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Discrimination and the Protection of Minorities  
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<u>Chairman:</u>	Mrs. ROOSEVELT	United States of America
<u>Rapporteur:</u>	Mr. Charles MALIK	Lebanon
<u>Members:</u>	* Mr. JOCKEL	Australia
	* Mr. LEBEAU	Belgium
	* Mr. SAGUES	Chile
	Mr. P.C. CHANG	China
	Mr. SOERENSEN	Denmark

\* Alternates

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the record.

<u>Members:</u> (continued)	Mr. LOUFI	Egypt
	Mr. CASSIN	France
	Mrs. MEHTA	India
	* Mr. GOUDARZI	Iran
	* Mr. INGLES	Philippines
	* Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
	Mr. PAVIOV	Union of Soviet Socialist Republics
	Miss BOWIE	United Kingdom
	Mr. FONTAINA	Uruguay
	Mr. VILFAN	Yugoslavia

Consultants from non-governmental organizations, Category A:

Miss SENDER	American Federation of Labor
Mr. FISHER	World Federation of Trade Unions

<u>Secretariat:</u>	Mr. HUMPHREY	Representative of the Secretary-General
	Mr. LAWSON	Secretary of the Commission

\* Alternates

FIRST REPORT OF THE COMMITTEE ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES (E/CN.4/181, E/CN.4/181/Corr.2, E/CN.4/183, E/CN.4/185, E/CN.4/185/Corr.1) (discussion continued)

Draft resolution A: Terms of reference of the Sub-Commission (discussion continued)

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) wished, first of all, to endorse the opinion of the representatives who had objected at the preceding meeting, to the time-limit imposed on speeches, which prevented the thorough discussion of substantive amendments as important as those which the USSR delegation was proposing to the draft terms of reference of the Sub-Commission (E/CN.4/185).

The proposals of the USSR delegation were designed to fill serious gaps in the draft terms of reference drawn up by the Committee (E/CN.4/181), and they deserved to be taken into consideration. The Committee had not taken into account one of the basic principles of the United Nations Charter, namely, the obligation to prevent any discriminatory measures taken in violation of the equality of nations, large or small,

and of the right of peoples to self-determination. History presented numerous examples which showed how difficult it was to assure the defence of human rights in territories deprived of their independence. The USSR amendment was, therefore, of fundamental importance in that respect.

Moreover, it was essential to assure the official participation of the Sub-Commission in visiting missions organized by the Trusteeship Council, as one of the main tasks of the Sub-Commission must be to assure the benefit of human rights and fundamental freedoms for populations of non-self-governing territories. In the opinion of Mr. Kovalenko, the Sub-Commission could participate in those missions, not only under Article 91 of the Charter, which had been cited by the USSR representative and which provided that the Trusteeship Council should avail itself of the assistance of the Economic and Social Council in regard to matters with which it was concerned, but also under Article 76, paragraph c, which included among the basic objectives of the trusteeship system the obligation "to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion..."

Those were the basic principles of the Charter which the delegation of the USSR would like to see included in the Sub-Commission's terms of reference. The delegation of the Ukrainian SSR would vote in favour of those principles.

Mr. CASSIN (France) remarked that the French delegation had on several occasions voted in favour of proposals which corresponded in essence to the substance of the amendments submitted by the USSR delegation; it was, however, unfortunately unable to accept the proposed additions to the draft terms of reference of the Sub-Commission, for the following reasons.

Firstly, the Committee's draft provided that the studies and recommendations of the Sub-Commission should refer to "discrimination of any kind"; that very wide formula apparently included the special form of discrimination which was explicitly mentioned by the USSR in the first part of its sub-paragraph (a). Moreover, the USSR proposal would have the effect of transforming the Sub-Commission into a council of nationalities, which would be unacceptable. In that connexion, he pointed out that Article 1 and Article 55 of the Charter made a clear distinction between the question of the equal rights and self-determination of peoples and that of human rights and fundamental freedoms; that distinction was certainly not accidental.

/In the

In the opinion of the French delegation, the right of peoples to enjoy their own culture undoubtedly came within the terms of reference of the Sub-Commission. Nevertheless, while the Commission on Human Rights was entitled to cause studies on the question to be undertaken, it was not competent to decide how the delicate and complex problems connected with that question should be solved.

