

**ECONOMIC  
AND  
SOCIAL COUNCIL****CONSEIL  
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ET SOCIAL**E/HR/10  
6 May 1946

ORIGINAL: ENGLISH

## COMMISSION ON HUMAN RIGHTS OF THE SOCIAL AND ECONOMIC COUNCIL

## SUMMARY RECORD OF MEETINGS

Fourth Meeting held on Thursday, 2 May 1946, at 10:30 A. M.

Chairman: Mrs. Franklin D. Roosevelt

## THE CHAIRMAN:

" I feel very strongly, judging by the letters that I am getting, that this Commission means a great deal to a great many people in the world, and I wanted to remind each one of you that while in the future people may be serving on the full Commission, either in the capacity of representatives of their governments or in the capacity of individuals, we who are here were chosen by the Economic and Social Council with the consent of course, of our governments, because we wouldn't be here unless our governments had acquiesced that they wanted us here. Nevertheless, to the peoples of the world, we here have a very grave responsibility, because they look upon us, regardless of the governments that we spring from, as their representatives, the representatives of the peoples of the world, and for that reason, I hope that every one of us is going to feel, in the consideration of the question of how we constitute the full Commission and of how we recommend that the work shall be undertaken, a grave personal responsibility as well as, naturally, a responsibility to represent what our governments believe is right.

But I think even beyond that, that sometimes points arise where one has to advocate something that it may be difficult for one's own government to carry through, and yet, if one believes it is right, I think one should advocate it, hoping that if it would be good for the world, it would therefore, in the end, be good for one's own government and one's own people too. For that reason, I just wanted to say this before we started

our meeting this morning".

THE CHAIRMAN then explained that a memorandum had been prepared by the Secretariat, embodying references to the definitive composition of commissions in the Report of the Preparatory Commission and in the United Kingdom Delegation document (E/Commissions/2), as well as the informal and preliminary agreements reached by the Commission itself during previous meetings. She especially pointed to the advisability of selecting the membership of the full Commission on Human Rights from amongst all the Member Nations of the United Nations and the necessity of having at all times an equitable geographic distribution and a membership of highly qualified persons.

THE CHAIRMAN explained for the benefit of M. Cassin, who had been unable to be present at former meetings, that three types of membership had been discussed:

1. all governmental representatives
2. all individual experts
3. mixed representation

She stated that the majority of members of the Commission had reached an informal agreement with all members of the Commission on Human Rights should be re-eligible, that they should be chosen from among all the United Nations, and not only from among members of the Economic and Social Council, and that a membership of eighteen would be satisfactory provided, however, that it should be possible to call in individual experts for sub-commissions or for their advice on specific problems.

M. Cassin agreed with the preliminary recommendations arrived by the majority of the Commission, that members of the full Commission should be re-eligible, that they should not be chosen exclusively from among the members of the Economic and Social Council, and that the number of eighteen would form a satisfactory basis for the full Commission. He also recommended a term of three years.

M. Laugier, Assistant Secretary-General, suggested that eighteen might not be the best number, as a tie would be possible if THE CHAIRMAN should decide to vote; an odd figure divisible by three - twenty-one, for instance - might be preferable.

At the suggestion of THE CHAIRMAN, the members then agreed to vote on any item of the agenda on which general preliminary agreement had already been reached, as for instance, re-eligibility.

Mr. Neogy raised the question of re-eligibility of governmental representative: will the governments be re-eligible or the individuals representing them?

THE CHAIRMAN suggested that the Economic and Social Council alone would be responsible for re-appointments. If a government refused to re-nominate a representative, another person could be nominated. She suggested that as there still seemed to be questions about re-eligibility, it might be better not to decide that point until agreement had been reached on other questions.

#### Type of Membership

THE CHAIRMAN asked for discussion on whether a majority of the members of the full Commission should be government representatives or individual experts, or whether the Commission should be evenly divided if it was decided to have mixed representation.

Mr. Neogy felt that as the Economic and Social Council was elected by the governments represented in the General Assembly, and as the members of the Economic and Social Council, in their turn, represented governments, the Commission On Human Rights, set up by the Economic and Social Council as demanded by the Assembly, should not again consist of representatives of governments. The Economic and Social Council should have the right to name any individual who could best help it in the discharge of its duty "to promote human rights". While the nuclear Commission should recommend that governments be allowed to make recommendations, the authority of appointment should lie entirely with the Economic and Social Council.

