measures which the Sub-Commission might propose to take in accordance with generally accepted methods. It could not therefore agree with the United Kingdom suggestion that the study should not be initiated at the present time.

The Commission could express its views by a direct vote on the draft resolution, without any amendments or new proposals.

Mr. HOARE (United Kingdom) said that, in making his suggestion, he had in no way wished to hinder the Sub-Commission in its functions of studying the question of minorities and making recommendations on the protection of minority groups. If a request that the Sub-Commission should give further study to the definition was deemed to be unduly restrictive, he would readily amend the suggestion to include further study of the whole question of minorities. He pointed out that the mere rejection of the proposal to appoint an expert would imply that the Commission wished the Sub-Commission to follow the normal procedure of entrusting the study to the Secretariat; yet it was clear from paragraph 193 of the Sub-Commission's report that the Secretary-General was unwilling to undertake the responsibility for so ambitious and politically delicate a task. Although the delegations which shared the Secretary-General's views on the study might be in a minority, the Commission's opinion should be tested and it was for that reason that he proposed that the Commission should decide that that particular study should not be attempted at the present time. If a simple vote were taken on the draft resolution, the Commission's attitude might be construed as one of tacit approval of the lines on which the Sub-Commission was proceeding and the Sub-Commission would again have no directives to guide it.



Mr. ROUSSOS (Greece) drew attention to a procedural difficulty that a direct vote on draft resolution B would entail: under rule 59 of the rules of procedure, if the operative paragraph were rejected, the preambular paragraph could not be retained.

Mr. BIRECKI (Poland) did not share the fear that the rejection of the operative part of draft resolution B might jeopardize the Sub-Commission's future work on minorities. There was really no need for an amendment such as that suggested by the United Kingdom representative. Two issues were involved: the method proposed by the Sub-Commission and the type of study. He had been greatly impressed by the United Kingdom representative's arguments in the general debate (E/CN.4/SR.454) against the proposed employment of an independent expert. The fact that that representative had tentatively suggested alternative methods showed, however, that he did not believe that no study should be undertaken at all and he had stated that the Secretariat had been able to deal with an almost equally controversial study in the form of the World Social Survey. The fact that the Commission rejected the particular method of study proposed by the Sub-Commission should not be construed as instructions not to continue the work. The Sub-Commission's susceptibilities would not be offended; the Commission had often rejected the Sub-Commission's recommendations in the past and the latter's records did not embody any complaints. It realized that the Commission had its real welfare at heart. No amendments to draft resolution B would be required except drafting changes to enable the first paragraph to stand even if the second were rejected.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that the Greek representative's point was correct. The matter was of little concern to the Soviet Union delegation, however, since it would in any case abstain on the preamble, owing to the reference to resolution F. If as a result of abstentions the paragraph was deleted, the rejection should be construed simply as an expression of the Commission's dissatisfaction with resolution F, not as a rejection of the whole idea of the study. Clearly, even if draft resolution B was rejected in its entirety, the Commission could not disqualify the Sub-Commission from conducting a further study, bearing in mind the comments made in the Commission.



The rejection of the operative part should be interpreted as an expression of the Commission's view that the appointment of an individual expert was undesirable and that the provisional definition was no improvement on those already submitted.

Mr. WHITLAM (Australia) said that the United Kingdom representative's suggested amendments provided a method of avoiding a mere negative vote. A vote against draft resolution B would not be a clear expression of the Commission's views. The crux of the operative paragraph was certainly the proposal for the appointment of an expert but there were also proposals on the purpose of the appointment: the making of a selective study, the presentation of an interim report and the completion of the study before the Sub-Commission's eighth session. All those actions were separate elements, and members might wish to vote for or against any of them, or against the whole. The Australian delegation had stated its view that the study would be premature before the definition of minorities had been completed in compliance with the Council's instructions. It was not against the use of experts in principle but, in the particular instance, it considered that use should be made of the Secretariat and of the specialized agencies. The use of a special expert might be essential in approved cases. All those points could not be expressed by a mere negative vote. The United Kingdom suggestion supplied a positive approach; he would support it if it was formally introduced.

Mr. ORTEGA (Chile) drew attention to the deplorable effect it would have on public opinion if the Commission gave the impression of having achieved no positive conclusions after four years of debate. Various objections to the Sub-Commission's resolution had been advanced but no member of the Commission had disagreed with the Sub-Commission's basic view that human rights should be protected whenever they were threatened by discriminatory legislation or practices. The criticisms might be valid but the Commission should go further and give the Sub-Commission a positive statement of the Commission's views. As he had stated in the general debate, the Sub-Commission's provisional definition had been an attempt to achieve something constructive. The defects were rather those of form than of substance: the definition should have been stated in a single passage rather than in three places - paragraphs 2, 3 (v) and 3 (vi) of resolution F.



He therefore suggested, for the record but not as a formal proposal, that paragraph 2 of resolution F, should be redrafted in part to read:

"... shall include only those non-dominant groups in a population which possess ethnic, religious or linguistic traditions or characteristics markedly different from those of the rest of the population and which in proportion to it include a sufficient number of persons who wish and are able to preserve by themselves their traditions and characteristics.