Sub-paragraph (c) of the USSR draft raised a question of procedure. Close co-operation between the Commission on Human Rights and the Trusteeship Council was obviously desirable; indeed, the two bodies had already co-operated in drawing up the Trusteeship Questionnaire. It must be recognized, however, that under Article 91 of the Charter, the Trusteeship Council was not compelled to avail itself of the assistance of the other organs of the United Nations; moreover, that article specified only the Economic and Social Council and the specialized agencies. Hence only the Economic and Social Council, and not the Commission on Human Rights, could get in touch with the Trusteeship Council, and then only by offering its co-operation, an offer which the Trusteeship Council could accept or not as it chose. The Commission could not include in the Sub-Commission's terms of reference a right which it did not itself possess.

In conclusion, Mr. Cassin recalled the old saying "Don't bite off more than you can chew", and warned the Commission against the danger of trying to impose on the Sub-Commission terms of reference that it would be unable to carry out.

Mr. INGLES (Philippines) said his delegation would vote for the USSR amendments.

His delegation agreed with the principle that any consideration of minority problems should include non-self-governing and trust territories; that was why the Sub-Commission should participate in the periodical visits organized by the Trusteeship Council. The only objection raised in that connexion had been one of procedure, and it was not an insurmountable one. The Trusteeship Council should be informed of the Sub-Commission's wish to participate in those visits, and it was obvious that that step could be taken only by the Economic and Social Council. Were the Commission to adopt sub-paragraph (c) of the USSR text, the Economic and Social Council would naturally have to do so. That was an interpretation which was in line with the Charter and one which, in his delegation's opinion was most acceptable.



The Trusteeship Council had been concerned, and would continue to be concerned, with the question of racial discrimination in territories under its jurisdiction, but it had not exhausted its study of that matter. It had not examined thoroughly the minorities problem which was, strictly speaking, outside its jurisdiction. The Sub-Commission could, and should, make an investigation on the spot, and sub-paragraph (c) of the USSR text offered the only solution which would enable it to fulfil its mission in regard to minorities in non-self-governing territories without having to rely on indirect information.

Mr. VILFAN (Yugoslavia) stressed that, in the circumstances, the discussion of the Sub-Commission's terms of reference could be formal only; he hoped that such restrictions would no longer be imposed on the Commission in its consideration of such important questions.

The broad formula contained in the Sub-Commission's draft terms of reference covered each of the ideas expressed in the USSR text. But the problem of equality between nations large and small and of the peoples' right of self-determination was one of the most important with which the world was now faced, and special emphasis should be laid on the danger which threatened those principles as a result of the discrimination exercised against certain groups.

Although the trust territories were not the only ones affected, it was in them that the problem was most keenly felt; hence the importance of sub-paragraph (c) of the USSR text. Were the Commission to accept the principle, it would easily find a form of words to solve the procedural difficulty to which some representatives had drawn attention.

Mr. LOUTFI (Egypt) said that the Sub-Commission's draft terms of reference covered all the ideas contained in the USSR amendments. The USSR delegation had merely gone into details so as to bring out certain points which were unquestionably of particular importance.

/His delegation

His delegation would vote for sub-paragraph (a) of the USSR text. It could not support the principles underlying sub-paragraph (c) but the latter undoubtedly raised a procedural difficulty, the best way of solving which would be for the Commission to ask the Economic and Social Council expressly to apply to the Trusteeship Council to authorize members of the Sub-Commission to participate in its visiting missions.

Mr. PAVLOV (Union of Soviet Socialist Republics), replying to the criticisms of his delegation's amendments, said the purpose of those amendments was to clarify and extend the scope of the Sub-Commission's terms of reference within the framework of the Charter. The USSR amendments were directly inspired by the principles of the Charter, and he was surprised that they should have met with any opposition in the Commission.

The Trusteeship Council was bound to avail itself of the assistance of the other United Nations bodies in regard to matters within their respective terms of reference.

In conclusion, Mr. Pavlov contested the view that a reminder of the obligation to combat the discriminatory measures taken in violation of the equality of nations and of the peoples' right to self-determination was only a question of detail; could a matter concerning the fate of millions of human beings struggling to free themselves from a foreign yoke be described as a detail?

Mr. SOERENSEN (Denmark) began by stressing his delegation's respect for the principle of the equality of peoples and of their right to self-determination, which was one of the foundations of the Charter. His delegation would vote against the USSR proposals only because they raised serious doubts as to whether the Sub-Commission was competent to deal with questions which the authors of the Charter had clearly separated from those of human rights.

