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ORIGINAL; ENGLISH

COMMISSION ON HUMAN RIGHTS

FIRST SESSION

SUMMARY RECORD OF THE TENTH MEETING

Held at Lake Success, New York, on Saturday
1 February 1947, at 3:00 p.m.

Present:

Chairman:	Mrs. Roosevelt	(United States of America)
Rapporteur:	Mr. Malik	(Lebanon)
	Col. Hodgson	(Australia)
	Mr. Komisar	(Byelorussian Soviet Socialist Republic)
	Mr. Wu	(China)
	Mr. Ebeid	(Egypt)
	Mr. Cassin	(France)
	Mrs. Mehta	(India)
	Mr. Ghani	(Iran)
	Mr. Malik	(Lebanon)
	Mr. Teplov	(Union of Soviet Socialist Republics)
	Mr. Dukes	(United Kingdom)
	Mr. Mora	(Uruguay)
	Mr. Ribnikar	(Yugoslavia)
Observer:	Mr. Guardia	(Panama)

Representatives of Specialized Agencies

Mr. Hutchison	(ILO)
Mr. Carnes	(UNESCO)

Secretary of

the Commission: Prof. John Humphrey (Director, Human Rights Division)

Discussion of item 8 of the agenda: International Bill of Rights(continued).A. Draft Resolution Submitted by the Representative of India(E/CN.4/11).

Mrs. MEHTA (India) proposed that the draft resolution contained in document E/CN.4/11 should be used by the Commission as a basis to discuss

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the form, contents, application and implementation of an international bill of rights.

Mr. DUKES (United Kingdom) supported the proposal made by the representative of India. He considered that the Indian draft resolution constituted an excellent basis for groundwork, and suggested that it might be discussed in connection with the memorandum prepared by the Secretariat, listing the different types of rights contained in the drafts previously submitted (E/CN.4/W.18).

Mr. MORA (Uruguay) agreed that the Indian draft resolution deserved careful attention, but felt that it should be referred to a drafting committee for study in connection with the other projects submitted.

Col. HODGSON (Australia) proposed that the Commission should examine immediately the desirability of appointing a drafting committee.

Mr. MALIK (Lebanon), supporting the view taken by the Australian representative, remarked that the Uruguayan proposal was invalid, since it referred to a body which had not yet been established.

Mrs. MEHTA (India) reiterated her proposal that the Commission should first proceed to examine the Indian draft resolution as the basis of the discussion.

In reply to a question from Mr. TEPLIAKOV (Union of Soviet Socialist Republics), Mrs. MEHTA emphasized that the Indian draft resolution was not to be considered as a substitute for other documents, but should be discussed along with the other drafts submitted. She had proposed that it should serve as a basis for discussion because it appeared to be more comprehensive and raised four separate issues, namely the form, contents, application, and implementation of the proposed bill.

Mr. MALIK (Lebanon) moved that the Commission should consider the Indian draft resolution as the basis of discussion after deciding on the creation and composition of a drafting committee.

/Mr. CASSIN (France)

Mr. CASSIN (France) remarked that the document presented by the Indian representative should be submitted to preliminary discussion, if it were to be considered as a draft for a bill of rights. If, on the contrary, that proposal were to be regarded as a basis for the instructions to be given to the drafting body, the Commission would simply revert to the discussion held during the previous meeting. He believed that the Commission should follow the order of the previous debate, and should proceed to examine the third question raised in the United States proposals, considering the Indian document as basically complementary to the present discussion.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) moved that the Commission should postpone examination of the Indian draft resolution and the question of a drafting committee, and should proceed to discuss the particular points of the bill.

The CHAIRMAN put to the vote the amendments to the Indian proposal, submitted by the representatives of the Union of Soviet Socialist Republics and Lebanon.

- DECISION: (1) The USSR amendment was defeated by seven votes to three.
- (2) The Lebanese amendment was adopted by six votes with no opposition.

B. Machinery for Drafting an International Bill of Rights.

Mr. MALIK (Lebanon) moved that the Commission should establish a drafting committee to examine the various draft resolutions submitted with reference to an international bill of rights.

Col. HODGSON (Australia) considered that appointment of a drafting group was necessary, but submitted that a drafting committee was not the appropriate organ for that purpose. No concrete results could be achieved by a drafting committee composed of government representatives expressing different points of view. Indeed, the drafting group should act as the servant of the Commission. Col. HODGSON suggested that the Secretariat

/was the most

was the most competent body to draft an international bill of rights. The Human Rights Division included experts in that particular field, international civil servants who had already accomplished excellent work on related problems. It could continue that task in a more competent manner and at a lesser cost than a new body of experts created by the Commission.

Col. HODGSON therefore moved that the Lebanese proposal should be amended to instruct the Secretariat to draft an international bill of rights for the consideration of the Commission.

In reply to a question from Mr. EBEID (Egypt), Col. Hodgson explained that his proposal was motivated by the consideration that a drafting committee could not function adequately, if it were composed of members expressing their views as individual experts as well as government representatives, in accordance with the different suggestions made to the Commission.

