



COMMISSION ON HUMAN RIGHTS
REPORT ON THE TWENTY-SEVENTH SESSION
(22 February – 26 March 1971)

ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS: FIFTIETH SESSION

SUPPLEMENT No. 4

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its twenty-seventh session at the United Nations Office at Geneva from 22 February to 26 March 1971.
2. The session was opened (1092nd meeting) by H.I.H. Princess Ashraf Pahlavi (Iran), Chairman of the Commission at its twenty-sixth session, who made a statement.
3. Mr. Winspeare-Guicciardi, Director-General of the United Nations Office at Geneva, made a statement welcoming the Commission.
4. Mr. Marc Schreiber, Director of the Division of Human Rights, made a statement on behalf of the Secretary-General.

B. Attendance

5. The session was attended by representatives of all States members of the Commission, by observers from seventeen Member States not members of the Commission and by representatives of specialized agencies, regional intergovernmental organizations and non-governmental organizations. A full list of those attending is given in Annex I.
6. Mr. Marc Schreiber, Director of the Division of Human Rights, and in his absence Mr. Kamleshwar Das, Assistant Director of the Division of Human Rights represented the Secretary-General. Mr. Kamleshwar Das and Mr. Henri Mazaud acted as secretaries of the Commission.

C. Election of officers

7. At its 1092nd and 1093rd meetings, on 22 and 23 February 1971, the Commission elected the following officers by acclamation:

<u>Chairman:</u>	Mr. Andrés Aguilar (Venezuela)
<u>Vice-Chairmen:</u>	Mr. Ahmed Kettani (Morocco) Mr. Th.C. van Boven (Netherlands) Mr. Zbigniew Resich (Poland)
<u>Rapporteur:</u>	Mr. Narciso G. Reyes (Philippines)

D. Agenda

8. The Commission had before it the provisional agenda for the twenty-seventh session (E/CN.4/1041 and Add.1 and 2) drawn up by the Secretary-General in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council.

9. At its 1093rd meeting, on 23 February 1971, the Commission unanimously adopted the following agenda for the session:

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Study of discrimination in the matter of political rights and the draft principles on freedom and non-discrimination in the matter of political rights (Commission resolution 19 (XXV) and Commission decision of 26 March 1970)
5. Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East (Commission resolution 10 (XXVI))
6. Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms (General Assembly resolution 2447 (XXIII) and decision of 11 November 1970; Commission resolutions 20 (XXV) and 12 (XXVI))
7. Review of the human rights programme and establishment of priorities: Control and limitation of documentation (Commission decision of 25 March 1970)
8. Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country (Commission resolution 19 (XXV))
9. The possibility of preparing a draft international agreement ensuring the protection of journalists engaged on dangerous missions and providing, inter alia, for the creation of a universally recognized and guaranteed identification document (General Assembly resolution 2673 (XXV))
10. Human rights and scientific and technological developments: report of the Secretary-General (General Assembly resolutions 2450 (XXIII) and 2721 (XXV); Commission resolution 14 (XXVI))
11. Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (General Assembly resolution 2649 (XXV))
12. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories, including:

- (a) Report of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII), 2 (XXIV), 21 (XXV) and 8 (XXVI) of the Commission
 - (b) Study of situations which reveal a consistent pattern of violations of human rights as provided in resolution 8 (XXIII) of the Commission and resolutions 1235 (XLII) and 1503 (XLVIII) of the Economic and Social Council (chapter V of the report of the twenty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040))
 - (c) Model rules of procedure for United Nations bodies dealing with violations of human rights (Commission resolutions 8 (XXV) and 9 (XXVI))
13. Observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination (General Assembly resolution 2544 (XXIV) and Commission resolution 3 B (XXVI))
 14. Comprehensive **review** of measures and decisions taken to eliminate racial discrimination in order to evaluate their effectiveness and the stages reached in their implementation, to identify the obstacles encountered and to determine the necessity of taking further measures and decisions with a view to achieving rapid and total elimination of racial discrimination, including the policy of apartheid and manifestations of nazism and racial intolerance (Commission resolution 3 A (XXVI))
 15. Report of the twenty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including
 - (a) Study of equality in the administration of justice (Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 3 (XXIII))
 - (b) Special study on racial discrimination in the political, economic, social and cultural spheres (Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 2 and 4 (XXIII))
 16. Measures to be taken against nazism and racial intolerance (Commission resolution 4 (XXVI))
 17. Question of the punishment of war criminals and of persons who have committed crimes against humanity (Commission resolution 5 A (XXVI))
 18. Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and the study of special problems relating to human rights in developing countries (Commission resolutions 14 (XXV), 11 (XXVI) and Economic and Social Council resolutions 1421 (XLVI) and 1502 (XLVIII))

19. Study of the right of everyone to be free from arbitrary arrest, detention and exile, and study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, as well as the draft principles on freedom from arbitrary arrest and detention (Commission resolution 23 (XXV))
20. Periodic reports on human rights
21. Advisory services in the field of human rights
22. Further promotion and encouragement of respect for human rights and fundamental freedoms
23. Question of an international code of police ethics
24. Approval of list of experts drawn up by the Sub-Commission on Prevention of Discrimination and protection of Minorities at its twenty-second session under resolution 1330 (XLIV) of the Economic and Social Council (Commission decision of 26 March 1970)
25. Membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
26. Communications concerning human rights
27. Report of the twenty-seventh session of the Commission to the Economic and Social Council

E. Meetings, resolutions and documentation

10. The Commission held 47 meetings. The views expressed at those meetings are summarized in the records of the 1092nd to 1138th meetings (E/CN.4/SR.1092-1138).
11. The resolutions and other decisions adopted by the Commission at its twenty-seventh session are contained in chapter XIX. The draft resolutions submitted for consideration by the Economic and Social Council are set out in chapter XX. Annex II refers to the statements of financial implications of certain decisions of the Commission, which will appear in an addendum to the present report; Annex III contains a list of the documents submitted for the Commission's consideration.