There was, moreover, a practical objection to excessive extension of the Sub-Commission's terms of reference. The Sub-Commission had just been set up: it had another very important task to accomplish in protecting human rights and minorities, and very little had as yet been done in that sphere. It would, therefore, seem unwise needlessly to extend the Sub-Commission's terms of reference.

/The CHAIRMAN,

The CHAIRMAN, speaking as the representative of the United States, pointed out that the Sub-Commission's terms of reference should be of a general character, as specified by the Commission: the Commission had invited the Sub-Commission to undertake studies, but it was not for the Commission to stipulate the matters which should be studied, as it would be doing if it made the terms of reference more detailed.

The Iranian delegation's amendment to sub-paragraph (b) of the draft terms of reference drawn up by the Commission (E/CN.4/181/Corr.2) encountered the same procedural objections as did sub-paragraph (c) of the USSR proposal. The Economic and Social Council alone could address a recommendation to the Trusteeship Council in regard to the participation of members of the Sub-Commission in visiting missions. The United States delegation thought the only practical way of solving the problem was for the Commission on Human Rights to adopt a resolution requesting the Economic and Social Council to take such action. That would satisfy the USSR delegation's legitimate anxiety without infringing the rules of procedure which governed the relations between the various bodies of the United Nations.

The Chairman put to the vote the amendment submitted by the delegation of Iran (E/CN.4/181/Corr.2).

Mr. PAVLOV (Union of Soviet Socialist Republics) said that he would vote against that amendment as its adoption would mean that the members of the Sub-Commission would participate only in those visits to which they had been expressly invited by the Trusteeship Council.

The Iranian amendment was rejected by 5 votes to 2, with 9 abstentions.

Mr. PAVLOV (Union of Soviet Socialist Republics) requested that the amendments submitted by his delegation (E/CN.4/185) should be put to the vote in parts. He wished separate votes to be taken on:

1. the first part of sub-paragraph (a) concerning the violation of the principle of equal rights of nations and the self-determination of peoples;
2. the second part of sub-paragraph (a) concerning the protection of minorities;
3. sub-paragraph (b);
4. sub-paragraph (c);
5. sub-paragraph (d).

He further requested that roll-call votes should be taken on the two parts of sub-paragraph (a) and on sub-paragraph (c).

Mrs. MEHTA

Mrs. MEHTA (India) asked whether the Commission on Human Rights was competent to discuss the principle of equal rights of nations large and small.

Mr. HUMPHREY (Secretariat) read the Commission's terms of reference (E/248).

The CHAIRMAN agreed that it was indeed rather difficult to decide whether the Commission was competent or not to deal with problems connected with the principle of equal rights of peoples and their self-determination. She thought it was for the Economic and Social Council to decide on that point. The Commission should therefore proceed with caution in the matter, the more so as it was being discussed by the International Law Commission, which might well be the organ which was really competent in that respect.

Mr. CHANG (China) asked whether it was not true that the Commission so far set up by the Economic and Social Council were intended purely as study commissions without any executive functions.

The CHAIRMAN agreed that that was so.

Mr. LEBEAU (Belgium) pointed out that there had not been any definite reply to the question asked by the representative of India, and thought that, if there was any doubt about the competence of an organ to deal with a given problem, the best course of action for that organ was to refrain from considering the problem.

Mr. PAVLOV (Union of Soviet Socialist Republics) argued that there was no doubt that the Commission was entitled to enlarge the Sub-Commission's terms of reference, so long as it was thereby only deciding on the scope of its own terms of reference, on the basis of the provisions of the United Nations Charter. It was quite obvious that the Charter referred to discrimination against peoples as well as against individuals, since the two were organically related.

/If the

If the Economic and Social Council disagreed with the Commission's opinion on the question of competence, it would always be at liberty to reverse the Commission's decision by referring its draft resolutions back to it. As for the Commission, it could not refrain from taking a decision on such an important question, for if it did so, public opinion might think that it was reluctant to undertake a really effective struggle against discrimination.

Mr. LERFAU (Belgium) thought there was little justification for the fears of the USSR representative. No organ of the United Nations could go beyond its prescribed functions, and that would be precisely what the Commission would be doing if it entrusted the Sub-Commission with the study of the problem of equal rights of nations, a subject which was not within the competence of the Commission, but within that of the Economic and Social Council. The Commission's prestige would be affected if it did not keep within its legal functions. In cases of doubt, it was therefore preferable that it should refrain from dealing with the subject, merely drawing the Council's attention to the problem raised by the USSR delegation.

