

COMMISSION ON HUMAN RIGHTS OF THE SOCIAL AND ECONOMIC COUNCIL

SUMMARY RECORD OF MEETINGS

Third meeting held on Tuesday, 30 April 1946, at 3 P.M.

Chairman: Mrs. Franklin D. Roosevelt

The Chairman opened the meeting by announcing that in considering Item 9 of the agenda (Document E/HR/5) the Commission would discuss each point separately and defer decisions until all points had been discussed.

Item 9 of the Agenda (Document E/HR/5)

Definitive Composition of the Commission

Type of Membership (governmental or individual)

Mr. Brkish and Mr. Kriukov proposed that the Commission, as finally constituted, should have among its members both governmental representatives and individual experts.

In response to a question by the Chairman whether he thought that it would be valuable to have people as members who would not represent any one government, but would consider the welfare of all the people all over the world, Mr. Kriukov answered that in his opinion, it would be difficult for any government to find a person who would be separate from the masses, or who might not be closely linked with his government. Each government should, of course, send only delegates whose individual abilities in the field are beyond doubt and who will be impartial in their attitude towards the problems.

The Chairman explained that she had not wished to indicate that any representative should be apart from the masses, but had thought of people who had shown their ability to think of human beings as such, without regard to race, creed, or colour.

Dr. Hsia pointed out that of the three kinds of membership possible (1-all government representatives; 2-individuals; 3-mixed membership) mixed membership would be most difficult to work out. He therefore, favoured the membership of all individual experts appointed by the Economic and Social Council with regard to fair geographical and cultural distribution. Mr. Neogi found it difficult to determine just what kind of membership the Committee on the Organization of the Economic and Social Council had had in mind when it discussed the establishment of commissions, and especially the Commission on Human Rights (E/ORG/3,4,5,6,7,8,9). It seemed to him that the nuclear Commission was to be composed mainly of experts, and that after governments nominated government representatives, the Economic and Social Council would appoint them only as individuals. Mr. Neogi felt that he himself had no expert knowledge which would qualify him as an expert individual member. At the same time, he is not an official representative of his government. He, therefore, felt that a system must be devised whereby the governments have the right to suggest members, but the Economic and Social Council should keep the right of selection.

Number of Members and Term of Office

The Chairman then proceeded to a discussion of the number of members on the final Commission, their term of office and re-eligibility. She added that in case of government suggestions and Economic and Social Council selection, the membership should be rotated so that all people suggested by governments could eventually serve. In regard to the number of members, she stressed that it was important to consider the type of work which the Commission was expected to perform. If the Commission is too large, it would prove difficult to discuss the problems which the Commission has to solve; at the same time the Commission must be large enough so that sub-commissions could be established out of its membership. Mr. Neogi suggested a membership of eighteen as a workable number. Dr. Hsia felt that the

size of the Commission had to depend on its work and the kind of membership. It would be easy, he thought, to get governmental representatives for frequent meetings of the Commission, while it might prove difficult for individual experts to absent themselves at frequent intervals. The deciding factor, in his opinion, would be the kind of job which would be expected from the Commission. If the full Commission, as first named, is expected to draft an international bill of rights, a membership of twenty-five elected for one year might be most feasible. After that time, he suggested a permanent Commission of twelve, with a two year term of office.

M. Laugier, Assistant Secretary-General, explained that the Commission on Human Rights would be expected to finish its job of writing an international bill of rights as quickly as possible, but that the Commission itself was to be a permanent commission, with perhaps two, three, or four sessions annually, with enough time between sessions to make it possible for members to do their study of problems and drafting work. The spacing of sessions would, in his opinion, make it possible for individual experts to serve.

The Chairman added that it was her understanding that the Commission on Human Rights should not only draw up a full bill of rights, or any other documents, but should watch their observance by the United Nations, while the enforcement would not be within the province of the Commission. M. Laugier agreed, stressing, however, that the nuclear Commission should not draft a bill of rights, but that the complete Commission must draft such a bill and should ask the Economic and Social Council for authority to supervise its observance by the nations of the world. It should, in other words, be a "watch dog" over human rights.

Mr. Kriukov and Mr. Brkish agreed with Mr. Neogi that a membership of eighteen would be most feasible.

In continuing the discussion of the term of office for Commission members, the Chairman stated that the permanent Narcotic Commission has decided on a three-year term of office for its members, and that its members are re-eligible. A three-year term would assure continuity of work, but she stressed that it was important also to keep in mind the need for fair geographical and cultural distribution.

Mr. Brkish and Mr. Kriukov proposed a one-year term, with re-eligibility. Dr. Hsia suggested a three-year term, with members of the first Commission appointed in three classes, for one, two, and three years, respectively.

When Mr. Neogi questioned the competence of the nuclear Commission to decide this question, M. Laugier explained that the nuclear Commission could not itself fix the membership, term of office, etc., but could make recommendations to the Economic and Social Council. The Chairman read again Section A, Paragraph 3, of E/27, which establishes the Commission as a permanent Commission. She explained that the problem is not one of forming a commission for any one special job or of deciding on the length of time in which a special job should be accomplished, but rather of deciding what would be better for the work of the Commission on Human Rights in general, a term of office of one, two, or three years.

Mr. Neogi suggested one year with re-eligibility. The Chairman then announced that a British document on the "Composition of the Commissions of the Economic and Social Council" (E/Commissions/2) had just been received and should be studied by the members of the Commission.

In concluding the discussion on term of office and re-eligibility, the Chairman stated that an agreement had been reached, that members of the Commission should be re-eligible, that the majority of Commission members preferred one year terms, and that all agreed that the Economic and Social Council, in making appointments, should pay particular attention to geographical and cultural distribution.

The Commission then proceeded to discuss corresponding members.

The Chairman suggested that corresponding members might be experts who are appointed whenever the Commission needs their specific knowledge or if problems concerning specific areas are discussed and experts with knowledge about these areas and these problems are needed.

Mr. Neogi suggested that corresponding members might be experts who are unable to attend meetings and that former Commission members, upon their resignation from the Commission, might become members. The Chairman recalled the practice of the League of Nations to declare former Commission members corresponding members in order not to lose the experience they had gained during their membership.

The Chairman then introduced Professor Cassin, whose plane had arrived late, and reviewed for him the work that the Commission had done in its first meetings.

The Chairman adjourned the meeting and announced that one more meeting would be devoted to discussion of Item 9 on the agenda, and that the Commission then would proceed to decide all points concerning the Composition of the Commission.

The meeting was adjourned at 4:35 P.M.