F. Organization of work

12. At its 1094th meeting, on 23 February 1971, the Commission considered item 3 of its agenda, "Organization of the work of the session". The discussion was confined to the order of consideration of agenda items and the allocation of meetings to various items.
13. The Commission agreed upon the following order of discussion of the items of its agenda; 13, 14, 15(b), 16, 12(a), 11, 5, 10, 6, 12 including (b) and (c) and 15 including (a), 9, 7, 17, 4, 18 and 20, 19, 8, 21-26, 27.

II. ACTION AGAINST RACISM, RACIAL DISCRIMINATION, APARTHEID,
NAZISM AND RACIAL INTOLERANCE

14. At its 1094th meeting on 23 February 1971, the Commission decided to consider together a group of agenda items relating to action against racism, racial discrimination, apartheid, nazism and racial intolerance, namely, items 13, 14, 15(b), 16 and 12(a). The discussion of these items took place at the 1095th to 1112th meetings of the Commission, held from 24 February to 9 March 1971, and is described below under headings corresponding to the above-mentioned agenda items.

15. During this discussion, the Commission heard statements from the Observers of Israel (1099th and 1105th meetings), Syria (1100th and 1105th meetings) and Barbados (1111th meeting).

16. The Commission heard statements from the representatives of the United Nations Educational, Scientific and Cultural Organization (1103rd meeting) and the International Labour Organisation (1105th, 1107th and 1109th meetings).

17. At its 1105th meeting the Commission heard a statement from the representative of the United Nations High Commissioner for Refugees.

18. The Commission also heard statements from the following non-governmental organizations in consultative status: the All-India Women's Conference (1097th and 1105th meetings), the Women's International Democratic Federation (1097th meeting), the World Federation of Trade Unions (1097th meeting) and the Anti-Slavery Society (1105th meeting).

19. In addition to the documents specified below, the Commission had before it a statement submitted by the International Conference of Catholic Charities, a non-governmental organization in category II consultative status, on the observance of the International Year for Action to Combat Racism and Racial Discrimination (E/CN.4/NGO/158).

A. Observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination

20. The Commission considered agenda item 13 at its 1095th-1099th, 1101st-1102nd and 1104th-1107th meetings on 24-26 February and 1-4 March 1971.

21. The Commission had before it a note by the Secretary-General concerning the observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination (E/CN.4/1046) and the report of the twenty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040) chapter VIII of which included resolution 5 (XXIII) on the International Year.

22. By resolution 2544 (XXIV), the General Assembly had designated the year 1971 as International Year for Action to Combat Racism and Racial Discrimination and had approved the programme for the observance of the Year proposed by the Secretary-

General,^{1/} invited the organs of the United Nations to co-operate and participate in the preparatory work and in the observance of the Year and requested the Secretary-General to submit to the General Assembly at its twenty-fifth session a progress report on the preparations for the Year based on any information which he might have received from the organs of the United Nations. The Commission on Human Rights itself had decided, in operative paragraph 9 of its resolution 3 B (XXVI), to review the detailed programme for the International Year at its twenty-seventh session. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had also concerned itself with the programme at its twenty-third session and had in resolutions 4 A (XXIII) and 5 (XXIII) submitted certain proposals to the Commission for consideration.

23. At its twenty-fifth session the General Assembly had adopted resolutions 2646 (XXV) and 2647 (XXV) relating to the observance of the International Year, the contents of which were summarized in the note by the Secretary-General, (paras. 10-15).

24. The following views received a wide measure of support in the Commission:

(a) That there was an imperative need to eliminate racial discrimination which, inter alia, impeded social progress and friendly relations between States and represented a flagrant violation of human rights and fundamental freedoms;

(b) That the information already received from national, regional and international sources about the implementation of the programme of the observance of the International Year was encouraging;

(c) That, in spite of some effective measures undertaken by the United Nations, the specialized agencies and several non-governmental organizations, the struggle for independence and equality of all peoples was not yet over and it was the duty of the United Nations to complete that task;

(d) That it was necessary to strengthen the struggle against racism and racial discrimination at both international and national levels;

(e) That in spite of the fact that the programme for the observance of the International Year consisted of commendable measures aimed at combating racism and racial discrimination, it would be necessary to take further measures to make this programme more effective and successful;

(f) That it was desirable, before the close of the International Year, that all Governments which had not signed and ratified the Convention on the Elimination of all Forms of Racial Discrimination should become parties to it;

(g) That, in addition to formal celebrations during 1971, effective action should be taken to combat racial discrimination throughout the world and in southern Africa particularly;

1/ Official Records of the General Assembly, Twenty-fourth Session, Annexes, agenda item 55, document A/7649.

(h) That all political and legal measures taken with a view to combating racial discrimination should be reinforced by education and public information aimed at involving youth and world public opinion in general in this struggle;

(i) That non-governmental organizations, especially those whose primary concern was human rights, could and should play a more significant role in combating racism and racial discrimination.

25. Some members felt that a recommendation to hold a meeting in Africa envisaged in resolution 5 (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities might be useful. Others considered that the meeting would have a real significance only if it was held in Namibia.

26. Some representatives stressed that the International Year should also be an international year to combat colonialism, neo-colonialism, nazism and racial intolerance, which were among the most dangerous of the evils which the Commission was called upon to combat. The measures taken during the International Year should be mainly directed towards the final and complete elimination of the most flagrant and widespread violations of human rights connected with apartheid in South Africa. The stage of adopting resolutions had passed, and direct and co-ordinated action was required by all States so that 1971 might be the year of hope for southern Africa.

27. Other representatives, although they understood the wish to concentrate efforts during 1971 on specific manifestations of racial discrimination such as apartheid, were in favour of adopting as broad and universal an approach as possible, because the course of racial discrimination was not limited to any one area.

28. It was maintained that, during the observance of the International Year, the most effective measures which the international community could adopt would be to isolate the régimes which practised discrimination, in particular to isolate the Government of South Africa completely from the political, diplomatic and military points of view. It was stressed that States which did not participate in this struggle were responsible for the ineffectiveness of such international action, undermining the determination of the international community. It was noted that the governments of such States bore the responsibility for the continuance of the criminal policy of apartheid and racial discrimination in this region of the world. In this connexion, many representatives expressed their indignation at the recent decision of the Government of one State to sell helicopters to the Government of South Africa and condemned this decision.

