

DEA-Economic and Social Council Secretariat-human rights

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ECONOMIC AND SOCIAL COUNCIL

SEVENTH SESSION

COMMUNICATIONS CONCERNING HUMAN RIGHTS RECEIVED BY THE UNITED NATIONS

(Memorandum by the Secretariat)

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1.

THE DECISION OF THE ECONOMIC AND SOCIAL COUNCIL
of 1 March 1948

I.

1. The Economic and Social Council at its Sixth Session on 1 March 1948, unanimously adopted the proposal of the President of the Council to the effect that the Secretariat should be requested "to present a factual account of the practices of other organs of the United Nations in regard to communications for the consideration at the next session of the Council." (Document E/SR.157, page 11).

II

THE GENERAL ASSEMBLY

2. Communications from non-governmental organizations not in relations with the United Nations, addressed to the General Assembly or its subsidiary organs, which are received by the Secretary-General when the General Assembly is in session, and to which Resolutions 75 (V) and 76(V) of the Economic and Social Council do not apply, are listed with a brief indication of their substance. These particulars are incorporated in the SG/CRO...list which is distributed as a restricted document to Delegations periodically during sessions of the General Assembly. The communications are referred to the appropriate departments of the Secretariat and acknowledged.

Communications from such organizations which are received by the Secretariat when the General Assembly is not in session are acknowledged and referred to the appropriate organ of the United Nations, or department of the Secretariat, at the discretion of the Secretary-General.

Communications from individuals addressed to the General Assembly, or its subsidiary organs, are acknowledged and referred to the appropriate organ of the United Nations or department of the Secretariat at the discretion of the Secretary-General.

III

THE ECONOMIC AND SOCIAL COUNCIL.

3. Communications concerning human rights are dealt with according to the procedure laid down in Resolutions 75(V) and 116A(VI) of the Economic and Social Council, (see Annex A), except in the case of communications received from non-

governmental organizations which have been granted consultative status with the Economic and Social Council. Communications received from such organizations are dealt with according to Section 4 of Resolution 2/3, adopted by the Economic and Social Council on 21 June 1946 (see Annex B). Communications from organizations granted consultative status in category (a) are distributed in full as unrestricted documents of the Council. Communications from organizations granted consultative status in categories (b) or (c) are listed and distributed with a brief indication of the substance of each as official unrestricted documents of the Council. Such a communication may also be produced in full and distributed as an unrestricted document on the request of any Member of the Council but lengthy communications may be distributed only if sufficient copies are furnished. However, in the case of any such organization which does not request that its communication be dealt with in accordance with Section 4 of Resolution 2/3 of the Council or if the organization expressly requests that its communication is to be treated as confidential, the communication is dealt with according to Resolutions 75(V) and 116A(VI) of the Economic and Social Council.

4. Communications concerning the Status of Women are governed by Resolution 76(V) of the Economic and Social Council (see Annex C). Communications concerning the Status of Women emanating from non-governmental organizations having consultative status with the Economic and Social Council are dealt with according to Section 4 of Resolution 2/3 of the Council, except in the case where any such organization does not request that its communication be dealt with in accordance with Section 4 of Resolution 2/3 of the Council or if the organization expressly requests that its communication is to be treated as confidential, in these cases the provisions of Resolution 76(V) apply. The provisions of Resolution 76(V) are analogous to Resolution 75(V) of the Council but the amendments to the latter resolution adopted by the Council in its Resolution 116A(VI) do not apply to such communications.

5. According to paragraph (e) of Resolutions 75(V) and 76(V) the Secretary-General has been instructed to furnish each Member State not represented on the Commissions on Human Rights and the Status of Women with a brief indication of the substance of any communication concerning human rights or the status of women which refer explicitly to that state or to territories under its jurisdiction. On the question how to deal with replies or comments of which governments might find appropriate to send concerning

such communications, the Commission on Human Rights, at its Third Session, recommended that the Economic and Social Council request the Secretary-General, in the future, to ask the governments sending replies to communications brought to their attention in accordance with paragraph (e) of Resolution 75(V) of the Council whether they wish their replies to be transmitted to the Commission on Human Rights in summary form, or presented in full as restricted or unrestricted documents (document E/800 - par. 29).

IV

THE SECURITY COUNCIL

6. The procedure concerning communications is governed by the Annex to the Provisional Rules of Procedure of the Security Council relating to communications from private individuals and non-governmental bodies (see Annex B). A list of all such communications relating to matters of which the Security Council is seized is circulated to all the representatives on the Security Council and a copy of any communication on the list is ~~gix~~ given to any representative on the Security Council at his request.

THE TRUSTEESHIP COUNCIL

7. The procedure concerning communications relating to Trust Territories is governed by Rules 24 and 76 to 93 of the Rules of Procedure of the Trusteeship Council (See Annex E). Petitions are governed by Rules 76 to 93 and, except for those of manifestly inconsequential nature (See Annex E Rule 85), are issued as unrestricted documents of the Trusteeship Council. Petitions which are considered as manifestly inconsequential are summarized and distributed as unrestricted documents. Communications other than petitions which emanate from sources other than from members and organs of the United Nations and from specialized agencies, are presented to the members of the Trusteeship Council in a summarized form, in accordance with Rule 24.

8. The question of communications relating to Trust Territories was referred to the Joint Committee of the Economic and Social Council and Trusteeship Council, which made the following recommendations:

"It is recommended, as a matter of principle, that all petitions to Organs of the United Nations (such as petitions on Human Rights or on the Status of Women) which emanate from, or relate to conditions in, any Trust Territory should be dealt with by the Trusteeship Council in accordance with paragraph (b) of Article 87 of the Charter.

In order that such petitions may be processed with the minimum delay, they should be communicated immediately to that part of the Secretariat of the United Nations assigned to the Trusteeship Council.

It is recommended that the Trusteeship Council should then communicate to the appropriate Commissions for such assistance as the Council may desire under Article 91 of the Charter, those parts of such petitions as relate to matters which are the Commission's special concern. It is recommended also that the Trusteeship Council should communicate to the appropriate Commissions those petitions which it may receive direct and which may contain matters of concern to them.

It is further recommended that, when the Trusteeship Council comes to consider petitions concerning Human Rights or the Status of Women which may be referred to it in accordance with the procedure recommended above, the Trusteeship Council should give consideration to the extent to which the procedure for dealing with such petitions prescribed by the Economic and Social Council in its resolution of 5 August 1947 (E/505, E/521) can be followed.

The right of the Commissions concerned to take cognizance of petitions in accordance with the above-mentioned resolutions is recognized, and their comments thereon should be welcomed. (document E & T/C.1/2/Rev.1)."

The Economic and Social Council submitted this report together with the views expressed by the members of the Council (document E/P.V. 119) to the Trusteeship Council. The Trusteeship Council approved the report, at its second

session, on 25 November 1947 (T/P.V. 31, page 162). Therefore, the recommendations contained in the report are in effect.

VI

Ad Hoc Committee on the transmission of information concerning non-self governing territories, other than Trust Territories, established by the General Assembly in its Resolution No. 66(I) (document A/64/Add.1) under Article 73(e) of the Charter.

9. The ad hoc Committee met from 28 August to 17 September 1947. Communications addressed to the Committee were briefly summarized, listed and circulated as a confidential restricted document. There was no discussion on the procedure adopted or on the substance of the communications. The work of the ad hoc Committee will be continued by a special Committee set up by the General Assembly in its Resolution No. 146(II) (document A/519) which is scheduled to meet in September 1948.

VII

THE SECRETARIAT

10. Communications concerning human rights received by the United Nations are dealt with by the Secretariat according to the procedures indicated in the preceding sections. There are communications, however, which come under the scope of both the Annex of the Provisional Rules of Procedure of the Security Council and under Resolutions 75(V), 116A(VI) and 76(V) of the Economic and Social Council, i.e. communications which relate to matters of which the Security Council is seized and which also concern human rights or the status of women. In such cases, the Secretariat has to conform to two modes of procedure. The first, emanating from the Economic and Social Council requests the Secretariat to compile a confidential list of communications received and to furnish this list to the Commission on Human Rights (or to the Commission on the Status of Women) without divulging the identity of the authors of the communications except where authorized to do so in accordance with Resolution 116A(VI) (This Resolution is not applicable to the Commission on the Status of Women), and to enable the members of the Commissions to consult the originals of the communications only in cases where the communications deal with the principles involved in the promotion of universal respect for and observance of human rights or with the

principles relating to the promotion of the rights of women in the political, economic, civil, social and educational fields. The Rules of Procedure of the Security Council, on the other hand, request the Secretariat to compile a list of all communications from private individuals and non-governmental bodies and to circulate this list to all the representatives on the Security Council and to furnish a copy of any communication on the list to any representative of the Security Council at his request.

While under the rules laid down by the Economic and Social Council the Secretariat is instructed not to divulge the identity of the authors except in accordance with Resolution 116A(VI) it is instructed by the Security Council to circulate a list of communications containing the names of authors to all the representatives on that body.

While the Secretary-General is under instructions by the Economic and Social Council that only such communications as deal with general principles shall be made available to members of the Commissions, the Secretary-General is instructed by the Security Council to give a copy of any communication to any representative of the Council.

In view of this situation the Council may wish to consider the advisability of entering into consultation with the Security Council regarding the matter.

The Secretary-General has also been requested by Resolutions 75(V) and 76(V) of the Economic and Social Council to inform writers of all communications concerning human rights and the status of women, however addressed, that their communications have been received and duly noted for consideration in accordance with the procedure laid down by the United Nations. Where necessary, the Secretary-General has been requested to indicate that the Commission on Human Rights (or the Commission on the Status of Women) has no power to take any action in regard to any complaint concerning human rights (or the status of women). In practice, this is, of course, not done where special procedures have been laid down in connection with communications from non-governmental organizations or with petitions to the Trusteeship Council.

ANNEX A

(a) The following is the text of Resolution No. 75(V) adopted by the Economic and Social Council on 5 August 1947 (document E/573):

HAVING CONSIDERED chapter V of the report of the first session of the Commission on Human Rights concerning communications (document E/259);

APPROVES the statement that "the Commission recognizes that it has no power to take any action in regard to any complaints concerning human rights";

REQUESTS the Secretary-General

(a) To compile a confidential list of communications received concerning human rights, before each session of the Commission, with a brief indication of the substance of each;

(b) To furnish this confidential list to the Commission, in private meeting, without divulging the identity of the authors of the communications;

(c) To enable the members of the Commission, upon request, to consult the originals of communications dealing with the principles involved in the promotion of universal respect for and observance of human rights;

(d) To inform the writers of all communications concerning human rights, however addressed, that their communications have been received and duly noted for consideration in accordance with the procedure laid down by the United Nations. Where necessary, the Secretary-General should indicate that the Commission has no power to take any action in regard to any complaint concerning human rights;

(e) To furnish each Member State not represented on the Commission with a brief indication of the substance of any communication concerning human rights which refers explicitly to that State or to territories under its jurisdiction, without divulging the identity of the author;

Suggests to the Commission on Human Rights that it should at each session appoint an ad hoc committee to meet shortly before its next session for the purpose of reviewing the confidential list of communications prepared by the Secretary-General under paragraph (a) above and of recommending which of these communications, in original, should, in accordance with paragraph (c) above, be made available to members of the Commission on request.

(b) The following is the text of Resolution No. 116A(VI) adopted by the Economic and Social Council on 1 March 1948 (document E/797).

HAVING RECONSIDERED the procedure for communications relating to human rights laid down in resolution 75(V), as regards points (b) and (e);

DECIDES to amend the procedure provided for in point (b) of the above resolution by adding to the text of point (b) the following words: "except in those cases where the authors state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged"; and in point (e) by adding the following words: "except as provided for in paragraph (b) above"; and

RESOLVES to give the members of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, with respect to communications dealing with discrimination and minorities the same facilities as are enjoyed by members of the Commission under resolution 75 (V) and the present resolution.