Mr. CASSIN (France) recalled that he had already emphasized the importance of the problem of competence, which involved the whole question of the relationships between the organs of the United Nations. The Commission could only have an incidental competence, secondary to that of other organs, on the question of equal rights of nations. To attempt to give it the main competence in that political field would be to create a conflict of competence in which the Commission would necessarily be the loser, for the conflict would be solved in conformity with Articles 1 and 55 of the Charter, which left no room for doubt on the question. That was why the French delegation would vote against the USSR proposal.

The CHAIRMAN suggested that the Commission should vote only on those parts of the USSR amendment (E/CN.4/185 and E/CN.4/185/Corr.1) which altered the basic text submitted by the Committee. There would thus be

no need to vote on the preamble which was identical in both texts. The first sentence to be put to the vote was the following: "It shall be the Sub-Commission's responsibility:"

That addition was rejected by 6 votes to 5, with 4 abstentions.

The CHAIRMAN called for a vote on the part of sub-paragraph (a) of the USSR amendment beginning with the words: "concerning the prevention of discrimination..." and ending with the words, "the self-determination of peoples".

A vote was taken by roll-call as follows:

In favour: Egypt, India, Lebanon, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, Denmark, France, United Kingdom, United States of America, Uruguay.

Abstaining: China, Philippines.

That part of the amendment was rejected by 7 votes to 6, with 2 abstentions.

The CHAIRMAN put the last part of sub-paragraph (a) to the vote, beginning with the words: "and concerning the protection of...".

A vote was taken by roll-call as follows:

In favour: Lebanon, Philippines, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, China, Egypt, France, United Kingdom, United States of America, Uruguay.

Abstaining: Denmark, India.

The last part of sub-paragraph (a) was rejected by 8 votes to 5, with 2 abstentions.

The CHAIRMAN called for a vote on sub-paragraph (b) of the USSR amendment.

Mr. Charles MALIK (Lebanon) suggested that the USSR representative might withdraw that part of his amendment, since the idea it contained was covered in sub-paragraph (a) of the Committee's draft, to which the Commission would return as a result of the rejection of the corresponding paragraph of the amendment.

/Mr. PAVLOV



Mr. PAVLOV (Union of Soviet Socialist Republics) wished to maintain that part of his amendment, for he thought that, from the legal and logical point of view, it was better to divide the resolution into three parts dealing respectively with the studies which the Sub-Commission was to undertake, the recommendations it was to make and its participation in visiting missions.

The CHAIRMAN asked the Commission to decide whether the sentence concerning the recommendations to be made to the Commission on Human Rights should form a separate paragraph in the place in which it had been put in the USSR amendment.

Sub-paragraph (b) was rejected by 6 votes to 5, with 4 abstentions.

The CHAIRMAN thought the question of the Sub-Commission's participation in visits, which formed the subject of sub-paragraph (c) of the USSR amendment, concerned the Economic and Social Council rather than the Commission. The Commission could only suggest to the Economic and Social Council that it should request the Trusteeship Council to invite the Sub-Commission to participate in visits.

Mr. PAVLOV (Union of Soviet Socialist Republics) said there was no question of asking the Sub-Commission to obtain invitations from the Trusteeship Council to participate in visits. Such participation should constitute a regular function of the Sub-Commission and the principle involved should be admitted, within the framework of Article 91 of the Charter, so that the Sub-Commission would be able to take appropriate measures to extend the enjoyment of human rights and fundamental freedoms to the populations of the trust territories.

The CHAIRMAN noted that a more correct procedure would be to address a suggestion to that effect to the Economic and Social Council in a separate draft resolution.

Mr. PAVLOV (Union of Soviet Socialist Republics) said he would simply abide by the text of his amendment.

The CHAIRMAN put sub-paragraph (c) of the USSR amendment to the vote.

A vote was taken by roll-call as follows:

In favour: Philippines, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, Denmark, France, United Kingdom, United States of America, Uruguay.

Abstaining: China, Egypt, India, Lebanon.

Sub-paragraph (c) of the USSR amendment was rejected by 7 votes to 4, with 4 abstentions.

Mr. LOUTFI (Egypt) had not voted in favour of that part of the USSR amendment for procedural reasons, but he was submitting to the Commission a draft recommendation to the Economic and Social Council which reproduced in toto the idea contained in sub-paragraph (c) (E/CN.4/189).