M. Cassin agreed completely with Mr. Neogy's suggestions and then recalled the historical developments in the fight for human rights. He pointed out that the first legally established world community was founded in the League of Nations. Instead of furthering justice in the individual nations, however, the course of justice and human rights regressed, as individual nations no longer felt compelled to intervene, but felt that the responsibility rested with the League of Nations. Nor did the League intervene, due to skilful and evasive interpretation of the Covenant.

Now as the United Nations are again establishing an instrument to defend and promote human rights, we must have collective action by the Economic and Social Council and it is this Council which must be responsible for the appointment of members of the Commission on Human Rights.

There are, M. Cassin pointed out disadvantages to non-governmental membership, in the past, Commissions consisting of individuals often reached lofty conclusions which were never observed, while commissions consisting of governmental representatives came to less ambitious but more effective conclusions. It might therefore be argued that our Commission would reach better results, if composed of governmental representatives. However, as Mr. Neogy pointed out, the Council has complete authority, and the Council is composed of governmental representatives.

It should, therefore, be possible to devise a method of selection whereby nominations could be made by governments, but appointments only by the Economic and Social Council.

M. Cassin explained that precedents of appointments in individual capacity have been established in three fields: (1) The League of Nations organ for intellectual co-operation consisting entirely of well-known individual experts; (2) The League of Nations' Mandate Commission; and (3) The Hague Court of Justice.

A method should, therefore, be devised to take into account proposals

made by governments, but to give authority to appoint solely to the Economic and Social Council. Mixed membership, according to M. Cassin, would not provide a good method.

THE CHAIRMAN read Page 6 (1 and 2) of the United Kingdom Delegation document (E/Commissions/2) dealing with type of membership.

Dr. Hsia agreed with M. Cassin that a commission consisting of mixed representatives would probably be unworkable, and supported the suggestion of the United Kingdom document Page 6, Section 2 on non-governmental representatives.

Mr. Brkish and Mr. Kriukov agreed, with the views expressed by M. Cassin and the Chairman then summarized the consensus of opinion that all governments of the United Nations should have the right to make as many as two nominations and that the Economic and Social Council would appoint individuals as members of the Commission on Human Rights, with due consideration to the ability and experience of the nominees in the field of human rights.

Answering a question by Mr. Neogy, THE CHAIRMAN stated her opinion that the Economic and Social Council should choose members of the Commission on Human Rights solely from the nominations submitted by the United Nations governments, but asked for discussion on this point. No objections were offered, and THE CHAIRMAN repeated that it was the understanding of the nuclear Commission, that the Economic and Social Council should appoint the members of the full Commission solely from the nominations submitted by the governments of the United Nations.

M. Cassin raised the question of whether governments should nominate only their own nationals or might nominate nationals of other countries as is the practice with nominations to the Hague Court.

The Commission agreed that member governments of the United Nations should have the right to nominate nationals of another nation.

Dr. Hsia asked whether, in that case, it might not occur that two

nationals of the same nation might at the same time hold membership on the Commission, but THE CHAIRMAN felt that this would be very unlikely and might happen only under very extraordinary circumstances.

The Commission agreed that no formal vote should be taken on any separate point (of Item 9 of the Agenda), but that the text of the informal agreement reached on each point should be circulated among the members of the Commission and the vote on the definitive composition of the full Commission should be taken on all points together, with any disagreements that might exist, duly recorded.

Point 2, Item 9

Number of Members

M. Cassin pointed out that twenty-one would be an advisable number, but that the most important factor in deciding the number of members was the kind of membership. If we had decided that the members are to be governmental representatives, substitutions could be made by the governments if members are unable to attend. As we have, however, decided on individual experts the number of absentees would have to be reckoned with, and we might have four substitutes who would be called in in case of illness.

THE CHAIRMAN pointed out that United Kingdom Delegation document (E/Commissions/2) suggests that no alternates (except in special cases) should be allowed for non-governmental representatives. She suggested that it might be possible to name out of the list of nominations submitted by the governments, in addition to the twenty-one members, four observers who would replace absent members in case of need. Dr. Hsia suggested that they might be called "reserve members" instead of observers.

Mr. Brkish expressed his preference for twenty-one members, four reserve members or alternates, the first group of members to be appointed in three categories (one year, two years, three years).

Dr. Hsia stated that two categories of members might not be advisable, and it might be better to name twenty-four or twenty-five members to

provide for absences.

Mr. Neogy suggested eighteen, following the example of the Economic and Social Council, but offered to support the number twenty-one if the majority decided on twenty-one.

THE CHAIRMAN suggested that the discussion be continued at the next meeting.

The meeting was adjourned at 12:20 P. M.

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