ANNEX B

The following provisions of Resolution No. 2/3 adopted by the Economic and Social Council on 21 June 1946 relate to communications from non-governmental organizations which have been granted consultative status by the Council (Economic and Social Council Official Records, First Year, Second Session, pages 363 - 365):

IV. ARRANGEMENTS FOR CONSULTATION WITH THE COUNCIL

.....

2. Organizations in category (a) ... will be entitled to circulate to the various members of the Council written statements and suggestions within their competence. Such communications will be addressed to the Secretariat, which will transmit them to the members of the Council.

.....

4. Organizations in categories (b) and (c) ... may submit written statements and suggestions on matters within their competence, and the Secretariat will prepare and distribute a list of all such communications briefly indicating the substance of each. On the request of any member of the Council, a communication will be produced in full and distributed. Any lengthy communications will be distributed only if sufficient copies are furnished by the organization concerned.

ANNEX C

The following is the text of Resolution No. 76(V) adopted by the Economic and Social Council on 5 August 1947 (document E/573):

THE ECONOMIC AND SOCIAL COUNCIL,

HAVING CONSIDERED chapter III of the report of the first session of the Commission on the Status of Women concerning communications (document E/281/Rev.1);

RECOGNIZES that, as in the case of the Commission on Human Rights, the Commission on the Status of Women has no power to take any action in regard to any complaints concerning the status of women;

REQUESTS the Secretary-General

(a) To compile a confidential list of communications received concerning the status of women, before each session of the commission, with a brief indication of the substance of each;

(b) To furnish this confidential list to the Commission, in private meeting, without divulging the identity of the authors of the communications;

(c) To enable the members of the Commission, upon request, to consult the originals of communications dealing with the principles relating to the promotion of women's rights in political, economic, civil, social and educational fields;

(d) To inform the writers of all communications concerning the status of women, however addressed, that their communications have been received and duly noted for consideration in accordance with the procedure laid down by the United Nations. Where necessary, the Secretary-General should indicate that the Commission has no power to take any action in regard to any complaint concerning the status of women;

(e) To furnish each Member State not represented on the Commission with a brief indication of the substance of any communication concerning the status of women which refers explicitly to that State or to territories under its jurisdiction, without divulging the identity of the author;

SUGGESTS to the Commission on the Status of Women that it should at each session appoint an ad hoc committee to meet shortly before its next session for the purpose of reviewing the confidential list of communications prepared by the Secretary-General under paragraph (a) above and of recommending which of these communications, in original, should in accordance with paragraph (c) above, be made available to members of the Commission on request.

ANNEX D

The following is the text of the Annex to the
Provisional Rules of Procedure of the Security Council
(document S/96/Rev.3):

"PROVISIONAL PROCEDURE FOR DEALING WITH
COMMUNICATIONS FROM PRIVATE INDIVIDUALS AND NON-
GOVERNMENTAL BODIES

A. A list of all communications from
private individuals and non-governmental bodies
relating to matters of which the Security Council
is seized shall be circulated to all representatives
on the Security Council.

B . A copy of any communication on the list
shall be given by the Secretariat to any representative
on the Security Council at his request."

ANNEX E

(a) The following is the text of Rule 24 of the Rules of Procedure for the Trusteeship Council (document T/1/Rev.1):

"The Secretary-General shall transmit to the members of the Trusteeship Council all communications which may be addressed to the Council from Members and organs of the United Nations and from specialized agencies. The Secretary-General shall also call to the attention of the Council communications from other sources, except those which are manifestly inconsequential, if they relate to the activities of the Trusteeship Council."

(b) The following is the text of Rules 76 - 93 of the Rules of Procedure for the Trusteeship Council (documents T/1/Rev.1 and T/15 4):

Rule 76

"Petitions may be accepted and examined by the Trusteeship Council if they concern the affairs of one or more Trust Territories or the operation of the International Trusteeship System as laid down in the Charter, except that with respect to petitions relating to a strategic area the functions of the Trusteeship Council shall be governed by Article 83 of the Charter and the terms of the relevant Trusteeship agreements."

Rule 77

Petitioners may be inhabitants of Trust Territories or other parties.

Rule 78

Petitions may be presented in writing in accordance with Rules 79 to 86, or orally in accordance with Rules 87 to 91.

Rule 79

A written petition may be in the form of a letter, telegram, memorandum or other document concerning the affairs of one or more Trust Territories or the operation of the International Trusteeship System as laid down in the Charter.

Rule 80

The Trusteeship Council may hear oral presentations in support or elaboration of a previously submitted written petition. Oral presentations shall be confined to the subject-matter of the petition as stated in writing by the petitioners. The Trusteeship Council, in exceptional cases, may also hear orally petitions which have not been previously submitted in writing, provided that the Trusteeship Council and the Administering Authority concerned have been previously informed with regard to their subject-matter.

Rule 80 (bis)

The President of the Council shall be authorized between sessions of the Council, through the Secretary-General, to inform any petitioner who requests an opportunity for an oral presentation or petition under Rule 80, that the Council will grant him a hearing at such time and place as the President may name. Before communicating such information to the petitioner, the President shall enquire of the Administering Authority or Authorities concerned as to whether there are substantial reasons why the matter should first be discussed in the Council. If the Administering Authority is of the opinion that such substantial reasons exist, the President shall defer action until the matter has been decided by the Council.

Rule 81

Normally petitions shall be considered inadmissible if they are directed against judgments of competent courts of the Administering Authority or if they lay before the Council a dispute with which the courts have competence to deal. This rule shall not be interpreted so as to prevent consideration by the Trusteeship Council of petitions against legislation on the grounds of its incompatibility with the provisions of the Charter of the United Nations or of the Trusteeship agreement, irrespective of whether decisions on cases arising under such legislation have previously been given by the courts of the Administering Authority.

Rule 82

Written petitions may be addressed directly to the Secretary-General or may be transmitted to him through the Administering Authority.

Rule 83

Written petitions submitted to the Administering Authority for transmission shall be communicated promptly to the Secretary-General, with or without comments by the Administering Authority, at its discretion, or with an indication that such comments will follow in due course.

Rule 84

Representatives of the Trusteeship Council engaged in periodic visits to Trust Territories or on other official missions authorized by the Council, may accept written petitions, subject to such instructions as may have been received from the Trusteeship Council. Petitions of this kind shall be transmitted promptly to the Secretary-General for circulation to the members of the Council. A copy of each such petition shall be communicated to the competent local authority. Any observations which the visiting representatives may wish to make on the petitions, after consultation with the local representative of the Administering Authority, shall be submitted to the Trusteeship Council.

Rule 85

The Secretary-General shall circulate promptly to the members of the Trusteeship Council all written petitions received by him, except those which are manifestly inconsequential, a list of which, with a summary of their contents, shall be communicated to the members of the Trusteeship Council. The original documents shall be made available to the Trusteeship Council for final disposition.

With respect to petitions relating to a strategic area, the functions of the Trusteeship Council shall be governed by Article 83 of the Charter and the terms of the relevant Trusteeship Agreement.

Rule 86

1. Written petitions will normally be placed on the agenda of a regular session provided that they shall have been received by the Administering Authority concerned either directly or through the Secretary-General at least two months before the date of the next following regular session.

2. Any observations on petitions which the Administering Authority desires to have circulated to members of the Trusteeship Council should,

whereever possible, be transmitted to the Secretary-General not less than fourteen days before the opening of the session at which such petitions will be considered.

3. The date of receipt of a petition shall be considered as being:

(a) in respect of a petition which is presented through the Administering Authority, the date on which the petition is received by the competent local authority in the territory or the metropolitan Government of the Administering Authority, as the case may be, and

(b) in respect of a petition not presented through the Administering Authority, the date on which the petition is received by the Administering Authority through the Secretary-General. The Administering Authority concerned shall immediately notify the Secretary-General of the date of receipt of all such petitions.

4. In cases where the Administering Authority may be prepared to consider a written petition at shorter notice than is prescribed by the foregoing rules, or where, in exceptional cases, as a matter of urgency, it may be so decided by the Trusteeship Council in consultation with the Administering Authority concerned, such written petition may be placed on the agenda of a regular session notwithstanding that it has been presented after the due date, or it may be placed on the agenda of a special session.

Rule 87

Requests to present petitions orally or to make oral presentations in support or elaboration of written petitions, in accordance with Rule 80, may be addressed directly to the Secretary-General or may be transmitted to him through the Administering Authority. In the latter case the Administering Authority concerned shall communicate such requests promptly to the Secretary-General.

Rule 88

The Secretary-General shall promptly notify the members of the Trusteeship Council of all requests for oral petitions or oral presentations received by him, except for petitions relating to a strategic area with respect to which the functions of the Trusteeship Council shall be governed by Article 83 of the Charter and the terms of the relevant Trusteeship agreement.

Rule 89

Representatives of the Trusteeship Council engaged in periodic visits to Trust Territories or on other official missions authorized by the Council may receive oral presentations or petitions, subject to such instructions as may have been received from the Trusteeship Council. Such oral presentations or petitions shall be recorded by the visiting mission, and the record shall be transmitted promptly to the Secretary-General for

circulation to the members of the Council and to the Administering Authority for comment. A copy of each such record shall be communicated to the competent local authority. Any observations which the visiting representatives may wish to make on the oral presentations or petitions, after consultation with the local representative of the Administering Authority, shall be submitted to the Trusteeship Council.

Rule 90

The Trusteeship Council, at the beginning of each session which includes the consideration of petitions on its agenda, may appoint an ad hoc committee on petitions whose membership shall be evenly divided between representatives of members administering Trust Territories and representatives of members having no administering responsibilities. The ad hoc committee on petitions shall be empowered to undertake a preliminary examination of the petitions on the agenda. No appraisal of the substance of the petitions shall be made by the ad hoc committee.

Rule 91

The Trusteeship Council may designate one or more of its representatives to accept oral petitions the subject-matter of which has been previously communicated to the Trusteeship Council and to the Administering Authority concerned. Oral petitions and oral presentations may be examined either in public or in private, as may be determined, in accordance with Rule 44.

Rule 92

In the examination of all petitions the Administering Authority concerned shall be entitled to designate and to have present a special representative who should be well informed on the territory involved.

Rule 93

The Secretary-General shall inform the Administering Authorities and the petitioners concerned of the action taken by the Trusteeship Council on each petition, and shall transmit to them the official records of the public meetings at which the petitions were examined."

UNITED NATIONS • NATIONS UNIES

INTEROFFICE MEMORANDUM

TO: Mr. Messing Mierzejewski - Dept. of Economic Affairs (C-3)

FROM:

SUBJECT: Procedure for communications relating to Human Rights.

Date 1 March 1948

1.a) Communications relating to Human Rights and the Commission on Human Rights.