29. Many members of the Commission expressed great concern with the fact that, in defiance of numerous resolutions adopted by the General Assembly and the Security Council, the States that were the major trading partners of South Africa continued to render all kinds of assistance to South Africa, even continuing in some cases to provide military co-operation.

30. At the 1099th meeting, the representatives of Ghana, Senegal and the United Republic of Tanzania submitted a draft resolution (E/CN.4/L.1150) which, recalling that 1971 had been designated International Year to Combat Racism and Racial Discrimination, appealed to international public opinion to protest against any attempt to violate the relevant provisions of the Security Council resolutions

imposing an embargo on the sale of arms to the Government of South Africa. Subsequently, the draft resolution was co-sponsored by the Democratic Republic of the Congo, India, Mauritius and the United Arab Republic.

31. Some representatives challenged the term "imposing", asserting that the Security Council resolutions did not impose on any State a duty to undertake the embargo because they had been adopted pursuant to Chapter VI, and not Chapter VII, of the Charter. One representative pointed out that there was a distinction to be made between the supply to South Africa of equipment for external defence, and particularly maritime defence - which was not suitable for other uses - and general purpose weapons.

32. Other representatives stated that the Security Council resolutions, having been adopted without objection, were binding on all States and that, in the resolutions, the sale of all types of arms had been banned. One representative pointed out that the draft resolution before the Commission would have been greatly strengthened if it had condemned the above-mentioned decision of the Government of one State and would have demanded its immediate annulment.

33. At the 1101st meeting on 1 March 1971, the Commission voted on the draft resolution by roll-call, at the request of the representative of Senegal. The draft resolution was adopted by 25 votes to none, with 6 abstentions. The voting was as follows:

In favour: Chile, Congo (Democratic Republic of), Finland, Ghana, Guatemala, India, Iran, Iraq, Lebanon, Mauritius, Mexico, Morocco, Pakistan, Peru, Philippines, Poland, Senegal, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: United Kingdom of Great Britain and Northern Ireland, United States of America, Austria, France, Netherlands, New Zealand.

34. For the text of the resolution, see chapter XIX, resolution 1 (XXVII).

B. Comprehensive review of measures and decisions taken to eliminate racial discrimination in order to evaluate their effectiveness and the stages reached in their implementation, to identify the obstacles encountered and to determine the necessity of taking further measures and decisions with a view to achieving rapid and total elimination of racial discrimination, including the policy of apartheid and manifestations of nazism and racial intolerance.

35. The Commission considered agenda item 14 at its 1095th and 1096th meetings held on 24 and 25 February 1971. Much of the discussion on agenda items 13, 15(b), 16 and 12(a) may be considered relevant also in the present connexion and in particular that part of the discussion which appears below in section C (a), "Racial Discrimination in the political, economic, social and cultural spheres".

36. The Commission had before it:

- (a) A working paper prepared by the Secretariat;^{2/}
- (b) A working paper prepared by the International Labour Office, communicated on 29 December 1970.^{3/}

37. During the discussion of this item, it was stressed that the United Nations had a duty to express its concern about manifestations of racism and racial discrimination whenever and wherever they might occur. In that connexion, regret was expressed that the list of United Nations activities contained in the documents, which were excellent in other respects, made no reference to discussions in the United Nations on anti-semitism or to resolutions of the Economic and Social Council concerning the work of the Ad Hoc Working Group of Experts set up by the Commission.

38. It was stated that the Secretariat working paper provided proof of concern about the problem of the elimination of all forms of racial discrimination in the world community, while revealing that steps taken had not proved fully successful, particularly in the case of apartheid.

39. It was generally agreed that the present need was not for abstract resolutions reaffirming known positions but for an analysis of the work of the United Nations family of organizations in combating all forms of racial discrimination, and for an assessment of its effectiveness. The time had come for action to combat racism and racial discrimination at the national and international levels, and, among other things, new measures were needed to inform the peoples of the world about racial discrimination and to involve them, and especially youth, in the struggle against it.

C. Special study on racial discrimination in the political, economic, social and cultural spheres

(a) Racial discrimination in the political, economic, social and cultural spheres

40. This aspect of agenda item 15 was considered at the 1098th-1107th meetings of the Commission, held on 26 February and 1-4 March 1971.

41. The Commission had before it:

(a) The special study of racial discrimination in the political, economic, social and cultural spheres (E/CN.4/Sub.2/307 and Corr. 1-2 and Add.1 and Add.1/Corr.1, Add.2 and Add.2/Corr.1, Add.3-4 and Add.4/Corr.1-2 and Add.5 and Add.5/Corr.1,3 and 4).

(b) Chapters IV and VIII of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-third session, (E/CN.4/1040), containing, in chapter VIII, Sub-Commission resolution 4 (XXIII), which included a draft resolution A recommended for adoption by the Economic and Social Council.

^{2/} Circulated to the Commission as E/CN.4/(XXVII)/CRP.1.

^{3/} Circulated to the Commission as E/CN.4/(XXVII)/CRP.1/Add.1.

42. There was general agreement on the following points:

(a) In spite of the provisions of the United Nations Charter and the many relevant conventions and resolutions adopted by the United Nations and other international organizations during the past quarter-century, racism and racial discrimination still persisted in the world today, and, in certain areas, they were spreading;

(b) The struggle against racism and racial discrimination in all their forms and manifestations was an imperative duty of all members of the international community. This struggle was becoming increasingly urgent as some fanatical and extreme manifestations of racism were posing a threat to international peace and security;

(c) The annual appearance of items dealing with racial discrimination on its agendas showed that the Commission on Human Rights was aware of its responsibilities in that respect;

(d) The United Nations family had achieved considerable success in the establishment of international norms for the elimination of racial discrimination, as was evidenced by the Declaration and the International Convention on the elimination of all forms of racial discrimination. It was up to governments to sign and ratify those instruments, which were important in the struggle against racism and racial discrimination. All States which had not yet ratified the Convention should do so in the near future. Those which had ratified it, should accelerate as much as possible its effective implementation;

(e) The evil of racial discrimination existed in many parts of the world and it was practised by diverse governments and peoples. But mankind was now striving to overcome its inheritance of hatred, prejudice and discrimination;

(f) What was needed was a persevering and imaginative world-wide campaign that would have to be sustained for many years beyond the International Year. Its basic goal would be to change laws, customs, attitudes, habits of minds and practices that nurtured a propensity, however dormant or concealed, towards racial discrimination. A change was required in the thinking of the peoples of the world, who would have to be imbued with a sense of racial equality;

(g) The challenge posed by racial discrimination was aggravated by its propensity to assume diverse forms. It had taken on the guise of respectable political, economic or social theories, policies and customs. That made the task of eradicating it much more difficult. Moreover, present day technological and scientific progress provided no assurance against backsliding in the struggle to eliminate racial discrimination;

(h) In certain countries, the development of communications and the expansion of national economies with large numbers of migrant workers had led to new aspects of racial discrimination and new racial tensions. It was essential to ensure that economic and social progress should lead, not to further social tensions, but to tolerance, harmony and friendship, or at least to mutual accommodation and understanding.