The CHAIRMAN, after noting that there was no need to vote on sub-paragraph (d) of the Soviet amendment which reproduced sub-paragraph (b) of the basic text, called upon the Commission to vote on the Iranian amendment (E/CN.4/181/Corr.2), which proposed that the Trusteeship Council should be mentioned, in sub-paragraph (b) of the Committee's draft resolution, as one of the organs which could entrust functions to the Sub-Commission.

In reply to a question from Mr. CHANG (China) the Chairman said that the Iranian amendment gave rise to the same objection as sub-paragraph (c) of the USSR amendment: only the Economic and Social Council could take a decision implying the consent of the Trusteeship Council.

Mr. Charles MALIK (Lebanon) pointed out that even if the Iranian amendment were adopted, the Trusteeship Council would never communicate with the Sub-Commission except through the Economic and Social Council. It was a general rule that a Council did not communicate directly with a subsidiary organ of another Council. He therefore asked the representative of Iran whether, in the circumstances, he would withdraw his amendment.

Mr. GOUDARZI (Iran) said he was not in a position to withdraw an amendment submitted by the head of his delegation.

The CHAIRMAN reminded the Commission that that amendment had been proposed with a view to solving a technical difficulty before the question of competence had been raised.

The Iranian amendment was rejected by 8 votes to 1, with 5 abstentions.

The CHAIRMAN put to the vote the draft resolution constituting part A of Annex I to the Committee's report (E/CN.4/181, E/CN.4/181/Corr.1).

The introductory sentence and sub-paragraph (a) of that text were adopted by 12 votes to none, with 3 abstentions.

Sub-paragraph (b) was adopted by 15 votes to none.

The text as a whole concerning the terms of reference of the Sub-Commission was adopted by 12 votes to none, with 3 abstentions.

Mr. PAVLOV (Union of Soviet Socialist Republics) said he had abstained from voting on the Committee's draft because all its amendments, including those which were of considerable political and practical significance in the prevention of discrimination and the protection of minorities and those which contained only technical provisions, had been rejected by a small majority of members who systematically opposed all proposals submitted by the USSR delegation, thereby showing how little importance they attached to co-operation within the Commission.

Moreover, the terms of reference of the Sub-Commission, as adopted, were incomplete, as they did not refer to discrimination against groups of individuals; in the circumstances, the Sub-Commission would not be able to achieve the result which might well have been expected of its work in the prevention of discrimination in all its aspects.

Mr. CASSIN (France), as a member of the Committee, noted that in adopting the text of the Committee's draft, the delegations had had no other aim in view than to serve the purposes of the Charter -- by having recourse to the means and organs which it provided. The USSR amendment had been rejected in order to avoid confusion which would only have retarded the work of the Commission instead of promoting its progress, as all of its members desired.

Draft Resolution B: Term of Office of the Members of the Sub-Commission  
(E/CN.4/181, E/CN.4/181/Corr.1)

The CHAIRMAN called upon the Commission to vote on the two paragraphs of the Committee's draft resolution concerning the term of office of the members of the Sub-Commission, which formed the subject of part B of Annex I to the report.

Mr. Charles MALIK (Lebanon) noted that the title of that draft applied only to paragraph (a), which did deal with the term of office, and not to paragraph (b) which concerned the membership of the Sub-Commission.

Mr. CASSIN (France) suggested that the title should be amended as follows: "Term of Office and Membership of the Sub-Commission".

The CHAIRMAN asked the Commission whether it would agree to such an amendment in the title which would appear in the Commission's report.

It was so agreed.

Mr. SOERENSEN (Denmark) said the Committee had decided to increase the number of members of the Sub-Commission only after it had extended their term of office, and had done so owing to that extension. He asked that the vote be taken on the two paragraphs in that order, which was both chronological and logical and which was, moreover, the order in which they appeared in the draft text.

Mr. CHANG (China) shared that view.

The CHAIRMAN agreed that that order should be observed, since if paragraph (a) were rejected, the Commission might decide not to increase the membership of the Sub-Commission. Following an observation by the representative of Yugoslavia, who had been promised that he would be given an opportunity to express his views to the Commission, the Committee had recognized that the existing geographical distribution of the members of the Sub-Commission was unsatisfactory in that it did not give sufficient representation to the regions of Europe where minorities were most numerous. It had consequently been decided that if the term of office of the members were extended, another member would be added to the Sub-Commission to make it more representative from the viewpoint of geographical distribution.