The Commission on Human Rights receives a confidential list of communications concerning human rights before each session of the Commission, with a brief indication of the substance of each, without divulging the identity of the authors of the communications, at a private meeting. (If the Draft Resolution of the Social Committee is adopted by the Council, the Commission will be able to know the names of such authors who state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged).

b) The writers of all communications concerning human rights are informed that their communications have been received and duly noted for consideration in accordance with the procedure laid down by the United Nations. Where necessary, the Secretary-General also indicates that the Commission has no power to take any action in regard to any complaint concerning human rights.

c) The Commission on Human Rights, at each session, appoints an Ad Hoc Committee to meet shortly before the next session of the Commission for the purpose of reviewing the confidential list of communications and of recommending which of the communications dealing with the principles involved in the promotion of universal respect for and observance of human rights, in original, should be made available to the Members of the Commission on request.

d) Each Member State not represented on the Commission is furnished with a brief indication of the substance of any communication concerning human rights which refers explicitly to that State or to territories under its jurisdiction without divulging the identity of the author. (The adoption of the Resolution of the Social Committee would mean that such States would receive the names of authors who state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged.)

e) All writers of any communication concerning human rights, however addressed, are informed by the Secretary-General that their communications have been received and duly noted for consideration in accordance with the procedure laid down by the United Nations and where necessary the Secretary-General indicated that the Commission has no power to take any action in regard to any complaint regarding human rights. However, the Security Council and the Trusteeship Council have different procedure which is given below

2. Communications relating to Human Rights addressed to the Security Council.

a) Any communications concerning human rights which are received by the Security

+ Council from private individuals or Non-Governmental bodies relating to matters of which the Security Council is seized are circulated to all the representatives on the Council in a list form.

b) A copy of any communication on this list may be given by the Secretariat to any representative on the Council at his request.

c) Communications received by the Security Council concerning human rights, relating to matters of which the Security Council is not seized are referred to the Commission on Human Rights for action.

d) The Commission on Human Rights also receives communications as in (a).

3. Communications relating to Trust Territories.

+ a) Regardless of the procedure for communications relating to the Commission on Human Rights, in each case where such a communication concerns a territory whose administration is under the supervision of the Trusteeship Council, the Rules of Procedure for the Trusteeship Council apply.

b) The Secretary-General transmits to the Administering Authority of the territory concerned a copy of the petition or communication for its information and comments, and the Administering Authority concerned is entitled to designate and to have present a special representative in the examination of petitions by the Trusteeship Council. The petitioner may be granted an oral hearing before the Council if he so requests and if the Trusteeship Council considers it necessary.

c) The Commission on Human Rights receives information concerning any such petitions on human rights from the Trusteeship Department in the form of unrestricted documents.

ECA 55/5/01

24 September

Dear Aziz,

Big rush to try to make today's pouch with your just-received request. Sample from last year enclosed. They all follow the same pattern.

Might as well address queries to me hereafter, Gilberte having discovered more interesting places to be.

Best regards,

Mr. Aziz Barakat
ECOSOC Secretariat
Geneve, Suisse

Human Rights

SOA 169/1/02

8 January 1951

The Secretary-General presents his compliments to the Permanent Representative of Pakistan to the United Nations and has the honour to acknowledge the receipt of his letter of 2 January 1951 informing him that the Government of Pakistan has nominated him as its representative on the Human Rights Commission.

The Secretary-General has the honour to inform him that the nomination will be brought before the Council for confirmation at its next session.

The Permanent Representative of Pakistan
to the United Nations,
12 E. 65th Street,
New York 21, N.Y.

HR

SOA 169/1/02

10 November 1950

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Sweden to the United Nations and has the honour to acknowledge the receipt of his letter of 19 October 1950 informing him that the Swedish Government has nominated Mrs. Agda R ssel as its representative on the Commission on Human Rights. The Secretary-General has the honour to inform him that the nomination will be brought for confirmation before the Economic and Social Council at its next session.

The Secretary-General has noted that the biographical data of Mrs. Agda R ssel will be forwarded at an early date.

The Permanent Representative of Sweden
to the United Nations,
Permanent Swedish Delegation
to the United Nations,
63 East 64th Street,
New York 21, N.Y.

Miss
C/o B. G. Brown
1560

1381/AIB

Comm. on
Human Rights

Mr. Barakat

ECA 55/5/01

The Secretary-General of the United Nations presents his compliments to the Minister for Foreign Affairs of Pakistan and has the honour to inform him that the Economic and Social Council on 12 August 1950 selected the Government of Pakistan to nominate a representative to act as member of the Human Rights Commission for a period of three years as from 1 January 1951.

By resolution 2/9 adopted on 21 June 1946, the Economic and Social Council requested the Secretary-General, with a view to securing a balanced representation in the various fields covered by the Commission, to consult with the Governments selected by the Council before the representatives are finally nominated by their Government and confirmed by the Council. The Secretary-General has, therefore, the honour to invite the Government of Pakistan to communicate to him the name of its nominee at the earliest possible date, together with the requisite biographical data.

12 September 1950

This note has also been addressed to the Ministers for Foreign Affairs of:
AUSTRALIA
CHILE
PAKISTAN
SAUDI ARABIA
U.S.A.
YUGOSLAVIA

Human Rights

20 April 1950

The Secretary-General of the United Nations has the honour to acknowledge the receipt of your note verbale No. UN-1998/S of 19 April 1950 informing him that, in the absence of Mrs. Franklin D. Roosevelt, United States Representative on the Commission on Human Rights, Mr. James Simsarian will serve as Alternate at the meeting of this Commission on Monday, 24 April 1950.

In accordance with rule 13 of the rules of procedure of the Functional Commissions of the Economic and Social Council, Mr. Simsarian will have the same status as a member of the Commission, including the right to vote.

United States Mission
to the United Nations,
2 Park Avenue,
New York 16, N.Y.

CORRESPONDENCE
APR 13TH

Human Rights
Info Mr YATES

Alex

FOLLOWING FROM UNITED STATES MISSION
APRIL 12, 1950
TO SECRETARY GENERAL

File

REF NO. UN-1998/R

SIR:

THE REPRESENTATIVE OF THE UNITED STATES TO THE UNITED NATIONS PRESENTS HIS COMPLIMENTS TO THE SECRETARY-GENERAL OF THE UNITED NATIONS AND HAS THE HONOR TO ADVISE THAT, IN THE ABSENCE OF MRS. FRANKLIN D. ROOSEVELT, UNITED STATES REPRESENTATIVE ON THE COMMISSION ON HUMAN RIGHTS, MR. JAMES SIMSARIAN WILL SERVE AS ALTERNATE AT THE MEETING OF THE COMMITTEE ON MINORITIES OF THE COMMISSION ON HUMAN RIGHTS ON APRIL 13, 1950.

(UNSIGNED)

JHD 1216 EST

DISTRIBUTION

INFO:

PROTOCOL & LIAISON

TRANSPORTATION

CONFERENCE DIVISION

SOA REGISTRY

ECA REGISTRY

Human Rights

SOA 169/02 (6th) KD

11 April 1950

Sir,

I am directed by the Secretary-General to acknowledge the receipt of your letter no. Br. 301 of 4 April 1950 concerning the designation of Mr. Ratko Pleic as the alternate representative of Mr. Branko Jevremovic, representative of Yugoslavia on the Commission on Human Rights, during the sixth session of the Commission.

I have the honour to inform you that in accordance with Rule 13 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, Mr. Pleic will have the same status as a member of the Commission, including the right to vote whenever he attends meetings of the Commission as an alternate.

I have the honour to be,

Sir,

Your obedient Servant

G.E. Yates

Secretary of the
Economic and Social Council

Mr. Ales Bebler
Permanent Representative of the
Federal People's Republic of Yugoslavia
to the United Nations,
854 Fifth Avenue,
New York 21, N.Y.

Human Rights

SOA 169/02 (6th) KD

11 April 1950

Sir,

I am directed by the Secretary-General to acknowledge the receipt of your letter no. 82/19 of 6 April 1950 concerning the designation of Mr. D. Carlos Valenzuela as the alternate representative of Ambassador Santa Cruz, representative of Chile on the Commission on Human Rights, for three weeks of the sixth session of the Commission.

I have the honour to inform you that in accordance with Rule 13 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, Mr. Valenzuela will have the same status as a member of the Commission, including the right to vote.

I have the honour to be,

Sir,

Your obedient Servant

G.E. Yates
Secretary of the
Economic and Social Council

H.E. Sr. Hernan Santa Cruz
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations,
The Permanent Delegation of Chile
to the United Nations,
Room 606,
405 East 42nd Street,
New York 17, N.Y.

Human Rights

SCA 169/02

le 11 avril 1950

Monsieur l'Ambassadeur,

Le Secrétaire général des Nations Unies me prie d'accuser réception de votre lettre du 29 mars 1950 par laquelle vous avez bien voulu l'informer que le Gouvernement du Chili a désigné Mme. Ana Figueroa, Ministre plénipotentiaire, et M. Carlos Valenzuela, Conseiller à la Délégation Permanente du Chili auprès des Nations Unies, comme suppléants de M. Hernan Santa Cruz, représentant du Chili, à la Commission des droits de l'homme.

J'ai l'honneur de vous informer que conformément à l'article 13 du Règlement intérieur des commissions du Conseil économique et social ces suppléants auront le même statut qu'un membre de la Commission des droits de l'homme y compris le droit de vote.

Veuillez agréer, Monsieur l'Ambassadeur, l'assurance de ma haute considération.

G.E. Yates
Secrétaire du
Conseil économique et social

Monsieur Hernan Santa Cruz,
Ambassadeur, Délégation du Chili
auprès des Nations Unies,
405 East 42nd Street, New York.

1875

R6

Missing
D-210

EE: 55/1/CI(1)

Le Secrétaire général des Nations Unies présente
ses compliments au Secrétaire général de la Délégation
du Liban auprès de la Commission intérimaire de l'Assemblée
générale et a l'honneur de l'informer que, le 2 août 1949,
le Conseil économique et social a confirmé la nomination
de M. Charles Malik comme membre de la Commission des droits
de l'homme (document E/CI.338).

Le 26 septembre 1949

49/01673

EA 169/1/02

Le Secrétaire général de l'Organisation des Nations Unies présente ses compliments à Monsieur le Ministre des Affaires étrangères de la République française et a l'honneur de lui faire connaître que, le 1er août 1949, le Conseil économique et social a décidé de demander au Gouvernement de la République française de désigner un représentant pour une période de trois ans à la Commission des droits de l'homme à compter du 1er janvier 1950.

En exécution de la Résolution 2/9 adoptée le 21 juin 1946, et visant à assurer au sein de la Commission un équilibre entre les divers aspects de sa tâche, le Secrétaire général doit consulter les Gouvernements désignés par le Conseil avant que la nomination soit rendue définitive.

En conséquence, le Secrétaire général prie le Gouvernement de la République française de bien vouloir lui communiquer dès que possible le nom de son candidat ainsi qu'une notice biographique le concernant.

This communication has been sent
IN FRENCH
to the Governments of:

FRANCE
EGYPT
GREECE

10.9 septembre 1949

On: on Human Rights

49/01673

D Walker
D 210

EEA 169/1/02

The Secretary-General of the United Nations presents his compliments to the Minister for Foreign Affairs of the Ukrainian Soviet Socialist Republic and has the honour to inform him that the Economic and Social Council on 1 August 1949 selected the Government of the Ukrainian Soviet Socialist Republic to nominate a representative to act as member of the Commission on Human Rights for a period of three years as from 1 January 1950.

By resolution 2/9 adopted on 21 June 1946, the Economic and Social Council requested the Secretary-General, with a view to securing a balanced representation in the various fields covered by the Commission, to consult with the Governments selected by the Council before the representatives are finally nominated by their Government and confirmed by the Council. The Secretary-General has, therefore, the honour to invite the Government of the Ukrainian Soviet Socialist Republic to communicate to him the name of its nominee at the earliest possible date, together with the requisite biographical data.

This communication was sent
IN ENGLISH
to the following Governments:

INDIA
UKRAINE
USSR

9 September 1949

Telegramm - Télégramme - Telegramma

*Commission en
Nouvel Regrets*

* 46	von — a	No	Wörter Mots Parole	gegeben den Consigné le Consegnato il	Stunde Heure Ora
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Mêmes ordres pr Lettres-tg :
 JOUR : lun-ven. 8-18.30, sam. 8-12 : par fil
 lun-sam. 7-8 : porter
 Hors ces heures :
 Tg pr UNATIONS (sem. jusq 22h, sam.
 13.30-22h. dim. 10-22h) : 4 54 73 Mlle
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 nataire (évent. demander No au 2 80 00)
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 TG TELEPHONES : porter.