43. A number of representatives stated that no country could genuinely claim that it was totally free from discriminatory practices. Other representatives expressed their disagreement with this view, pointing out that there were countries where economic and social conditions did not give rise to racial discrimination.

44. It was also widely felt that racial discrimination had often been an aspect of colonialism which had stunted the national development of subject peoples. It had generated racial animosity and suspicion which still tainted international relations. Some representatives added that contemporary events in South Africa and the Middle East, as well as in other parts of the world, clearly showed the close link which existed between racism and colonialism.

45. The following points were also made:

(a) It was necessary to undertake co-ordinated action against racial discrimination at the local, national and international levels;

(b) The pressure of world public opinion including in particular that of young people among whom new ideas and ideals were spreading irresistibly, might bear fruit at all levels;

(c) United Nations publications dealing with racial discrimination, and particularly Mr. Santa Cruz's Special Study, should be distributed if possible, free of charge to interested persons, groups and institutions, and not only during the International Year. With the co-operation of the Office of Public Information, extracts from these documents should be published in the journals or newsletters of non-governmental organizations;

(d) The peoples of the world, and youth in particular, were aware of the value of organized action against racial discrimination. The activities of groups, ranging from street demonstrations to seminar studies, had helped to guide the authorities and indirectly to inspire decisions, resolutions and reports of the United Nations and the non-governmental organizations. Seminars and other formal gatherings on questions of racial discrimination should, therefore, be encouraged;

(e) It was necessary to mobilize public opinion against the evils and dangers of racism and racial discrimination. All information media now available should play an effective role. Through them, discriminatory practices and racism in all forms, as well as its false tenets, should be constantly condemned;

(f) Expressions of noble sentiments, indignation and condemnation were not enough, however; real progress also required sustained intellectual efforts to define ideals and to devise means for their attainment. In this process, the Commission had had, and should continue to have, a leading role to play;

(g) As racism, racial discrimination, race hatred and racial conflict thrive on scientifically false ideas and were nurtured by ignorance, more emphasis should be placed on educational programmes designed to inculcate the principles of racial equality and tolerance in every human being.

46. Some proposals on the role of non-governmental organizations in the fight against racial discrimination, were given considerable support:

(a) The Commission would do well in its fight against racial discrimination if it were to place more emphasis on the participation of non-governmental organizations, encourage the participation of these organizations in the celebration of the International Year, and ensure their continuing interest in the problem of racial discrimination;

(b) Ordinary people, represented by non-governmental organizations, could make a significant contribution to the struggle against racism and racial discrimination.

(c) Some non-governmental organizations should broaden their programmes to include the struggle against all forms of racial discrimination. A useful contribution could be made by national associations through the provision of technical, legal and financial assistance to groups of foreign workers in certain countries.

47. In this connexion, it was pointed out that the main responsibility for combating racism and racial discrimination fell on the governments of States and on United Nations bodies dealing with these questions.

48. In addition to the draft resolution A proposed by the Sub-Commission in its resolution 4 (XXIII) to be recommended by the Commission to the Economic and Social Council for adoption, the Commission had before it amendments thereto proposed by Ghana, India and Pakistan (E/CN.4/L.1155), Chile, Guatemala, Mexico, Peru, Uruguay and Venezuela (E/CN.4/L.1158) and the Union of Soviet Socialist Republics (E/CN.4/L.1167) and a number of amendments and sub-amendments orally proposed.

49. The second of the amendments E/CN.4/L.1155 would add to the Sub-Commission's draft a new operative paragraph according to which the Council would invite non-governmental organizations in consultative status to communicate to it biennially and for the information of any interested organ of the United Nations their endeavours and progress in the directions indicated in paragraph 1 of the Sub-Commission's draft. There was some discussion as to whether or not it was advisable to adopt such a provision, and it was pointed out that not all non-governmental organizations were concerned with racial discrimination. It was stated, however, that only non-governmental organizations with special interest in the matter were expected to respond to the invitation. It was also maintained that any new reporting duty placed upon non-governmental organizations should be co-ordinated with the reports which they were already submitting under the existing system of periodic reports on human rights.

50. At the 1107th meeting the Sub-Commission's draft resolution A and amendments thereto were voted upon.

51. As orally amended, the first of the amendments E/CN.4/L.1155 was adopted unanimously.

52. As orally amended, the second of the amendments E/CN.4/L.1155 was adopted unanimously.

53. The Commission adopted the third of the amendments E/CN.4/L.1155 by 16 votes to none with ten abstentions.

54. In consequence, the first of the amendments E/CN.4/L.1158 was not put to a vote.

55. As orally amended, the second of the amendments E/CN.4/L.1158 was adopted by 24 votes to none, with 3 abstentions.

56. At the request of the representative of the United Kingdom, the second preambular paragraph of the Sub-Commission's draft was submitted to a separate vote. It was adopted by 22 votes to none, with 3 abstentions.

57. The Commission then adopted draft resolution A contained in Sub-Commission resolution 4 (XXIII), as a whole, as amended, unanimously.

58. For the text of the resolution, see chapter XIX, resolution 3 (XXVII).

59. As a result of a proposal by the representative of the Union of Soviet Socialist Republics (E/CN.4/L.1167), as orally amended by the representative of Guatemala, and taking into account a suggestion by the representative of the United Kingdom, it was agreed that the present resolution and each of the other three resolutions arising out of resolution 4 (XXIII) of the Sub-Commission would be transmitted to the Economic and Social Council as separate resolutions, each of them being preceded by its own introductory text.