Mr. DUKES (United Kingdom) stated that he would support the proposals of the Australian representative if the latter were prepared to add to his motion a provision allowing the Secretariat to call in such experts as it deemed necessary. Col. HODGSON agreed to this.

The CHAIRMAN, speaking as representative of the United States of America, stated that she would support the Australian proposal. If that proposal were accepted, the Commission could proceed to discuss the substance of the problem at its next meeting. In reply to a question from Mr. TEPLIAKOV (Union of Soviet Socialist Republics), the Chairman expressed the opinion that the Secretariat should receive directions from the Commission and report back to it for final decision, but should be allowed a certain latitude in accomplishing its task.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) considered that the Secretariat might draft the bill with the help of members of the Commission. However, the technical task of drafting the bill could only

be accomplished in accordance with instructions received from the Commission, after the Commission had completed its deliberations on particular points of the bill and had determined the principles to be enunciated therein.

The representative of the USSR therefore moved that the Australian proposal should be amended so as to postpone a decision regarding the drafting question until all points of the bill had been discussed.

The CHAIRMAN ruled that this motion was out of order, since it had already been voted upon during the previous debate.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) replied that this was a new motion, submitted as an amendment to the Australian proposal, and should therefore be voted upon.

DECISION: The ruling of the Chair was sustained by six votes to two.

Mr. CASSIN (France) accepted the Australian proposal that the Secretariat should draft the bill. However, he wished to make it clear that the work undertaken by the Secretariat should be accomplished under the direct responsibility of the Commission and under the supervision of the Chairman. Moreover, the Secretariat should be invited to consult with experts from other continents.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) moved that the meeting should be adjourned, in order that the question might be given further examination.

DECISION: The motion for adjournment was defeated by six votes to four.

Mr. MALIK (LEBANON) pointed out that the only difference between his proposal and that of the Australian representative concerned the question whether the assistance of experts would be enlisted by the Secretariat alone, or in consultation with the Commission. He was willing that both proposals should be amalgamated, if Col. Hodgson agreed to incorporate the latter alternative into his motion.

Col. HODGSON (Australia) stated that he could not accept the Lebanese

/suggestion,

suggestion, since he had already agreed to the suggestion of the United Kingdom representative that the Secretariat should have the right, if necessary, to call on experts to accomplish a particular task. The alternative suggested by Mr. Malik appeared to involve rather unnecessary machinery. Moreover, Col. Hodgson preferred to accept the implication of the French representative that the Secretariat would work under the direct responsibility of the Commission and under the general supervision of the Chairman.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) stated that he was not in a position to decide on the suggestion now before the Commission. He reserved the position of the Soviet Government to submit a draft bill of rights.

Mr. MALIK (Lebanon) asked the representatives of Australia and the United Kingdom whether they would agree to the wording:

"The Secretariat shall draft an international bill of rights in accordance with the instructions and conclusions of the Commission, and shall call in any experts to help them in this task, entertaining nominations of such experts from the members of the Commission".

Mr. CASSIN (France) suggested that the following proposal might meet with the approval of the Commission:

"The Commission on Human Rights entrusts the Secretariat with setting up the first draft of an International Bill of Rights, to be submitted to the Commission at its next meeting, and taking into account in this respect the directions given by the Commission during its present session. This drafting task will be carried out under the high authority of the Chairman of the Commission with the assistance of experts designated with the approval of the Chairman".

Col. HODGSON (Australia) stated that he was prepared to accept the text submitted by the representative of Lebanon with the addition of the words: "..... they may, if necessary consult". That wording would be less mandatory. Moreover, if a provision were added that the work of the Secretariat should be accomplished under the supervision of the Chairman, as suggested by the French representative, the resulting text might meet the different points of view expressed.

/Mr. MALIK (Lebanon)

Mr. MALIK (Lebanon) observed that the only difference between his text and that of the French representative concerned the responsibility of the Secretariat for calling in experts. He stated, however, that he was willing to accept that difference in order to conform to the wording submitted by Mr. Cassir.

The SECRETARY called the attention of the Commission to paragraph 3 of the resolution of the Economic and Social Council, concerning consultation with working groups of experts (Journal of the Economic and Social Council, No. 29, page 521). He pointed out that the Lebanese and French proposals might not be entirely within the authorizations contained in that resolution. Were either proposal adopted, the matter would have to be referred back to the Economic and Social Council, since the Commission would go beyond its authorization by instructing the Secretariat to call in experts. However, the Australian proposal, with the added suggestion of the United Kingdom, did not raise that difficulty.

Mr. MALIK (Lebanon) stated that a vote in this matter involved a very important decision, whether the Commission should entrust the Secretariat with drafting the bill and allow it to call in experts at its own discretion, or continue to assume responsibility for the draft.

He moved that the meeting should be adjourned, in order that members might examine the various proposals submitted in that respect.

DECISION: The motion to adjourn was carried by nine votes to one.

The meeting rose at 4:55 p.m.