No 3 601
 UNATIONS
 NATIONS UNIES
 Palais des Nations
 Genève

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N. Momy

978 YATES HUMPHREY YOUR 82 FOLLOWING NOMINATED FOR
 CONFIRMATION NINTH SESSION ECOSOC HUMAN RIGHTS USSR 9 MARCH
 ALEXANDER PAVLOVITCH PAVLOV REPLACING ALEXANDER E BOGOMOLOV.
 LEBANON 3 APRIL RENOMINATED CHARLES MALIK. UKRAINE 7 MAY
 VADIM PAVLOVITCH KOVALENKO REPLACING MIHA IL PETROVITCH
 KLEKOVKIN. IRAN 14 MARCH STATED

Telegramm - Télégramme - Telegramma

von — da		No	Wörter Mots Parole	gegeben den Consigné le Consegnato il	Stunde Heure Ora
46					
Erhalten — Reçu — Ricevuto			Befördert — Transmis — Trasmesso		
von — de — da	Stunde-Heure-Ora	Name — Nom — Nome	nach — à — a	Stunde-Heure-Ora	Name — Nom — Nome

No

NASROLLAH ENTEZAM WOULD BE REPRESENTATIVE AT FIFTH SESSION
COMMISSION. STATUS WOMEN SYRIA 20 MARCH ADILA BEYHOM EL
JAZA IRI REPLACING MRS ALICE KUZMA. INDIA 4 JUNE MRS HANNAH
SEN REPLACING MRS LAKSHMI MENON NO BIOGRAPHICAL DATA ON ANY
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Commission on Human Rights

UNITED NATIONS • NATIONS UNIES

IN REPLY REFER TO

INTEROFFICE MEMORANDUM

TR/130/2/03

TO: Mr. G. E. Yates, Secretary of the Economic and Social Council

FROM: Dr. B. Aleksander, *Assistant* Deputy Director, Division of Trusteeship

SUBJECT: Resolution of the Human Rights Commission on the Trusteeship Questionnaire

Date 24 June 1949

1. It was brought to my notice that the Commission on Human Rights adopted a resolution reading:

"The Commission on Human Rights

Requests the Economic and Social Council to recommend to the Trusteeship Council that it:

1. Take into consideration the Universal Declaration of Human Rights, approved by the General Assembly on 10 December 1948, in the revision of its Provisional Questionnaire, particularly in the light of the additional questions suggested by the Commission on Human Rights which are attached hereto (documents E/CN.4/174 and E/CN.4/329) insofar as they are not already covered by the Provisional Questionnaire; and

2. Urge the Administering Authorities to secure, through progressive measures and appropriate procedures, the effective recognition and observance of the rights and freedoms set forth in said Declaration, among the peoples of the Trust Territories under their administration".

2. The Commission on Human Rights may, of course, pass resolutions on questions relating to Human Rights. It seems to me, however, that the form in which this resolution is worded may be objected to by the Trusteeship Council, if adopted by the Economic and Social Council.

The resolution prescribes to the Trusteeship Council what action it should take in order to secure the implementation of the Universal Declaration on Human Rights. The Trusteeship Council may take exception to this - what may be termed - intrusion of one main organ of the United Nations in the sphere of competence of another organ.

In order to meet the objections I should like to suggest to you that the attention of the President of the Economic and Social Council be drawn to this matter. The President of the Economic and Social Council may perhaps suggest a rewording of the resolution in the following way:

"The Economic and Social Council requests the Trusteeship Council that it:

1. Take into consideration the Universal Declaration of Human Rights, approved by the General Assembly on 10 December 1948, in the revision of its Provisional Questionnaire, particularly in the light of the additional questions suggested by the Commission on Human Rights which are attached hereto (documents E/CN.4/174 and E/CN.4/329) insofar as they are not already covered by the Provisional Questionnaire; and
2. Take such action, as it may deem appropriate, in order to secure, through progressive measures and appropriate procedures, the effective recognition and observance of the rights and freedoms set forth in said Declaration among the peoples of the Trust Territories under their administration".

Human Rights

49/805
A. Matter

SGA 55/1/G2/MBI

27 April 1949

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Denmark to the United Nations and has the honour to inform him that, on 11 March 1949, the Economic and Social Council confirmed the nomination of Mr. Sax Jorslev as a member of the Commission on Human Rights.

Mr. William Norberg,
Permanent Representative of Denmark to the United Nations,
Permanent Danish Delegation to the United Nations,
Room 6300,
350 Fifth Avenue,
New York 1, N.Y.

Yours Cognis: Mr. Messing

49/801
A. Messing.

Human Rights Comm

ECA 55/1/02/AMH

27 April 1949

The Secretary-General of the United Nations presents his compliments to His Excellency the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations and has the honour to inform him that on 11 March 1949 the Economic and Social Council confirmed the nomination of Mr. A. P. Pavlov as a member of the Commission on Human Rights (document E/38.272).

His Excellency,
Mr. Yakov A. Malik,
Permanent Representative of the Union of Soviet
Socialist Republics to the United Nations,
Permanent Delegation of the Union of Soviet Socialist
Republics to the United Nations,
680 Park Avenue,
New York 21, N.Y.

49/805
A. Matter

Human Rights
Comm.

SCA 95/1/02/AMH

27 April 1949

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Denmark to the United Nations and has the honour to inform him that, on 11 March 1949, the Economic and Social Council confirmed the nomination of Dr. Max Sorensen as a member of the Commission on Human Rights.

Mr. William Norberg,
Permanent Representative of Denmark to the United Nations,
Permanent Danish Delegation to the United Nations,
Room 6300,
350 Fifth Avenue,
New York 1, N.Y.

49/804
A. Messing.

Human
Rights
Comm.

SCA 55/1/02/AMM

21 April 1949

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Guatemala to the United Nations and has the honour to inform him that on 11 March 1949 the Economic and Social Council confirmed the nomination of Mr. Carlos Garcia Bauer as a member of the Commission on Human Rights (document E/32.272).

Mr. Carlos Garcia Bauer,
Permanent Representative of Guatemala to the
United Nations,
Permanent Guatemalan Delegation to the United Nations,
30 Rockefeller Plaza,
New York 20, N.Y.

Human Rights

OK LS 16

LS17 11 APR 49

TO MR SAUNDERS TRANSPORTATION
PER DEMQUE PROTOCOL

(TRANSLATED FROM RUSSIAN)

FOLLOWING FROM REPRESENTATIVE OF THE UKRAINIAN SOVIET SOCIALIST REPUBLIC
NEW YORK
10 APRIL 1949
REF NO. 49/9748
TO SECRETARY GENERAL

YOUR EXCELLENCY,

I HAVE THE HONOUR TO INFORM YOU THAT THE REPRESENTATIVE OF THE
UKRAINIAN SOVIET SOCIALIST REPUBLIC ON THE COMMISSION ON HUMAN RIGHTS,
MR. M.P. KLEKOVKIN, WILL BE UNABLE TO TAKE PART IN THE WORK OF THE
SPECIAL SESSION OF THAT COMMISSION WHICH IS DUE TO OPEN ON 11 APRIL
1949.

MY GOVERNMENT HAS ACCORDINGLY APPOINTED MR. V.P. KOVALENKO TO ACT
IN THE PLACE OF THE MR. V.P. KLEKOVKIN.

I HAVE THE HONOUR TO BE ETC.

(SIGNED) V. TARASENKO

CHIEF OF THE DELEGATION OF THE UKRAINIAN SOVIET SOCIALIST
REPUBLIC

IR 1715 EST

ACK PLS

Human Rights

File

LS12 11 APR 49

MR SAUNDERS TRANSPORTATION
MR DENOUE PROTOCOL

FOLLOWING FROM DELEGACION DEL URUGUAY
NEWYORK
ABRIL 9-1949
REF NO. DP 703/949

SEÑOR SECRETARIO GENERAL:

TENGO EL HONOR DE LLEVAR A CONOCIMIENTO DEL SEÑOR SECRETARIO GENERAL QUE, DE ACUERDO CON INSTRUCCIONES RECIBIDAS AL EFECTO DE MI GOBIERNO, EL SUBSCRIPTO DELEGADO PERMANENTE DEL URUGUAY Y MIEMBRO DE LA DELEGACION DEL URUGUAY A LA TERCERA ASAMBLEA GENERAL, ASISTIRA A LA SESION DE LA COMISION DE DERECHOS HUMANOS CONVOCADA PARA EL LUNES 11 DEL CORRIENTE EN SUBSTITUCION DEL MIEMBRO DE DICHA COMISION DR. DON JOSE A. MORA.

EN CONSECUENCIA EL SUBSCRIPTO PARTICIPARA EN LOS TRABAJOS Y VOTACIONES DE LA COMISION DE DERECHOS HUMANOS QUE HA DE PROCEDER EN DICHA REUNION A ELEGIR MIEMBROS DE LA SUB COMISION DE LIBERTAD DE INFORMACION Y PRENSA.

APROVECHO ESTA OPORTUNIDAD PARA REITERAR AL SEÑOR SECRETARIO GENERAL LOS VOTOS DE MI MAS ALTA CONSIDERACION

E. RODRIGUEZ FABREGAT
DELEGADO PERMANENTE DEL URUGUAY
EN LAS NACIONES UNIDAS

IR 1600 EST

LS13 11 APR 49

MR SAUNDERS TRANSPORTATION
MR DEBOUE PROTOCOL

FOLLOWING FROM FEDERAL PEOPLES REPUBLIC OF YUGOSLAVIA
NEWYORK
APRIL 8, 1949
REF NO. BR. 277
TO TRYGVE LIE

File
Human Rights

SIR,

I TAKE THIS OPPORTUNITY TO ADVISE YOU THAT MR. VLADISLAV RIBNIKAR, MEMBER OF THE HUMAN RIGHTS COMMISSION, IS UNAVOIDABLY PREVENTED FROM ATTENDING THE FOURTH SESSION OF THIS COMMISSION.

UPON THE INSTRUCTION OF MY GOVERNMENT, I WISH TO INFORM YOU THAT I HAVE BEEN DESIGNATED AS ALTERNATE FOR MR. RIBNIKAR TO ACT IN THE CAPACITY OF MEMBER OF THE COMMISSION.

ARTICLE 11 OF THE RULES OF PROCEDURE OF THE FUNCTIONAL COMMISSIONS OF THE ECONOMIC AND SOCIAL COUNCIL PROVIDES THAT THIS APPOINTMENT SHOULD BE MADE IN CONSULTATION WITH YOU AND I AM THEREFORE SENDING THIS COMMUNICATION IN THE HOPE THAT YOU WILL AGREE TO THE APPOINTMENT.

PERMIT ME, SIR, TO ASSURE YOU OF MY HIGHEST CONSIDERATION.

RESPECTFULLY YOURS

JOZA VILFAN

PERMANENT REPRESENTATIVE OF THE F.P.R. OF
YUGOSLAVIA TO THE UNITED NATIONS

IR 1602 EST

LS14 11 APR 49

MR SAUNDERS TRANSPORTATION
MR DENOUE PROTOCOL

*Human
Rights*

FOLLOWING FROM PERMANENT DELEGATION OF DENMARK
NEWYORK
APRIL 8
TO SECRETARY GENERAL
REF NO. FILE NO. XI.B.13.A.

SIR, REFERRING TO MRS. WRIGHT'S NOTE OF OCTOBER 27, 1948 CONCERNING DENMARK'S REPRESENTATIVE ON THE HUMAN RIGHTS COMMISSION I HAVE THE HONOUR TO INFORM YOU THAT MY GOVERNMENT HAS APPOINTED MR WILLIAM BORBERG, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY, PERMANENT DELEGATE OF DENMARK TO THE UNITED NATIONS, ALTERNATE REPRESENTATIVE ON THE SAID COMMISSION FOR THE MEETING OPENING APRIL 11TH.