(b) The problem of indigenous populations

60. The Commission considered this question at its 1098th-1099th, 1101st-1105th and 1107th-1108th meetings, held on 26 February and 1-5 March 1971.

61. The Commission had before it chapters IX and XIII of the special study (E/CN.4/Sub.2/307/Add.2 and Add.2/Corr.1 and Add.5 and Add.5/Corr.1,3 and 4) and draft resolution B contained in Sub-Commission resolution 4 (XXIII) (E/CN.4/1040, chap.VIII).

62. The following were among the main views expressed during the discussion:

(a) Any policy adopted in countries vis-à-vis indigenous populations should depend not only on decisions taken by the government, but also on the wishes of the indigenous populations themselves;

(b) Some indigenous peoples were subject to discrimination because they wished to be assimilated into the main body of society, which rejected them, while other groups were discriminated against because they resisted assimilation, insisting on keeping some of their peculiar cultural characteristics when integrating into the majority, which rejected this differentiation;

(c) Indigenous populations were not always numerically minorities, and constituted the majority of the population in certain countries;

(d) Discrimination against indigenous peoples was not always based on racial grounds; frequently it was based on socio-economic factors;

(e) The inclusion of chapter IX, on indigenous peoples, in the Special Study had therefore imposed limitations on the scope of analysis of the problem of indigenous populations;

(f) The problem of indigenous populations merited consideration separate from that of the protection of minorities;

(g) It was important, however, to examine the relationship between the indigenous populations and minority groups and, particularly, the application to such populations of article 27 of the International Covenant on Civil and Political Rights;

(h) The study to be undertaken should thoroughly examine the policies adopted by States vis-à-vis indigenous populations subject to their jurisdiction.

63. The Sub-Commission's draft resolution B and amendments proposed to it were considered by the Commission at its 1107th-1108th meetings held on 4-5 March 1971.

64. At the 1107th meeting the United Arab Republic submitted an amendment (E/CN.4/L.1151). At the 1108th meeting it withdrew the amendment in the light of the amendments submitted by Chile, Guatemala, Mexico, Peru, Uruguay and Venezuela (E/CN.4/L.1165). In introducing these amendments, the representative of Uruguay stated that the first of the amendments, relating to the preamble of the Sub-Commission's draft, adjusted the Spanish version to the English original of the Sub-Commission's text; the second of the amendments would widen the scope of the Sub-Commission's text of operative paragraph 1, so as to cover any form of discrimination, and not only racial discrimination; and the third of the amendments would replace operative paragraphs 5 and 6 of the Sub-Commission's text by three paragraphs which would, among other changes, make a more accurate reference to organs of the Organization of American States, in particular, of the Inter-American Indian Institute, and would make better provision for the study of indigenous peoples outside Latin America.

65. The Sub-Commission's draft resolution B and the amendments proposed to it were voted on as follows:

(a) The Commission agreed without objection to the first amendment, which would bring the second preambular paragraph of the Sub-Commission's draft resolution in the French and Spanish versions into line with the English and Russian versions of the paragraph.

(b) The Commission adopted, without objection, the second amendment deleting the word "racial" in operative paragraph 1.

(c) The new operative paragraph 5 was adopted by 21 votes to none, with 4 abstentions.

(d) The new operative paragraph 6 was adopted unanimously.

(e) The new operative paragraph 7 was adopted unanimously, subject to the correction of some language versions so as to provide that the Sub-Commission on Prevention of Discrimination and Protection of Minorities would carry out the study in question.

(f) Draft resolution B in resolution 4 (XXIII) of the Sub-Commission, as amended, was adopted unanimously.

66. For the text of the resolution, see chapter XIX, resolution 4 (XXVII).

67. It was agreed by the Commission that introductory paragraphs drafted on the lines of those placed at the beginning of resolution 3 (XXVII) should be placed at the beginning of the resolution just adopted.

(c) Policies of apartheid and racial discrimination

68. This aspect of item 15(b) was discussed at the 1098th-1111th meetings of the Commission, held on 26 February and 1-5 and 8 March 1971.

69. The Commission had before it:

(a) The special study of racial discrimination in the political, economic social and cultural spheres, chapters X, XI and XIII (E/CN.4/Sub.2/307, Add.3 and 5 and Add.5/Corr.1,3 and 4).

(b) The report of the twenty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap. IV and VIII), which, in chapter VIII, in Sub-Commission resolution 4, contained a draft resolution C recommended for adoption by the Economic and Social Council.

70. Among the significant views expressed on the policy of apartheid were the following:

(a) The oppressive policy of apartheid in South Africa could be singled out as the most systematic, abhorrent and dangerous manifestation of racial discrimination in the modern world;

(b) Apartheid reduced human beings to the level of beasts and undermined the physical and moral strength of a people, the better to oppress it;

(c) Outside Vietnam, the highest losses in human lives were occurring in South Africa, Southern Rhodesia and the African territories under Portuguese domination. That tragic situation had existed for a long time and it was necessary to put an end to it;

(d) A veritable act of genocide was being committed, not by violent means such as gas or firearms, but by a slow process of repressive laws, segregation, unjust detention and inhuman punishment, and forced settlement of people in barren regions and by all measures calculated to weaken and degrade non-white inhabitants. In tolerating that state of affairs, the world community was allowing an explosive situation to build up which might well engender an armed conflict in which progressives and reactionaries throughout the world would be in confrontation.

Urgent action was therefore needed, above all to alleviate the distress of the prisoners, to ensure that freedom fighters were accorded the status of prisoners of war and to help the refugees. The situation was so serious that it warranted extreme measures;

(e) The idea of superiority of the ruling minorities was the basis for the policy of apartheid which was also prompted by socio-economic considerations. Reference was made in this connexion to the ideas of the Lusaka manifesto by the heads of State of East and Central Africa. They were opposed to the idea that the States of southern Africa should be administered by the white minority by virtue of a system based on inequality. They stated that they were prepared to fight for the establishment in the oppressed countries of régimes based on the freedom of all and that they regarded all the inhabitants of South Africa as Africans, irrespective of their colour.