Mrs. BOWIE (United Kingdom) thought the best way of changing the membership of the Sub-Commission would be to hold new elections. She would therefore vote against the extension of the term of office of its members and more particularly against any increase in the number of members. Such an increase would involve additional expenditures; recourse to such measures by subsidiary organs to solve their internal difficulties might well throw the United Nations budget out of balance.

Mr. VILFAN (Yugoslavia) recalled that, when the question of elections had arisen in the Sub-Commission, he had pointed out that it was useless to extend the term of office of its members and that the geographical distribution could be improved by new elections. He would therefore abstain from voting on paragraph (a) of the draft resolution.

In regard to paragraph (b), he had very little to add to what the Chairman had explained, except that the countries of central, eastern and south-eastern Europe were precisely those which were traditionally considered as regions with minorities. Yet those countries were not represented in the Sub-Commission. He had been glad to note that the majority of the Committee had taken that fact into consideration and had recognized the need to improve the geographical distribution of the members. That was the object of paragraph (b), which provided that an additional member should be added in order to include one of the representatives of the countries in question. There could hardly be any objections of a budgetary order, in view of the insignificance of the expenditure, which even if it were multiplied by the number of subsidiary organs, could not imperil the finances of the United Nations. Arguments of that sort were out of place when the aim was to provide an important area of the world with adequate representation in such an organ as the Sub-Commission.

Mrs. MEHTA (India) recalled that her delegation had proposed that the term of office of the present members of the Sub-Commission should be extended to two years because the Sub-Commission had not, in actual fact, been able to begin its work or profit by the experience of its members on account of the difficulties raised in connexion with its terms of reference.

Mr. PAVLOV (Union of Soviet Socialist Republics) stated that at the time of the voting in the Committee on the Prevention of Discrimination and the Protection of Minorities on draft resolution B, his delegation had declared that it was in favour of that draft for the reasons which the representative of India had just explained.

In reply to the remarks of the United Kingdom representative, he wished to point out that, as the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities had not held a session in 1947, the credit of \$18,000 which had been allotted to it for that purpose was still available.

The Chairman put to the vote draft resolution B.

The first part of the draft resolution, including paragraph (a), was adopted by 12 votes to 1, with 1 abstention.

Paragraph (b) of the draft resolution was adopted by 13 votes to 1.

Draft Resolution on the Method of Election of the New Members of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities (E/CN.4/183).

Mr. SOERENSEN (Denmark) explained that the draft resolution submitted by his delegation was designed to specify the procedure to be followed in the election of the new member of the Sub-Commission.

The Committee on the Prevention of Discrimination and the Protection of Minorities had had before it two proposals on that subject. According to one, all the Members of the United Nations were to be asked to nominate one person who would be available to serve, as an additional member, on the Sub-Commission; according to the other, only the members of the Commission on Human Rights would be asked to do so. As stated in paragraph 7 of the Committee's report, the latter proposal had been adopted.

In view of the fact that one of the members of the Commission on Human Rights, namely, Chile, had raised objections to that procedure, the delegation of Denmark had thought it advisable to submit its draft resolution, which proposed a procedure identical with that chosen by the Committee, in order that the Commission might have the opportunity to express its view, by a formal vote, on that procedure.

The draft resolution of Denmark was adopted by 11 votes to none, with 2 abstentions.



Draft Resolution C: The Fate of Minorities

The CHAIRMAN recalled that during its third session the General Assembly had decided not to take any action on the subject of the texts submitted by the delegations of Denmark, the USSR and Yugoslavia (A/C.3/307/Rev.2) before receiving the report of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities concerning those texts. The Commission on Human Rights should obviously adopt the same attitude.

The Chairman put to the vote draft resolution C proposed for that purpose by the Committee.

Draft resolution C was adopted by 12 votes to none, with 2 abstentions.

Draft Resolution D: Priority of Work

Draft resolution D was adopted by 11 votes to none, with 3 abstentions.

Interpretation, in the two working languages, of the second part of a speech by Mr. Pavlov (Union of Soviet Socialist Republics) at the eighty-fifth meeting of the Commission.