I TAKE THIS OPPORTUNITY TO EXPRESS TO YOU, SIR, THE ASSURANCE OF MY HIGHEST CONSIDERATION.

WILLIAM BORBERG

IR 1605 EST

Human
Rights

File

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LSB 11 APR 49
MR SAUNDERS TRANSPORTATION
MR DENOUE PROTOCOL

FOLLOWING FROM REPUBLIQUE FRANCAISE
NEWYORK
8 AVRIL 1949
REF NO. 82
PO/MC

MONSIEUR LE SECRETAIRE GENERAL,
J'AI L'HONNEUR DE VOUS FAIRE CONNAITRE QUE M. LE PRESIDENT CASSIN
SERA SUPPLEE, LORS DE LA SESSION EXTRAORDINAIRE DE LA COMMISSION DES
DROITS DE L'HOMME, PAR M. PIERRE ORDONNEAU.
VEUILLEZ AGREER, MONSIEUR LE SECRETAIRE GENERAL, L'ASSURANCE DE
MA HAUTE CONSIDERATION.
JEAN CHAUVEL
AMBASSADEUR DE FRANCE
IR 1546 EST

*Human
Rights*

LS12 4 APR 49

TRANSPORTATION SVC MR SAUNDERS
TO PROTOCOL MR DE NOUE

FOLLOWING FROM (BELGIUM DELEGATION)

NEW YORK

1ER AVRIL 1949

REF NO. D.281 (RL/AJ)
S. 516

File

TO SECRETARY GENERAL

MONSIEUR LE SECRETAIRE GENERAL,
COMME SUITE A VOTRE LETTRE DU 9 MARS 1949,
SOA 169/02, CONTENANT LA CONVOCATION D'UNE SESSION EXTRAORDINAIRE DE
LA COMMISSION DES DROITS DE L'HOMME POUR LE LUNDI 11 AVRIL 1949, J'AI
L'HONNEUR DE VOUS FAIRE CONNAITRE, D'ORDRE DE MON GOUVERNEMENT, QUE LE
SIEGE DU MEMBRE BELGE A CETTE COMMISSION SERA OCCUPE, A LA SESSION
EXTRAORDINAIRE DU 11 AVRIL, PAR M. ROLAND LEBEAU, CONSEILLER D'AMBAS-
SADE.

VEUILLEZ AGREER, MONSIEUR LE SECRETAIRE GENERAL, L'ASSURANCE DE
MA TRES HAUTE CONSIDERATION.

F. VAN LANGENHIOVE, REPRESENTANT PERMANENT
PRES LES NATIONS UNIES

GO/ 1100 EST

pl see the report with take an - 9 fact take care
And copy to be ahead take place
187

UNITED NATIONS • NATIONS UNIES

Memo

INTEROFFICE MEMORANDUM

TO: Mr. *✓* Gilbert Yates, Secretary, Economic and Social Council

FROM: E. Schwelb, Assistant Director, Division of Human Rights *E.S.*

SUBJECT: SOA 169/1/02

Date 15 March 1949

Not enclosed

I enclose herewith for your information a copy of a letter from the representative of the U.S.S.R. containing the nomination of Mr. Alexander Pavlovich Pavlov to be the Soviet representative on the Commission on Human Rights and a copy of the draft letter which I am presenting for M. Laugier's approval and signature.

2 encl.

REPRESENTATIVE OF THE
UNION OF SOVIET SOCIALIST REPUBLICS
TO THE UNITED NATIONS
680 Park Avenue
New York 21, N. Y.

9 March 1949.

Mr. Victor Hoo,
Assistant Secretary-General,
United Nations, Lake Success
New York.

Dear Mr. Hoo,

I have the honour to inform you that the Government of the Union of Soviet Socialist Republics has appointed Mr. Alexander Pavlovich Pavlov to act as its representative in the Commission on Human Rights in place of Mr. Alexander Efremovich Bogomolov.

I have the honour to be etc.

(Signed) Y. Malik

UNITED NATIONS • NATIONS UNIES

INTEROFFICE MEMORANDUM

TO: Mr. Gilbert Yates, Secretary of the Economic and Social Council

FROM: E. Schwelb, Assistant Director, Division of Human Rights

SUBJECT: Paper on Trade Union Rights

Date 21 Jan 1949

I herewith enclose two copies of the final text of the document on Trade Union Rights approved by the Acting Top-Ranking Director of the Department of Social Affairs and embodying suggestions contained in a cable from the International Labour Office which was received today.

Issued as E/12/1
S/1
21/1

UNITED NATIONS • NATIONS UNIES

INTEROFFICE MEMORANDUM

TO: Mr. G. Yates, Acting Director, Coordination and Liaison Division

FROM: A.H. Hékimî, Chief, Section of communications

SUBJECT: Document E/857/rev.1
Communications reçues au sujet des droits
de l'homme par les Nations Unies.

Date Le 27 janvier 1949

Ci-joint je vous transmets copie du document E/857 qui a été
révisé et mis à jour.

Le paragraphe I a été soumis à l'approbation de Mr. Hill et
l'ensemble du document a été approuvé par le Dr. Humphrey.

Hékimî

UNITED NATIONS • NATIONS UNIES

INTEROFFICE MEMORANDUM

TO: M. Henri Laugier, Secrétaire-général adjoint, Département des questions sociales

FROM: E. Schwelb, Directeur adjoint, Division des droits de l'homme

SUBJECT: Etat estimatif des dépenses

Date 4 mars 1949

Veillez trouver ci-inclus le projet du mémoire révisé
conformément à vos directives.

annexe

E. Schwelb

*M. Laugier agreed during
the Council meeting
on 4 March, afternoon.*

E.S.

Same letter sent out to the
following Governments:
China -Denmark - U.K. -Guatemala.

SOA 69/01

14 September 1948

The Secretary-General of the United Nations presents his compliments to His Excellency the Minister for Foreign Affairs of China and has the honour to inform him that the Economic and Social Council on 17 August 1948 selected the Government of China to nominate a representative to act as member of the Human Rights Commission for a period of three years.

On 21 June 1946, a Resolution adopted by the Economic and Social Council requested that, with a view to securing a balanced representation in the various fields covered by the Commission, the Secretary-General shall consult with the Governments selected by the Council before the representatives are finally nominated by their Government and confirmed by the Council. The Secretary-General accordingly invites the Government of China to be so good as to communicate to him the name of its nominee at the earliest possible date, together with the requisite biographical data.

His Excellency,
The Minister for Foreign Affairs,
Ministry of Foreign Affairs,
Nanking,
China.

NOA 69/01

le 14 septembre 1948

Le Secrétaire général des Nations Unies présente ses compliments à Son Excellence le Ministre des Relations extérieures de la République orientale d'Uruguay et a l'honneur de l'informer que le Conseil économique et social, en sa séance du 17 août 1948, a choisi le Gouvernement de l'Uruguay comme devant désigner un représentant appelé à siéger au sein de la Commission des droits de l'homme pendant une période de trois ans.

Une résolution adoptée par le Conseil économique et social, en date du 21 juin 1946, demandait qu'en vue d'assurer une représentation équilibrée dans les divers domaines dont s'occupe la Commission, le Secrétaire général consultât les Gouvernements que le Conseil aurait choisis, avant que les représentants fussent désignés par leur Gouvernement et que leur candidature fût confirmée par le Conseil à titre définitif. En conséquence, le Secrétaire général invite le Gouvernement de l'Uruguay à bien vouloir lui communiquer le plus tôt possible le nom de son candidat ainsi que les données biographiques nécessaires.

Son Excellence
Le Ministre des Relations extérieures,
Ministère des Relations extérieures,
Montevideo,
Uruguay.

LS1 17 AUG 48

MR DENOUE PROTOCOL
MR SAUNDERS TRANSPORTATION

*File
Human Rights Comm.*

FOLLOWING FROM REPUBLICA DE COLOMBIA
BOGOTA
AUGUST 12, 1948
TO SECRETARY GENERAL
REF NO: 01. 743

SEÑOR SECRETARIO GENERAL:

TENGO EL HONOR DE INFORMAR A USTED EN ADICION A MI NOTA 01-590 DEL 31 DE JULIO ULTIMO, SOBRE EL NOMBRAMIENTO DE UNO O MAS JURISCONSULTOS CORRESPONSALES, POR PARTE DE COLOMBIA, QUE COADYUVEN EN LA RECOPILACION ADELANTADA POR LA COMISION DE LOS DERECHOS HUMANOS DEL CONSEJO ECONOMICO Y SOCIAL, LA DESIGNACION DE OTRO REPRESENTANTE DE NUESTRO PAIS, EN LA PERSONA DEL DOCTOR RAFAEL ESCALLON, ANTIGUO PROCURADOR DE LA NACION Y EX-MINISTRO DE ESTADO, PROFESOR DE DERECHO PENAL EN LA FACULTAD DE DERECHO DE LA UNIVERSIDAD NACIONAL.

RUEGO A USTED, POR LO TANTO, TRASMITIR A LA COMISION DE LOS DERECHOS HUMANOS EL NOMBRAMIENTO DEL DOCTOR RAFAEL ESCALLON, QUIEN SE HALLA DISPUESTO A CUMPLIR CON LOS DEBERES DE SU CARGO. EL DOCTOR RAFAEL ESCALLON RESIDE EN BOGOTA Y SU DIRECCION ES LA SIGUIENTE: EDIFICIO DEL BANCO DE LA REPUBLICA.

APROVECHO LA OPORTUNIDAD PARA SUSCRIBIRME DEL SEÑOR SECRETARIO GENERAL CON EL TESTIMONIO DE MI ALTA CONSIDERACION.

POR EL MINISTRO,
(SIGNATURE ILLEGIBLE)

DIRECTOR DEL DEPARTAMENTO DE
ORGANISMOS INTERNACIONALES

IR 0840 EDST

Mr. G.E. Yates

Georges Dumontet

*File
H.R. Comm.*

Communication Concerning Human Rights

6 July 1948

1. Mr. Humphrey has just handed me a memorandum by the Secretary-General on Communications prepared in accordance with a decision of the sixth session of the Council (E/SR.157, page 11).

I must say I was completely unaware of this question. To my knowledge the resolutions of the sixth session of the Council (E/777) do not contain, either in connection with 116 (VI) or with the notes on pages 47, 48, anything about the proposal of the President adopted unanimously by the Council, as it is indicated in E/SR.157, page 11.

2. Don't you think it is rather unfortunate that this memorandum has to refer to a Summary Record rather than to a decision of the Council embodied in the proper document?

I am forwarding you this paper, but I was wondering if we could change the first paragraph of the memorandum. Couldn't we issue an erratum to E/777 either in connection with 116 (VI) or with notes on pages 47, 48, so the Secretary-General's memorandum could refer normally to this E/777 Add. Erratum? If you agree, this of course would be done here, and the corresponding change on the memorandum could be made in Geneva.

Another solution - not too good, I believe - could be to leave the text as it stands and indicate in a footnote the reference to the Summary Record.

I am awaiting your views on this question.

Sent to : Mr. H. Bloch Security Council
M. Wieschhoff, Trusteeship Division

Procedure for communications relating to Human Rights.

28 February 1948

With reference to your conversation may I ask you to present
in the form of a short written statement the views of your Department
on the question whether changes in procedure for communications
relating to Human Rights are in harmony with the procedure
Council.

1- Security
2- Trusteeship

The matter is of extreme urgency as this item (report of the
Social Committee on the report of the second session of the Commission
on Human Rights) is coming up before the plenary meeting of the Council
sometime on Monday 1st March.

I enclose a copy of the draft resolutions as adopted by the
Social Committee.