71. The following were among the views expressed on the results of United Nations measures adopted on apartheid:

(a) The United Nations had waged a continuous campaign both against colonialism and apartheid and racism; nevertheless, although notable results had been achieved with respect to the elimination of colonialism, apartheid was still being intensified and a racist régime was still in power in Southern Rhodesia;

(b) The balance sheet was not entirely negative: the United Nations had helped those suffering under apartheid who could do little for themselves, and the conscience of the world had been aroused. Everyone recognized, however, that the action taken by the United Nations had not been sufficiently effective, and that it was a fact that apartheid was now being extended beyond the borders of South Africa;

(c) A large number of resolutions had been directed specifically at apartheid, but with little success. The United Nations was in duty bound to persist in its search to find the best peaceful means for bringing about changes in southern Africa so that black people in that part of the world would soon enjoy fundamental rights and freedoms;

(d) It was imperative to review the all too modest progress achieved in the action undertaken to combat racism in southern Africa and the distressing failures registered in the struggle against apartheid. This was attributed to three basic factors: (i) the economic, political and military interests of the major Western powers were the main reasons for the contradiction between the noble declarations made against the racist policy of the white minorities in southern Africa and the persistent violations of the decisions taken at the international level; (ii) the illusion cherished by those who thought it possible to tone down the abhorrent nature of racial policy in southern Africa; and (iii) the failure to consider the struggle against apartheid in the context of the struggle of peoples for their political and economic independence and against colonialism and neo-colonialism. Progress had been made, however, in ascertaining the reasons for the continued policy of apartheid in South Africa, as was shown by General Assembly resolution 2465 (XXIII) of 20 December 1968. Capital actually had been withdrawn from South Africa and new investments had ceased at particular moments, such as after the Sharpeville massacre. Unfortunately, soon after the revolt of the African population had been put down and a "favourable climate" had been restored, foreign capital had flowed back into South Africa in even greater quantities;

(e) It was probable that the South African Government would never yield to persuasion; the struggle would be long, and bloody disorders appeared to be inevitable. It was essential, however, to relentlessly maintain the struggle against racism;

(f) At its twenty-sixth session, the Commission had adopted a resolution once again condemning States which continued to support the South African Government in the economic, diplomatic and cultural and other spheres. There had been, however, no appreciable results from this action, nor from decisions of higher United Nations bodies;

(g) The failure of the efforts of the United Nations could be explained by the fact that the régimes in power had had the benefit of the support of some Governments - the major trading partners of the Republic of South Africa. This attitude of support morally compromised the States which adopted it in the face of United Nations decisions and of the growing international public opinion against the racist régimes of southern Africa.

72. The following were among the measures proposed for action to combat apartheid:

(a) The increased dissemination of information on the inhuman aspects of the policy of apartheid and the mounting of publicity campaigns to make public opinion more keenly aware of the problems of apartheid, particularly in countries which, by maintaining economic and other relations with the racist régimes of southern Africa contributed to the continuation of this policy;

(b) The establishment of strict and effective economic sanctions against South Africa, Southern Rhodesia and the territories under Portuguese domination;

(c) The stopping of sales and shipments of arms to South Africa and the outlawing of that country's régime from international society. In this connexion it was pointed out that, although resolutions 181 (1967), 182 (1968) and 282 (1970) of the Security Council may not have actually imposed an embargo in this respect and merely called for it, these resolutions imposed upon all States the moral obligation to abstain from selling arms to the racist régimes of South Africa;

(d) More generous and more practical aid to be given to liberation movements;

(e) Large contributions to be made to the United Nations Fund for Namibia;

(f) A recognition of the duty of the Commission to specify the countries which were supporting the racist régimes. Such a step would make it possible to exert a moral influence which would perhaps bring about some moderation of the policy of those countries and mobilize public opinion therein in order to force the Governments of those countries to deny assistance to the racist régimes in southern Africa;

(g) The United Nations had hitherto been prevented from adopting sufficiently effective measures, because, in defiance of numerous General Assembly resolutions, a number of countries had continued to maintain ties with South Africa, even continuing in some cases to provide military co-operation. It was obvious that powerful economic interests prevailed in those countries, resulting in tolerance of racism. The Commission should condemn all racists and their supporters;

(h) In discharge of its special responsibility for the protection of human rights and freedoms, the Commission must play a leading role in the fight against apartheid in all aspects of the struggle;

(i) Appeals for assistance to peoples oppressed under the yoke of racialism and apartheid should not be ignored;

(j) There was urgent need for all States to comply fully with resolutions adopted by the General Assembly and other organs of the United Nations, with a view to achieving the total isolation of the South African régime in the military, diplomatic, economic and cultural spheres, particularly with regard to the supply of arms;

(k) Appeals to the Commission on behalf of the victims of apartheid should be heard, and the Commission should recommend that the Economic and Social Council should adopt draft resolution C contained in the Sub-Commission's resolution 4 (XXIII);

(l) It was essential that all States take part in international efforts to combat apartheid and implement United Nations decisions concerning sanctions against the racist régimes of southern Africa. Stress should be placed on the importance of the full implementation by all States of General Assembly resolution 2544 (XXIV). All countries should be urged to apply effective pressures, in accordance with the Charter, on countries which violated United Nations resolutions in this regard;

(m) Support for General Assembly resolutions urging Member States to sever relations with the racist régimes in southern Africa should be matched by practical support to the peoples struggling against their oppressors. Countries might, therefore, consider the establishment of continuing programmes of contributions to the Trust Fund for South Africa.

73. In addition to draft resolution C proposed by the Sub-Commission in its resolution 4 (XXIII) to be recommended by the Commission to the Economic and Social Council for adoption, the Commission had before it three amendments thereto proposed by Ghana, India and Pakistan (E/CN.4/L.1157). The representative of the Union of Soviet Socialist Republics did not insist on a vote on his amendment (E/CN.4/L.1163).

74. It was observed that, in the Sub-Commission's draft, paragraph 2 was addressed to "Member States", while paragraphs 4 and 5 were addressed to "all States". At the 1110th meeting, after discussion, the Chairman expressed the consensus of the Commission that paragraph 2 should be addressed to "States", while paragraphs 4 and 5 would remain unchanged.

