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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

Third session

ACTIVITIES OF ORGANS OF THE UNITED NATIONS IN THE FIELD OF
PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Part III^{1/}
SECURITY COUNCIL

A. Introduction

1. At its second session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the Secretary-General, inter alia:^{2/}

"... to furnish the members of the Sub-Commission with relevant data on the activities of all organs of the United Nations and its specialized agencies in the field of the prevention of discrimination and the protection of minorities, as and when it becomes available."

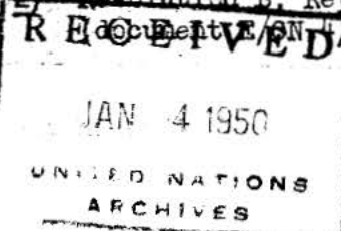
This memorandum contains such relevant information concerning the activities of the Security Council.

B. Trusteeship Agreement for the Trust Territory of the Pacific

2. Reference already has been made, in paragraph 15 of Part II of this study, to the fact that the Trusteeship Council carries out, on behalf of the Security Council, those functions of the United Nations under the International Trusteeship System relating to political, economic, social and educational advancement of the Trust Territory of the Former Japanese Mandated Islands, designated as a strategic area.

1/ This study is one of a series dealing with the activities of various organs of the United Nations and its specialized agencies in the field of prevention of discrimination and protection of minorities.

2/ Resolution B, Report of the Second Session of the Sub-Commission, document E/CN.4/Sub.2/51, paragraph 15).



/3. The Trusteeship

3. The Trusteeship Agreement (document S/318) for the Territory, approved by the Security Council on 2 April 1947, includes among its provisions Article 6 which reads in part:

"In discharging its obligations under Article 76 (b) of the Charter, the Administering Authority shall:

"...3. Promote the social advancement of the inhabitants, and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination..."

C. Permanent Statute for the Free Territory of Trieste

4. At its 91st meeting on 10 January 1947 (S.C.O.R., 2nd Year, No. 3, page 60) the Security Council recorded its approval of the Permanent Statute for the Free Territory of Trieste (S.C.O.R., 2nd Year, Supp. 1, page 14). Article 4 of the Permanent Statute reads:

"Human rights and fundamental freedoms

"The Constitution of the Free Territory shall ensure to all persons under the jurisdiction of the Free Territory, without distinction as to ethnic origin, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of religious worship, language, speech and publication, education, assembly and association. Citizens of the Free Territory shall be assured of equality of eligibility for public office."

D. Dispute over the States of Jammu and Kashmir

5. The Security Council, having established the United Nations Commission for India and Pakistan in a resolution adopted at its 230th meeting (20 January 1948), adopted a further resolution concerning the dispute over the States of Jammu and Kashmir at its 286th meeting (21 April 1948)^{1/} which reads in part as follows (document A/620, Chapter 5, Section M):

"A. Restoration of Peace and Order

...

"2. The Government of India should:

"(a) When it is established to the satisfaction of the Commission set up in accordance with the Council's resolution of 20 January that the

^{1/} A summary of the discussions of the Security Council on this question, prior to the adoption of this resolution, appears in Report of the Security Council to the General Assembly Covering the Period from 16 July 1947 to 15 July 1948 (document A/620), Chapter 5.

tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;

...

"4. After the plan referred to in paragraph 2 (a) above has been put into operation, personnel recruited locally in each district should be so far as possible utilized for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration referred to in paragraph 7."

"B. Plebiscite

"...7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan."

"...12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State declare and make known that all subjects of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the **press**, speech and assembly and freedom of travel in the State including freedom of lawful entry and exit.

"...14. The Government of India should ensure that the Government of the State release all political prisoners and take all possible steps so that:

"...(c) Minorities in all parts of the State are accorded adequate protection."