SPEECH BY DR. MALIK (LEBANON) ON
THE BASIC ISSUES OF THE INTERNATIONAL BILL OF HUMAN RIGHTS

Delivered before a Conference of American
Educators in Lake Success, 26 February 1948

The Commission on Human Rights, which is an integral organ of the Economic and Social Council, has been charged with the important task of framing an "International Bill of Human Rights." The Commission, under the Chairmanship of Mrs. Roosevelt, met twice in 1947, and its drafting sub-committee, again under the leadership of Mrs. Roosevelt, met once. These meetings were devoted for the most part to the detailed consideration of drafts on human rights drawn from national constitutions, from international institutes and from texts submitted by certain delegations. The result of this intensive study has been the preparation of a text now circulated among the fifty-seven governments, members of the United Nations, which are invited to send in their observations in time for further study by the committee and Commission next May and June. The text that will emerge from the Commission in June will naturally be submitted to the Economic and Social Council, the mother of the Commission, for final scrutiny, and the Council in turn will send in its recommended text to the General Assembly for examination and adoption. This intricate, lengthy process of considerations and reconsideration, of submission and re-submission by one organ of the United Nations to another, is unavoidable owing to the constitutional requirements of the Organization. For you are dealing in the United Nations with fifty-seven sovereign states with a bewildering variety of cultures, histories, backgrounds, systems of government and legal practices; and the principle of sovereign equality enshrined in the Charter between all states, small and big, renders absolutely impossible the imposition of a Bill of Rights from above. For in the international community as it exists at present there is no "above" and no "below"; there is only an assemblage of independent units more or less externally related to one another, so that the only method of penetrating them by a form of internal law, such as that on fundamental human rights, is by free consent and persuasion. And the democratic method of free persuasion between nations, as also between individuals, requires endless discussion, reasoning and patience.

It seems therefore that this is the first fundamental issue facing the international enterprise of human rights: how to secure agreement between the nations, democratically, freely, persuasively. The measure of
/agreement

agreement attained will either bring to light an implicit agreement already operative, perhaps dimly and unconsciously, in the systems and ways of life of the various states, or will consciously and creatively advance further and higher the area of agreement between the nations. The latter creative task of promoting and advancing agreement requires something much more than the mere passive, even if interested, exchange of views between delegates; it presupposes the power of reason, the efficacy of discussion, the possibility of progress, the readiness to seek the truth and to agree to it once it is found, the genuine desire by governments to advance the cause of human rights within their own territories and throughout the world. It is here that suggestion, example, benevolent vying, moral valuation and judgment, can produce fruitful results. Meeting together around a table month after month and year after year the nations are bound to learn from one another, provided adequate publicity and consideration is given the proceedings of these meetings inside each nation. But more than meeting together and more than widespread publicity is needed to advance the cause of human rights. The supreme need is for vigorous moral leadership. Given such leadership, grounded not in interest but in principle and vision, there will emerge a real atmosphere of expectancy and positive co-operation which will carry along the hesitant and shame into action and commitment the primitive and formless. Where the call is absolutely clear, nations will not dare stay behind.

The need in this field is above everything else for courageous and sustained moral leadership, for some one nation so to put its own house in order and so to be fired by a genuine sense of mission as to have its words on fundamental human rights ring with authority. I am afraid I must observe that authoritative moral leadership in the sphere of human rights is lacking today. This is one of the deepest issues facing our undertaking.

The persons composing the Commission may not be wanting in individual enthusiasm; they may possess individually the requisite honesty, vision, insight, intellectual discipline and purity of motive. Left to their own reason and conscience, they might uncover, see and proclaim the deepest possible rights of man. The fault is not theirs; the fault is their instructions which dampen and at times annul their best persuasions. The crisis therefore is in national and not in individual leadership. There is no sign of national moral vocation to lead in this field.

There is everything in the background and fundamental outlook of certain nations to entitle them to take a bold lead concerning the ultimate emancipation of man; and yet such a lead is not forthcoming. Fatigued by
/the stupendous

the stupendous exertions of the war; preoccupied with self interest and sheer politics; distracted by the sheer multiplicity and pressure of events in this rapidly shrinking world; undermined by friction and disorder from within; blunted by the prevalent international fear and suspicion: these nations, royally destined in themselves to sound the clarion call, present yet an unconvincing and faltering style. Nor do the ordinary processes of the emergence of responsible leadership in the democratic world seem to be tossing up at present leaders of the requisite moral stature. By the time a man reaches the top he has usually expended his soul in compromise and appeasement. The result of all this is divided and enfeebled counsel.

The Preamble of the Charter says: "We the peoples of the United Nations determined 1. to save succeeding generations from the scourge of war.... and 2. to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small..." I beg you to notice that the determination concerning human rights comes in the second place only. Only the question of war and security precedes it.

In the first article of the first chapter one of the purposes of the United Nations is stated to be "to achieve international co-operation....in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion..." One of the fundamental purposes of this whole Organization relates directly to the question of human rights.

Article 13 states that "the General Assembly shall initiate studies and make recommendations for the purpose of...assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion." It is therefore mandatory on the General Assembly to "initiate studies and make recommendations" which will assist "in the realization of human rights." No stronger language could have been used, no deeper concern shown for the cause of human rights.

But perhaps stronger language has been used in Article 55. Here we are told that "the United Nations shall promote...universal respect for, and observance of, human rights and fundamental freedoms etc." The critical word in this quotation is the word "observance." The United Nations is required not only to promote general respect for human rights, but their actual observance. We are obligated under the Charter to implement human rights and make sure that they are observed.

Among the possible functions and powers of the Economic and Social Council, according to Article 62, is the making of "recommendations for the purpose of promoting respect for, and observance of, human rights and

/fundamental

fundamental freedoms for all."

Article 68 reads in part as follows: "The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights..." The Charter thus singles out for special mention the Commission on Human Rights. This Commission is grounded specifically in the text of our fundamental statute.

Finally the trusteeship system in Chapter XII is based, among other things, on encouraging "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion..."

Four unmistakable conclusions flow from these citations from the Charter. The question of human rights is second only to the question of the maintenance of peace and security. In fact the violation of human rights is one of the causes of war, so that to achieve the first aim of the United Nations, namely the maintenance of international peace and security, you must first guarantee the observance of human rights. This, then, is the first conclusion.

The second conclusion is that the Commission on Human Rights is a unique organ of the United Nations. It is the only Commission mentioned by name (Article 68) in the Charter. It has therefore statutory significance. Apart from the Military Staff Committee, the only organs mentioned by name are the principal organs of the United Nations - the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the Secretariat - and the Commission on Human Rights. This Commission, therefore enjoys a unique statutory place in the total structure of the United Nations.

In the third place, the function of this Commission is, as Article 68 states, "the promotion of Human Rights." But since you cannot promote what remains vague and undefined, the preliminary function of the Commission must be the precise definition of these rights. This is why the Economic and Social Council has asked it first to draw up the Bill of Human Rights. The present task of the Commission is therefore to give content and meaning to the pregnant phrase in the preamble of the Charter, "the worth and dignity of man." What is the worth of man? What constitutes his proper dignity? These are the basic initial challenges which the Commission on Human Rights must try to meet.

The final conclusion which I wish to draw from the Charter is that because of its unique statutory position, and because of the nature of its preliminary task, the Commission on Human Rights is the only organ of the United Nations charged with continuing the fundamental international

/statutory

statutory legislation of San Francisco. The Bill of Rights is nothing other than a continuation, a completion, of the Charter itself. Many of us who were in San Francisco three years ago urged that human rights must be elaborated in precise terms, but we were told at the time that if this question were raised the Conference would not end for several more weeks, and so we accepted the compromise of mentioning the Commission on Human Rights by name and leaving it to this Commission to fill in the gaps which were intentionally left out in the Charter. The Commission on Human Rights is therefore virtually the prolongation of the Conference of San Francisco.

The Commission has been endeavouring to fulfill the expectations of the Charter. But something has happened in the international situation which has somehow weakened the original hold of the Charter on the member nations. One must face this tragic fact in all honesty. The distressing impression is often gained that really only lip service is paid the cause of human rights. It is as though the provisions of the Charter on this question were not meant seriously. Despite the solemn enshrinement of human rights as one of the fundamental reasons for the existence of the United Nations itself, despite the fact that the member nations, by signing the Charter, are legally bound to all its provisions including the promotion and observance of human rights and consequently and necessarily their precise definition, I observe a certain degree of inordinate caution, nay perhaps even of cynicism, with regard to the carrying out of the mandate of the Commission. It is as though the real will to achieve and ensure human rights were lacking.

I would therefore formulate the third basic issue besetting the cause of human rights at present as the reinstatement of this lost will to their discovery and observance. We need endless rational debate and discussion; we need the bracing touch of moral leadership; but without the real political will to discover and promulgate and enforce these rights, debate and leadership will avail nothing. The will is the agency of realization, and you may know all the truth and you may know it even with passion, but unless you also will it, it is not likely to pass into actuality. I confess that there is an inadequate international will to achieve human rights in fact.

The Commission on Human Rights raises ultimate delicate questions. It tries to supply content and meaning to the phrase "the dignity and worth of man." It is therefore the one Commission of the United Nations which elaborates theory, doctrine, philosophy, ultimate ideas. That is why conflict in it is likely to be very sharp, because this is an age of ideologies, of passionate fundamental beliefs about the nature of things, and especially
/the nature

the nature of man and of society. It is no exaggeration to say that there is no fundamental question shaking the world to its depths today which is not somehow, directly or indirectly, reflected in the deliberations and decisions of the Commission on Human Rights. But the most basic issue of all is the true knowledge of man. I shall now try to give a concise summary of the ultimate questions concerning the nature of man, namely of you and me in person, which we are called upon to face and decide in the Commission on Human Rights.

The first of these questions is whether man is simply an animal, so that his rights are just those of an animal. Although hardly any person holds this view, there are some who emphasize his animal nature and want our Bill of Rights primarily to ensure the satisfaction of that nature. All those who stress the elemental economic rights and needs of man are for the most part impressed by his sheer animal existence. In this age of marching materialism it is difficult to champion the cause of the spirit and mind of man; it is difficult to impress on the international community that even after man is fully secure in his so-called "economic rights" he may still be not-man. But unless man's proper nature, unless his mind and spirit are brought out, set apart, protected and promoted, the struggle for human rights is a sham and a mockery.

The second question is to determine the place of the individual human person in modern society. This is the great problem of personal freedom. How is my personal freedom limited by society? Can I freely examine any issue, can I criticize, can I express my criticism, can I rebel and oppose and say No! to my group or government or nation, or am I wholly and without any remainder determined by my social relations so that I have no right to rebel, no right to ask questions, no right to look around and seek, no right to lift my head above the crowd and reach forth to the light and truth? In this age of conquering socialism it is difficult to champion the cause of freedom; it is difficult to shout from the housetops that man cannot be absorbed by society, that he is by nature free to think, free to choose, free to rebel against his own society, or indeed against the whole world, if it is in the wrong. But unless we succeed in preserving and promoting in the Bill of Rights man's inalienable freedom, we will have traded away his dignity, we will have destroyed his worth.

The third fundamental question raised by our undertaking is the relationship between man and the state, between the individual and law. This is the great problem of statism. The question here is not whether men ought to obey the law, whether he ought to be subject to his state.

/The question

The question rather is this: Which is more ultimate, which is prior to the other, which is for the sake of the other - the individual human person, or the state? And as regards the law the question is whether it is arbitrary, accidental, imposed on me by force, coming to me from the outside, merely pragmatic, ungrounded and blind; or whether it is grounded in the nature of things and above all in my own rational nature, so that it is the best external guarantee for the development of my freedom. In this age of advancing governmental control, of national consciousness and sovereignty, it is difficult to convince man that he is not meant to be the slave of his government; it is difficult to establish in his mind the right scale of values whereby he can see clearly that the state exists ultimately for his sake and in his service and not conversely. But unless we maintain in our Bill of Rights and natural order of things by rejecting the total subordination of man to the state; unless, that is, we succeed not only in limiting the claims of the state on man but also in ensuring the state's recognition of his claims on it, believe me the battle for the fundamental rights and freedoms of man will have been virtually lost.