75. The Commission voted at its 1111th meeting on the Sub-Commission's draft resolution C, as orally amended, and the amendments E/CN.4/L.1157 thereto.

76. The first amendment was adopted by 23 votes to none, with one abstention. The second amendment was adopted unanimously. The third amendment was adopted unanimously.

77. Draft resolution C as a whole, as amended, was adopted by 24 votes to none, with 4 abstentions.

78. For the text of the resolution, see chapter XIX, resolution 6 (XXVII).

(d) Consideration as a whole of the special study prepared by the Special Rapporteur, Mr. Hernán Santa Cruz

79. This aspect of item 15(b) was discussed at the 1098th-1106th meetings of the Commission, held on 26 February and 1-4 March 1971.

80. The Commission had before it:

(a) The special study of racial discrimination in the political, economic, social and cultural spheres E/CN.4/Sub.2/307 and Corr.1-2, and Add.1 and Add.1/Corr.1, Add.2 and Add.2/Corr.1, Add.3-4 and Add.4/Corr.1-2 and Add.5 and Add.5/Corr.1, 3 and 4;

(b) The report of the twenty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap. IV and VIII), containing, in chapter VIII, Sub-Commission resolution 2 (XXIII), which included a draft resolution recommended for adoption by the Economic and Social Council.

81. At the 1098th meeting held on 26 February 1971, Mr. Hernán Santa Cruz, Special Rapporteur, introduced his special study. He placed emphasis on statements contained in his foreword, in which he made reference to the limitations of the special study resulting from the purview of the study and the methods adopted for its preparation by the Sub-Commission.

82. General appreciation of the study was expressed by members of the Commission. It was stated, inter alia, that it was the first comprehensive study of its kind on a world-wide scale and was valuable both for its practical usefulness and for research purposes. It clearly revealed inter alia the potential danger to world peace which would exist if human rights were not granted to all peoples, independently of their racial or national origin as well as the imperative need to take immediate steps to end racialism and racial discrimination. It also usefully drew attention to the areas in which action was required and to existing gaps in the available information. The special study bore witness to the real desire of many countries to end racial discrimination.

83. Some representatives, however, made reference to certain shortcomings. It was pointed out that the report: (a) did not contain a full picture of the situation in the world today, in part because as the Special Rapporteur had said in the foreword, he had felt constrained by the terms of reference given to him by the appropriate United Nations bodies; (b) should have been prepared on a less narrow framework and should have recommended specific steps; (c) should have dealt with other ideologies based on racial discrimination which unfortunately existed in the world today; (d) did not contain an adequate analysis of anti-semitism, zionism and the Palestine problem; (e) should, in paragraphs dealing with the causes of discrimination, have made reference to a report by the Secretary-General on the main causes and forms of discrimination; (f) had given insufficient weight to the instinctive fear of the unusual, which was liable to manifest itself in all types of society whether primitive, developing or fully developed;

(g) showed lack of balance as it had too many references to certain countries and regions and too little mention of the racial problems existing elsewhere in the world. This lack of balance was regretted and it was hoped that it might be rectified in future reports on the subject.

84. Some representatives attributed this to the unequal availability of information, a great part of it having been furnished only by certain governments while there was scanty information from other sources. Other representatives explained the lack of balance as a reflection of the actual fact of the existence in certain countries and regions of the world of racial discrimination in all spheres of human life. One representative stated that the report seemed to present colonialism as a Western world phenomenon only, while it was known to have been a world-wide phenomenon existing also in other parts of the world.

85. Although a few representatives thought that the conclusions and recommendations of the Special Rapporteur should be endorsed only in general by the Commission in the absence of a thorough examination by it of those texts in the context of the whole report, several members of the Commission fully endorsed the conclusions and recommendations of the Special Rapporteur as contained in the special study.

86. At the 1106th meeting, the Chairman invited the Commission to consider the draft resolution proposed for adoption by the Economic and Social Council contained in the Sub-Commission's resolution 2 (XXIII). With regard to paragraph 2 of the draft resolution, the Chairman pointed out that the General Assembly in resolution 2646 (XXV) had already requested the Secretary-General to print and circulate the special study. In connexion with operative paragraph 3, he added that the Special Rapporteur had attended the meetings of the Commission and submitted his report. In his view, therefore, only operative paragraph 1 remained to be considered. This understanding was accepted by the Commission.

87. The draft resolution, as orally amended, was adopted unanimously.

88. For the text of the resolution, see chapter XIX, resolution 2 (XXVII).

D. Measures to be taken against nazism and racial intolerance

89. The Commission considered agenda item 16 at its 1098th and 1100th-1110th meetings, held on 26 February and 1-5 and 8 March 1971.

90. The Commission had before it a note by the Secretary-General (E/CN.4/1048) and the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-third session (E/CN.4/1040), which, in chapter VIII, contained the Sub-Commission's resolution 4 (XXIII) including draft resolution D on the danger of a revival of nazism and racial intolerance. The Commission had also before it a communication dated 1 March 1971 addressed to the Chairman of the Commission by the representative of the Ukrainian Soviet Socialist Republic (E/CN.4/1063).

91. There was general agreement that nazism was a phenomenon which the world could not forget because of the extreme damage to human rights caused by the nazi doctrine and practices based on racial intolerance and terror. However, different points of view were expressed concerning the seriousness of the threat of the revival of nazism in present circumstances.

92. A number of representatives expressed great concern that, twenty-five years after the nazi régime had been crushed, mankind continued to be threatened by the revival of the doctrines of nazism. They endorsed the conclusions and recommendations contained in chapter XIII (E/CN.4/Sub.2/307/Add.5 and Add.5/Corr.1, 3 and 4 of the special study of racial discrimination in the political, economic, social and cultural spheres, prepared by Mr. Hernán Santa Cruz, which showed clearly the relationship between the nazi ideology and theories based on racial intolerance, such as apartheid. There was a danger in such doctrines, particularly for young people, and the danger was not confined to the European continent but extended to other regions of the world, particularly southern Africa.

93. Some representatives expressed the view that in chapter XII of the special study, which dealt with the danger of a revival of nazism, a lengthy analysis of historical events was given but nazism was not placed in the context of the present. In their opinion the special study did not show that nazism was a "threat to the peace and security of peoples", as was stated in the third preambular paragraph of draft resolution D submitted by the Sub-Commission; indeed there were passages in the study which stated the contrary.