"Groups which have come into existence as the result of immigration shall not be included among such groups, unless legislation and administrative or private practices discriminating against them prevail in a State in which they exist".

In countries such as Chile, which welcomed immigration and assimilation, no such discrimination existed, but there might be other countries in which there was discrimination against groups of immigrants. Such groups would not be deprived of protection if they needed it.

The Sub-Commission's method seemed the most satisfactory one that could be found at that time; at any rate, no more satisfactory method had been suggested.

Mr. JUVIGNY (France) said that the rejection of draft resolution B or the adoption of the preamble alone in an amended form might confuse the Sub-Commission. It would not know whether the proposed method or the study as a whole had been disapproved. Logically, it should conclude that the rejection of resolution F implied that it was still governed by Council resolution 502 B II (XVI), but the Commission could not be absolutely certain that it would reason thus. To recall that resolution would be tantamount to instructing it to continue its study of the definition and to indicating that the Commission did not endorse the different approach proposed by the Sub-Commission.



Mr. HOARE (United Kingdom) formally introduced his amendments to draft resolution B (E/CN.4/L.368); he had delayed only because he had hoped that they would bring about a compromise. It was generally agreed that the study should not be initiated at the present time; many felt that it was not in itself advisable and many also felt that the method of conducting it was undesirable. His amendment did not seek to decide among those different views but simply to express the opinion that that particular study should not at present be initiated. It thus sought to bring out the Commission's views more clearly than outright rejection of draft resolution B could. In order that all views should be clearly expressed, the vote on the United Kingdom amendments should be taken by division. Even if they were adopted, the Sub-Commission would still be able to re-submit its proposals if it deemed fit.

In order to bring the first operative paragraph into line with the preamble, the words "whole question, including the" should be inserted before "definition".

Mr. MOROZOV (Union of Soviet Socialist Republics) said that he saw no need for the reference to Economic and Social Council resolution 502 B II (XVI) in the first paragraph of the United Kingdom amendment. He recalled that the resolution had been adopted by the Council as a result of its discussion of the Commission's resolution B (E/2447, page 80), which it had seen fit to reject. As the Commission's views in the matter presumably had not changed, it should not go out of its way to refer to a resolution which represented a refutation of those views. Furthermore, the Council resolution, having been adopted in those particular circumstances, could not be given the broad meaning ascribed to it in the United Kingdom amendment. The Council had not intended to say that the Sub-Commission should suspend all work on the preparation of recommendations concerning the application of special measures for the protection of minorities until it had established a definition of the term "minority"; it had merely held that such a definition should be drawn up prior to the preparation of recommendations concerning the subject of the Commission's resolution B. In other words, the pronouncement had applied to a specific instance, whereas the United Kingdom amendment would extend it to the Sub-Commission's entire field



of activity concerning the protection of minorities. So broad an interpretation of resolution 502 B II (XVI) was patently incorrect and he would therefore vote against the first paragraph of the United Kingdom amendment.

The second paragraph, as verbally amended by the United Kingdom representative, appeared to be acceptable.

The words "at the present time" in the third paragraph were ambiguous. If they meant merely that the proposed study should not be initiated until the Sub-Commission's following session, the provision was unnecessary, since by failing to approve the appointment of a special expert to carry out the study the Commission would in any case prevent its initiation until that time. The words might, however, be interpreted to mean that the Sub-Commission was precluded from proceeding with the study until it had prepared an acceptable definition of the term "minority". That would occasion a much longer delay and was moreover not in line with the views of many delegations. He would therefore vote against the third paragraph of the United Kingdom amendment.

Lastly, he agreed with the United Kingdom representative that the second paragraph of draft resolution B should be deleted, but he felt that that should be achieved by a vote on the paragraph itself rather than on a proposal for its deletion.

Mr. HOARE (United Kingdom) pointed out that the Commission's resolution B, which had given rise to Council resolution 502 B II (XVI), was a very general recommendation, and that the Council resolution was drafted in correspondingly general terms and was meant to apply to the entire question of recommendations of special measures for the protection of minorities. The Sub-Commission itself had taken that view, since in the preamble of its resolution F it referred to the Council resolution and went on to say that, in spite of the provisions of that resolution, it asked permission to initiate the particular study in question on the basis of the tentative definition which it cited. He agreed with the Sub-Commission that Council resolution 502 II (XVI) was directly relevant to the present case and he therefore felt that the reference to it in his amendment was entirely proper.



The second paragraph of that amendment made it clear that the Commission had no intention of precluding the Sub-Commission from undertaking any work on the protection of minorities which it could usefully do at present.

The words "at the present time" meant simply that, while the Sub-Commission could carry on other work on that subject, it was not to go on with the study outlined in its resolution F. If the Sub-Commission felt that the study should nevertheless be undertaken, it could make proposals to that effect which the Commission would consider at its following session.

The meeting rose at 1.10 p.m.