The fourth ultimate issue with which we have to deal flows directly from the third. It is the question of man's ultimate loyalties. Does man have by nature other loyalties than his loyalty to the state? Is his loyalty to the state all-embracing, absolute, unconditional, intolerant of every other loyalty and attachment? Or is he allowed to develop loyalties at least side by side with his loyalty to the state? Is it in harmony with his natural rights as a man to allow the state to determine for him all his beliefs and ideas and even hopes, all the material basis of his existence, all the patterns of his life? What about the family, the Church, the intimate circle of friends, the independent pursuit of science and truth, the sustaining folksongs and folkways which are utterly independent in their origin of any government and any state? What about this whole plenum of intermediate institutions spanning the entire chasm between the individual and the state?

We speak of fundamental freedoms and of human rights; but I ask you, where and when are we really free and human? Is it in the street, is it in our direct relations to our state? Is it not rather the case that we enjoy our deepest and truest freedom and humanity in our family, in the Church, in our intimate circle of friends, when we are immersed in the joyful ways of life of our own people, when we seek, find, see and acknowledge the truth? These intermediate institutions, between the state and the individual, are the real sources of our freedom and our

/rights.

rights. The tragedy of the modern world is that these real grounds of freedom are in danger of decay. The family is subject to terrible strains, the Church is on the defensive, modern man has no friends, truth has become a matter of pragmatic convenience. But unless the proposed Bill of Rights can create conditions which will allow man to develop ultimate loyalties with respect to these intermediate sources of freedom, over and above his loyalty to the state, we will have legislated not for man's freedom but for his virtual enslavement.

It we are patient with one another in full debate until agreement is reached, or at least until the issues have become perfectly clear; if we are granted the boon of a vigorous, understanding and loving moral leadership; if the genuine will to achieve human rights is restored and enhanced; if the nations who signed the Charter and are therefore legally and morally bound by it are willing not only not to retreat from but to advance beyond its terms; if in this advance necessary safeguards are introduced against the excesses of materialism, nationalism and statism in favour of the real freedom and dignity of man; and if the intermediate soil of freedom is watered with care and protection and love: if we are wise enough, and courageous enough, and true enough, and free enough to do all this, then the dawn of a new day will perhaps come upon us.

26 janvier 1948

FRENCH
ORIGINAL : FRENCH

CONSEIL ECONOMIQUE ET SOCIAL

LA PREVENTION ET LA REPRESSION DU GENOCIDE

Observations des gouvernements sur le projet de
convention préparé par le Secrétariat et commu-
nications d'organisations non-gouvernementales.

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- INTRODUCTION -

1. Le Conseil économique et social dans sa résolution du 28 mars 1947 avait chargé le Secrétaire général de préparer avec l'aide d'experts dans le domaine du droit international et criminel un projet de convention sur le crime international de génocide et il lui demandait d'appeller les remarques de tous les gouvernements Membres sur ce projet.

A la date du 20 janvier 1948 sept réponses étaient parvenues au Secrétariat émanant des Etats suivants:

Danemark (4 décembre 1947)

Etats-Unis d'Amérique (30 septembre 1947)

France (7 octobre 1947)

Haiti (12 septembre 1947)

Inde (27 août 1947)

Philippines (9 septembre 1947)

Venezuela (12 septembre 1947)

On note que deux des réponses susmentionnées, celles de l'Inde et des Philippines ne contiennent pas d'observations de fond.

Les sept réponses sont reproduites ci-dessous dans une annexe.

Le présent document reproduit le texte du projet de convention préparé par le Secrétariat enrattachant au préambule et à chacun des articles les observations des gouvernements qui s'y réfèrent.

Il débute en présentant classées d'après leur objet les observations d'ordre général qui ne concernent pas spécialement un article du projet de convention.

2. On trouve également reproduits en Annexe les communications d'organisations jouissant d'un Statut consultatif.

Ces communications au nombre de quatre émanent des organisations suivantes:

Comité des Eglises pour les Affaires internationales (1 octobre 1947).

Congrès juif mondial (30 juillet 1947).

Conseil consultatif d'organisations juives (24 juillet 1947).

Fédération mondiale d'Associations pour les Nations Unies (sans date).

- SECTION I -

- LES OBSERVATIONS D'ORDRE GENERAL -

I - Opinions concernant l'intérêt d'une convention spéciale sur le génocide et sur le projet préparé par le Secrétariat -

1o - Danemark -

"Le Ministère de la Justice du Danemark considère le projet de convention sur le crime de génocide préparé par le Secrétariat (E/447) comme une base satisfaisante."

2o - France -

1. "Un pays qui a les traditions libérales de la France et dont la Constitution comme les institutions consacrent l'égalité des races humaines ne peut qu'être favorable à une initiative tendant à empêcher le retour des persécutions raciales dont le régime nazi a ensanglanté l'Europe, et la perpétration de tous crimes analogues

2.

Il considère que le projet de convention qui lui a été soumis par le Secrétariat général constitue, plutôt qu'une convention, un programme maximum, où des experts futurs pourront puiser et tirer la matière d'une convention;

.....

Il va de soi que le Gouvernement français est disposé à participer sans aucun retard à toute discussion qui pourrait permettre de rédiger un projet de convention s'inspirant des considérations précédentes."

3o - Venezuela -

"Les idées directrices du projet principal correspondent à un mouvement international extrêmement noble et généreux né de l'expérience de la dernière guerre, et elles méritent d'être loyalement soutenues

.....

Le Venezuela se trouve ... placé par ses traditions politiques et par le caractère libéral de ses principes constitutionnels dans les meilleures conditions pour coopérer avec les autres peuples à la répression d'un crime odieux qui ne peut que provoquer le plus grand mépris des nations civilisées.

.....

Le Gouvernement du Venezuela (accorde) son appui de principe au projet élaboré par l'Organisation des Nations Unies

II - Le projet du Secrétariat dépasse la résolution de l'Assemblée générale du 11 décembre 1946 et à un certain point de vue empiète sur la souveraineté des Etats

Venezuela

"..... le projet des Nations Unies donne aux juristes l'impression d'aller plus loin que ne l'avait prévu la résolution de l'Assemblée générale du 11 décembre 1946. L'Assemblée affirme que le génocide est un crime de droit des gens et invite les Etats Membres à prendre les mesures législatives nécessaires pour le prévenir et le réprimer et se borne à recommander d'organiser à ces fins la collaboration internationale. Il semble donc que l'esprit de cette résolution tendait à obtenir des Etats Membres qu'ils préviennent et punissent les actes odieux qui constituent le génocide et qu'ils établissent les fondements d'une coopération internationale permettant d'atteindre ce but, sans exiger des Etats Membres le sacrifice grave de leur souveraineté et l'abandon de la juridiction pénale qu'ils exercent sur leur territoire. Les projets du Secrétariat général semblent, au contraire, comporter un abandon partiel de ces principes classiques du droit public national et international en faveur de la création d'une juridiction internationale répressive qui risque de présenter de graves dangers pour les Etats Membres et de blesser les susceptibilités nationales déjà par trop sensibles. Il est probable qu'avec le temps, nous pourrions aboutir à des solutions de ce genre, mais celles-ci sont peut-être prématurées dans les circonstances actuelles de la vie et de la politique internationale et peuvent créer entre les Etats des frictions, des différends et des conflits qui risquent d'être plus dangereux, pour la cause de la paix et de la bonne entente internationale, que les délits mêmes qu'il s'agit de réprimer. Dans cet ordre d'idées on peut citer les dispositions du paragraphe 3) du préambule, l'article 7 et l'article 12 du projet de convention. Tout le système conçu pour la création d'une justice internationale en matière de génocide semble également imprégné du même esprit, lequel apparaît comme nettement incompatible avec le principe énoncé à l'alinéa 7 de l'article 2 de la Charte des Nations Unies.

.....

"Le gouvernement du Venezuela estime préférable, tout en accordant son appui de principe aux projets élaborés par l'Organisation des Nations Unies, de préparer une convention aux termes de laquelle les Etats Membres s'engageraient à adopter dans leur droit interne des clauses pénales assurant le châtiment du génocide et à appliquer aux-mêmes les peines correspondantes. Ce n'est que dans le cas où des Etats ne rempliraient pas leurs obligations que les autres membres de l'Organisation internationale auraient lieu de protester."

III - Le projet du Secrétariat fait trop de place aux dispositions pénales d'ordre interne

France

"Ce projet se préoccupe trop d'introduire dans l'arsenal législatif interne de chaque Etat des dispositions contre le crime de génocide, dispositions dont l'utilité semble relative puisque ce crime ne peut avoir lieu qu'avec la complicité des gouvernements."

IV - La question du génocide devrait être liée à celle de la formulation des principes de Nuremberg -

France

"..... le Gouvernement français regrette que l'étude du génocide n'ait pas lieu en corrélation avec l'affirmation des principes contenus dans le Statut de Nuremberg et dans l'arrêt de cette Cour et parallèlement à la notion du crime contre l'humanité dont le génocide ne constitue que l'un des aspects."

- SECTION II -

OBSERVATIONS SE REFERANT AUX DIVERSES DISPOSITIONS
DU PROJET DU SECRETARIATProjet de Convention - Préambule

Les Hautes Parties contractantes déclarent que le génocide, qui est la destruction intentionnelle d'un groupe humain, constitue un défi à la conscience universelle, inflige à l'humanité des pertes irréparables en la privant des apports culturels et autres des groupes détruits, et contredit violemment l'esprit et les fins des Nations Unies.

1. Elles font appel à la solidarité des membres de la communauté internationale pour lutter contre ce crime odieux.
2. Elles proclament que les actes de génocide visés par la présente convention constituent des crimes contre le droit des gens dont la prévention et la répression répondent à une exigence fondamentale de la civilisation, de l'ordre international et de la paix.
3. Elles s'engagent à prévenir et à réprimer lesdits actes quel que soit le lieu de leur commission.

OBSERVATIONS DES GOUVERNEMENTS -1. Etats-Unis d'Amérique -

" Le préambule, tel qu'il est rédigé, n'est pas satisfaisant, étant donné (a) qu'il est trop long, et (b) qu'il contient des considérations quant au fond qui devraient figurer dans le corps du texte de la convention.

C'est ainsi que la première phrase est consacrée à la définition du génocide, tandis que les articles 1 et 2 de la convention sont également consacrés à la définition du génocide. L'attention est attirée sur le fait que la définition du préambule par les mots "destruction intentionnelle", qu'il serait de toute façon préférable de remplacer par les mots "destruction de propos délibéré, ou tentative de détruire de propos délibéré".

Ce changement harmoniserait davantage la définition contenue dans le préambule avec la définition figurant dans le texte de la convention. (voir article 2 relatif à la "tentative de génocide"). Il est évident que la notion de nécessité de destruction totale de certains groupes ne peut être antérieure à l'existence du crime de génocide.

Un autre point qui, semble-t-il, n'a pas été convenablement traité dans le préambule, est celui de la "compétence", que l'on pourrait croire résolue

par la phrase: "Elles s'engagent à prévenir et à réprimer lesdits actes quel que soit le lieu de leur commission". (souligné par nous). Le problème de la compétence devrait être traité dans le corps du document.

Au cas où l'on insisterait sur le maintien du texte du préambule rédigé par le Secrétaire général, les Etats-Unis soulevaient également une objection quant à l'inclusion des mots "en la privant des apports culturels et autres des groupes déshérités", expression qui tend à affaiblir la phrase dans laquelle elle figure.

Nous préconisons un préambule rédigé de façon simple et proposons le texte ci-après

"Les Hautes Parties contractantes déclarent que le génocide constitue un crime contre la loi internationale, condamné par le monde civilisé, et que les parties à la présente convention conviennent de prévenir et réprimer de la manière prévue ci-après".