Mr. PAVLOV (Union of Soviet Socialist Republics) recalled that, at the eighty-fifth meeting of the Commission, the Chairman had interrupted the interpretation of the second part of his speech, on the ground that the representative of the USSR could not reply to the speakers who had preceded him, as the list of speakers was closed (E/CN.4/SR 85). After that interruption, the meeting had had to be adjourned for lack of a quorum. Mr. Pavlov said that was a regrettable fact, one without precedent in the records of the United Nations, which did redound to the credit of the Commission on Human Rights. For reasons of principle, he urged that the second part of his speech should be interpreted at the present meeting, in conformity with the rules of procedure of the Economic and Social Council and its functional commissions, which provided that speeches delivered in one of the official languages should be interpreted in the other two working languages.

Mr. P. C. CHANG (China), who had presided over the discussions of the eighty-fifth meeting of the Commission, wished to make an explanation.

At the time when Mr. Pavlov had been called upon to speak, the discussion of the substance of draft resolution A had been closed.

He had had to answer only the question which the Chairman had put him, namely whether he wished to submit a formal motion for postponement of the vote on the draft resolution, or whether he would agree that a vote should be taken at that point and reserve his right subsequently to submit amendments. Mr. Pavlov had not explicitly asked for permission to reply to the representatives of France and Chile. Therefore, the Chairman had considered that the USSR representative should have confined himself to answering the question of procedure which had been addressed to him, any other remark being irrelevant. As the Chairman did not know Russian, he had been unable to follow the speech of the USSR representative and to interrupt him at the moment when he had digressed from the subject. It had been his duty to stop the interpretation of the speech as soon as he had become aware of that fact. Mr. Chang was convinced that Mr. Pavlov would have acted in the same way, had he been Chairman of the Commission.

Mr. LEBEAU (Belgium) stated that he had not been present at the eight-fifth meeting of the Commission, but he thought it was the Chairman's elementary right and duty to stop a speaker who digressed from the subject. Obviously, if the Chairman knew the language which the speaker was using, he could interrupt him; otherwise, he could only interrupt the interpretation of the speech at the point where he noted that the speaker had deviated from the subject under discussion.

Mr. PAVLOV (Union of Soviet Socialist Republics) pointed out that the Chairman had stopped the interpretation of observations intended to justify the application of rule 52 of the rules of procedure requested by the USSR delegation.

In any case, he believed that the rules of procedure authorized the Chairman to interrupt a speaker who had digressed from the subject, but did not confer on him the right to forbid the interpretation of a speech which had already been made.

The CHAIRMAN recalled that it had been decided that the observations of the representative of the USSR could be heard after the vote on the draft resolutions submitted by the Committee on the Prevention of Discrimination and the Protection of Minorities.

/ She therefore

She therefore ruled that interpretation of the second part of Mr. Pavlov's speech made at the 85th meeting would begin immediately.

Summary of the second part of the speech of Mr. Pavlov:

"The USSR delegation wished to explain the reasons for which it requested the application of rule 52 of the rules of procedure. It appeared that its position had not been sufficiently understood by the Commission.

"He had not been at all convinced by Mr. Cassin's argument that the Commission should concern itself solely with questions which were within its competence according to Article 55, sub-paragraph c, of the Charter, namely, questions concerning universal respect for and observance of human rights and fundamental freedoms for all, and not with questions relating to the principle of equal rights and self-determination of peoples. The objective proclaimed in the preamble of Article 55 should not be confused with the means of implementing that objective enumerated in the different sub-paragraphs of the Article. Respect for human rights and fundamental freedoms for all was one of the means by which to create the conditions of stability and well-being necessary to ensure peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. As a result the Commission was perfectly entitled to deal with questions relating to the principle of the equality of nations, large and small, and with the right of self-determination of peoples.

"The provisions which the USSR delegation would like to see inserted in sub-paragraph (a) of draft resolution A, far from restricting or limiting the terms of reference of the Sub-Commission, were designed to extend them. The USSR delegation had no intention of criticizing the Universal Declaration of Human Rights, even though it was far from perfect in many ways, but it thought it would be preferable to specify the principles of the Charter rather than to refer to the Declaration.

"In reply to the remarks made by the representative of Chile, Mr. Pavlov wished to stress that the latter had been mistaken in believing he saw an allusion to an incident in which Chile had been involved in an illustration which had been merely drawn from one of the classics of Russian literature, the story of 'Poor Lisa' by Karamzin.

"In his opinion the representative of Chile should have been called to order for describing the legislature of the USSR as 'reactionary and barbaric'."

The meeting rose at 6 p.m.