La rédaction du texte proposé est prise en partie à la résolution adoptée le 13 décembre 1946 par l'Assemblée générale.

2. Vénézuéla -

"..... le projet des Nations Unies donne aux juristes l'impression d'aller plus loin que ne l'avait prévu la résolution de l'Assemblée générale du 11 décembre 1946. L'Assemblée affirme que le génocide est un crime de droit des gens et invite les Etats Membres à prendre les mesures législatives nécessaires pour le prévenir et le réprimer et se borne à recommander d'organiser à ces fins la collaboration internationale. Il semble donc que l'esprit de cette résolution tendait à obtenir des Etats Membres qu'ils préviennent et punissent les actes odieux qui constituent le génocide et qu'ils établissent les fondements d'une coopération internationale permettant d'atteindre ce but, sans exiger des Etats Membres le sacrifice grave de leur souveraineté et l'abandon de la juridiction pénale qu'ils exercent sur leur territoire. Les projets du Secrétariat général semblent, au contraire, comporter un abandon partiel de ces principes classiques du droit public national et international en faveur de la création d'une juridiction internationale répressive qui risque de présenter de graves dangers pour les Etats Membres et de blesser les susceptibilités nationales déjà par trop sensibles. Il est probable qu'avec

le temps, nous pourrions aboutir à des solutions de ce genre, mais celles-ci sont peut-être prématurées dans les circonstances actuelles de la vie et de la politique internationale et peuvent créer entre les Etats des frictions, des différends et des conflits qui risquent d'être plus dangereux, pour la cause de la paix et de la bonne entente internationale, que les délits mêmes qu'il s'agit de réprimer. Dans cet ordre d'idées on peut citer les dispositions du paragraphe 3) du préambule, l'article 7 et l'article 12 du projet de convention. Tout le système conçu pour la création d'une justice internationale en matière de génocide semble également imprégné du même esprit, lequel apparaît comme nettement incompatible avec le principe énoncé à l'alinéa 7 de l'article 12 du projet de convention. ~~Tout le système conçu pour la création du même esprit, lequel apparaît comme nettement incompatible avec le principe énoncé à l'alinéa 7 de l'article 2 de la Charte des Nations Unies.~~

Projet de Convention - Article I

Définitions

- I. Le but de la présente convention est d'empêcher la destruction des groupes humains d'ordre racial, national, linguistique, religieux ou politique.
- II. Dans la présente convention, le génocide s'entend des faits criminels commis contre un des groupes humains précédemment énumérés dans le but de le détruire totalement ou partiellement ou d'entraver sa conservation ou son développement.

Ces faits consistent:

1^o - A provoquer la mort des membres du groupe ou à porter atteinte à leur intégrité ou à leur santé par les moyens suivants:

- a) Massacres collectifs ou exécutions individuelles;
- b) Soumission à des conditions de vie telles que, faute de logement, d'habillement, de nourriture convenable, d'hygiène ou de soins médicaux, ou par l'effet de travail ou d'exercices physiques excessifs, les individus sont voués à dépérir ou à mourir;
- c) Mutilations et expériences biologiques imposées sans but curatif;

- d) Privation de tout moyen d'existence par confiscation, pillage, interdiction de travailler, refus du logement et des approvisionnements accessibles aux autres habitants du territoire.

2o - A mettre obstacle aux naissances par les moyens suivants;

- a) Stérilisation des individus et avortements forcés;
- b) Séparation des sexes;
- c) Entraves au mariage.

3o - A détruire les caractères spécifiques du groupe par les moyens suivants:

- a) Transfert forcé des enfants dans un autre groupe humain;
- b) Eloignement forcé et systématique des éléments représentatifs de la culture du groupe;
- c) Interdiction d'employer la langue nationale, même dans les rapports privés;
- d) Destruction systématique des livres imprimés dans la langue nationale ou des ouvrages religieux, ou interdiction d'en faire paraître de nouveaux;
- e) Destruction systématique ou désaffectation des monuments historiques et des édifices du culte, destruction ou dispersion des documents et des souvenirs historiques, artistiques ou religieux et des objets destinés au culte.

OBSERVATIONS DES GOUVERNEMENTS -

1o - Danemark -

".... considère le projet de convention sur le crime de génocide préparé par le Secrétariat (E 447) comme une base satisfaisante pour l'établissement de règlements et d'organismes internationaux destinés à combattre toutes mesures tendant à la destruction de groupes d'ordre racial, national, linguistique, religieux ou politique".

".... en ce qui concerne les actes possibles de sanctions, il préférerait une rédaction plus brève, étant donné qu'un exposé plus développé comme celui qui figure dans le projet pour détaillé qu'il soit, ne saurait constituer une énumération complète et totale".

2o - Etats-Unis d'Amérique -

"(1) Les paragraphes 1 et 2 de l'article 1 tels qu'ils sont rédigés font double emploi et soulèvent, de ce fait, des objections. C'est ainsi que chacun des deux paragraphes parle à la fois du "but" et de la nature des "faits criminels". Les deux paragraphes devraient être fondus en un seul. Nous proposons un texte rédigé comme suit :

"Le génocide s'entend de tous actes criminels suivants commis contre un groupe humain racial, national, religieux, ou politique dans le but de détruire totalement ou partiellement le groupe ou d'en entraver la conservation ou le développement".

De plus les mots "ces faits consistent" devraient être supprimés car ils sont inutiles et ils devraient être remplacés par les mots "tous actes criminels suivants" mentionnés au début du texte ci-dessus mentionné.

(2) Nous estimons qu'il n'est pas nécessaire d'introduire la notion de groupes "linguistiques" car nous estimons que le génocide ne serait pas pratiqué pour des raisons de caractéristiques raciales, nationales ou religieuses. Le texte s'applique aux groupes raciaux, nationaux et religieux, et cela doit suffire.

(3) On a fort discuté de la question de savoir s'il convenait d'introduire les groupes "politiques" dans la définition. Les Etats-Unis sont partisans de faire figurer les groupes politiques dans la définition, étant entendu que le génocide commis à l'égard de ces groupes se limite à la destruction physique.

(4) Il importe de maintenir dans le texte les mots "dans le but de le détruire totalement ou partiellement, ou d'entraver sa conservation ou son développement

ou un texte similaire indiquant le "but" ou l'intention".

(5) Les mots "violence physique" devraient être introduits avant les mots "mutilations et expériences biologiques" dans l'alinéa c) du paragraphe II (1) de cet article, et il conviendrait de supprimer les mots "imposées sans but curatif". L'introduction des mots "violence physique" élargit la définition, ils peuvent s'appliquer à d'autres formes de la violence physique et la suppression des mots "imposées sans but curatif" élargit également la définition.

Les expériences biologiques, quel que soit le motif de leur imposition doivent être tenues comme criminelles si elles font partie d'un programme de destruction partielle ou totale de l'un des groupes mentionnés dans les présentes. Le mot "et" entre les mots "mutilations" et "expériences biologiques" devrait être remplacé par le mot "ou".

(6) A l'alinéa d) du paragraphe II (1), le mot "tout" devrait être supprimé. L'inclusion du mot "tout" dans la phrase "privation de tout moyen d'existence", semble restreindre indûment les limites du crime.

(7) Nous estimons également que le mot "forcés" au paragraphe II (2) qui ne s'applique actuellement qu'au mot "avortement" devrait s'appliquer à tous les crimes énumérés par le paragraphe II (2), la première ligne du texte devant être rédigée : "réduction forcée des naissances par ; "

(8) Les Etats-Unis s'opposent à l'inclusion du paragraphe 3 de l'article I, relatif à la destruction des "caractères spécifiques du groupe" par divers moyens, sauf en ce qui concerne l'alinéa a) "transfert forcé des enfants dans un autre groupe humain".

L'alinéa b) pourrait être interprété comme s'appliquant aux transferts forcés de groupes minoritaires tels que ceux que des Membres des Nations Unies ont déjà effectués.

Les alinéas c), d) et e) ont trait dans leur ensemble à l'interdiction de l'emploi de la langue, à la destruction systématique des livres, et à la destruction ou à la dispersion des documents et souvenirs historiques, ou artistiques. L'acte qui consiste à définir le nouveau crime international de génocide, est d'une gravité extrême et les Etats-Unis estiment qu'il devrait se limiter à des actes barbares dirigés contre les individus, actes qui constituent le concept fondamental de l'opinion publique à ce sujet. Les actes visés dans ces paragraphes sont des actes qui devraient relever de la protection des minorités.

En conséquence, l'alinéa a) de ce paragraphe devrait remplacer la totalité du paragraphe 3.

30 - France -

"Le gouvernement français estime que la notion de génocide devait être:

(a) limitée au génocide physique et biologique, le génocide culturel risquant de comporter une ingérence politique dans les affaires intérieures des Etats et à propos de questions qui relèvent, en réalité, de la protection des minorités;

.....

Projet de Convention - Article II

I. Sont également considérés comme crimes de génocide :

10 - La tentative du génocide

20 - Les actes préparatoires suivants :

a) Les études et recherches destinées à mettre au point les techniques du génocide;

b) Le fait d'établir des installations, de fabriquer, de se procurer, de détenir ou de fournir des matériaux et produits, sachant qu'ils sont destinés à l'exécution des crimes de génocide;

c) Les instructions, ordres, consignes, répartition des tâches en vue de l'exécution du génocide.

II. Doivent être aussi punis;

10 - La participation intentionnelle aux actes de génocide sous toutes ses formes;

20 - L'instigation directe publique aux actes de génocide qu'elle soit ou non suivie d'effets;

30 - L'association ou toute forme d'entente en vue de l'accomplissement d'actes de génocide.

OBSERVATIONS DES GOUVERNEMENTS -Etats-Unis d'Amérique

" L'article 2, tel qu'il est rédigé, comporte deux parties, savoir:

(I) les autres crimes de génocide et (II) les autres crimes punissables. Nous estimons souhaitable que la définition du génocide soit donnée dans l'article I et que les autres actes illégaux liés au génocide proprement dit, mais qui peuvent en être distingués, fassent l'objet de l'article II.

Le projet présenté par le Secrétaire général semble poser en principe que les actes décrits comme actes de génocide sont punissables et illégaux. C'est ainsi que la première ligne du paragraphe II dans le texte présenté est rédigée comme suit: "doivent aussi être punis". La convention devrait contenir une déclaration établissant clairement que les actes classés sous la dénomination de génocide sont illégaux et punissables, comme le dit le projet proposé.

Les propositions qui précèdent peuvent être formulées en adoptant le texte suivant pour la première ligne de l'article 2: "seront illégaux ou punissables l'acte de génocide ou la participation intentionnelle à l'acte de génocide".

Le texte ci-dessus proposé contient également les mots "participation intentionnelle" dans la phrase qui déclare le caractère illégal du génocide. Les autres énumérations du paragraphe I de l'article II, telles qu'elles sont rédigées, devront être maintenues. Elles comportent les "tentatives" et "actes préparatoires" qui paraissent être liés au génocide de la même façon que "l'instigation" et "l'association" ou "l'entente" (indiquées au paragraphe II), en ce sens qu'ils sont liés au génocide proprement dit, mais qu'ils peuvent en être distingués.

Toutefois, nous proposons de supprimer l'alinéa a) du point 2 du paragraphe I "les études et recherches destinées à mettre au point les techniques du génocide" étant donné qu'à notre avis ces actes peuvent être trop éloignés de ce que l'on considère généralement comme la commission du fait criminel. La conjonction "ou" devrait être introduite avant le mot "fabriquer" de l'alinéa b); il conviendrait également d'introduire le mot "ou" avant le mot "répartition" de l'alinéa c). Les alinéas b) et c) deviendront les alinéas