94. Other representatives recalled to the Commission that, only two months previously, the General Assembly had stated, in resolution 2713 (XXV), that it was deeply concerned by the fact that the activities of the groups and organizations which were proponents of the ideologies and practices of nazism, racism and apartheid were still continuing; the General Assembly had called upon States during 1971 to take all effective measures to combat contemporary manifestations of nazism and other forms of racial intolerance.

95. Several representatives maintained that, since the General Assembly had adopted resolution 2713 (XXV), condemning nazism and similar ideologies, and had decided to retain the matter on its agenda, there seemed little need for a further resolution on the subject by the Commission.

96. Other representatives stressed the great importance of draft resolution D submitted by the Sub-Commission, setting forth a list of measures aimed at combating all forms of contemporary manifestations of nazism and racial intolerance. From the political point of view, the adoption of new measures against the revival of nazism was important for the implementation of fundamental human freedoms and for the protection of world peace and security. They called upon the Commission on Human Rights to give all the necessary attention to the problem of eliminating nazism and the neo-nazi forces throughout the world.

97. Some representatives expressed the view that the words "chauvinism", "militarism" and "revanchism" should be deleted from the text of draft resolution D because it would be difficult to outlaw activities or trends of thought which would prove in many legal systems to be incapable of definition. Others, supporting the inclusion of these terms, stated that recommendations on combating chauvinism, militarism and revanchism were very important, in order to prevent activities which might sow the seeds of hatred between nations and peoples, foment a war psychosis and lay the foundations for new wars which would entail the greatest threats to human rights. In their opinion, no consideration of a legal nature should prevent any State from taking part in the fight against those evils.

98. At its 1108th meeting the Commission rejected, by a roll-call vote requested by the representative of the Union of Soviet Socialist Republics, a motion by the representative of the United Kingdom, made under rule 50(3) of the rules of procedure of the Functional Commissions of the Economic and Social Council, that debate on the Sub-Commission's draft resolution D be adjourned to the twenty-eighth session of the Commission, there being 5 votes in favour, 12 against and 11 abstentions. The voting was as follows:

In favour: Netherlands, New Zealand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Chile, India, Iraq, Lebanon, Morocco, Pakistan, Peru, Poland, Ukrainian Soviet Socialist Republics, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania.

Abstaining: Austria, Congo (Democratic Republic of), Finland, France, Ghana, Iran, Mauritius, Mexico, Philippines, Uruguay, Venezuela.

99. A number of amendments were submitted concerning the draft resolution proposed by the Sub-Commission for adoption by the General Assembly and contained in operative paragraph 2 of draft resolution D.

100. France and the Netherlands submitted amendments concerning the fourth, fifth and sixth preambular paragraphs and operative paragraphs 6, 8, 9, 11 and 13 (E/CN.4/L.1152).

101. Amendments submitted by the United States of America dealt with operative paragraphs 6 and 11 (E/CN.4/L.1153).

102. The United Kingdom of Great Britain and Northern Ireland proposed amendments to operative paragraphs 2, 5, 7 (E/CN.4/L.1154) and the insertion of an additional paragraph (E/CN.4/L.1154/Add.1).

103. The Ukrainian Soviet Socialist Republic submitted amendments dealing with the first, second and fifth preambular paragraphs and operative paragraphs 2, 6 and 12 (E/CN.4/L.1159).

104. The Union of Soviet Socialist Republics submitted amendments proposing the insertion of two additional paragraphs (E/CN.4/L.1160) and amending operative paragraph 12 (E/CN.4/L.1161).

105. Amendments were proposed by Mexico, Peru and Uruguay to operative paragraphs 5, 6, 7, 8, 9, 10 and 11 (E/CN.4/L.1162).

106. At the 1110th meeting of the Commission, the amendments E/CN.4/L.1152, E/CN.4/L.1153, E/CN.4/L.1154 and Add.1, E/CN.4/L.1159, E/CN.4/L.1160 and 1161 were withdrawn.

107. At its 1110th meeting, on 8 March 1971, the Commission voted on the amendments proposed by Mexico, Peru and Uruguay (E/CN.4/L.1162):

(a) The first amendment to operative paragraph 5 (ibid., para. 1) was adopted by 22 votes to 4, with 4 abstentions;

(b) The second amendment to this paragraph (ibid.,) was adopted by 20 votes to 5, with 5 abstentions;

(c) At the request of the Union of Soviet Socialist Republics the vote on the amendment to operative paragraph 6 (E/CN.4/L.1162, para. 2) was taken by roll-call. The amendment was adopted by 21 votes to 7 with 2 abstentions, the voting being as follows:

In favour: Austria, Chile, Congo (Democratic Republic of), Finland, France, Ghana, Guatemala, India, Mexico, Netherlands, New Zealand, Pakistan, Peru, Philippines, Senegal, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela.

Against: Iraq, Lebanon, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Abstaining: Iran, Morocco;

(d) The amendment to operative paragraph 7 (ibid., para. 3) was adopted by 22 votes to none, with 8 abstentions;

(e) The amendment to operative paragraph 8 (ibid., para. 4) was adopted by 24 votes to none, with 4 abstentions;

(f) The amendment to operative paragraph 9 (ibid., para. 5) was adopted by 24 votes to none, with 5 abstentions;

(g) The amendment to operative paragraph 10 (ibid., para 6) was adopted by 23 votes to 1, with 5 abstentions;

(h) The amendment to operative paragraph 11 (ibid., para. 7) was adopted by 20 votes to 5 with 3 abstentions.

108. The Commission adopted an oral amendment submitted by the representative of the Netherlands to replace the words "twenty-sixth session" by the words "twenty-seventh session" in operative paragraph 3 of the Sub-Commission draft resolution D.

109. The Commission then proceeded to vote on draft resolution D, as amended:

(a) At the request of Uruguay, the Commission voted separately on the words "and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity", in operative paragraph 3. At the request of the

USSR, the vote was taken by roll-call. The inclusion of the words was approved by 12 votes to 6, with 11 abstentions, the voting being as follows:

In favour: Ghana, India, Iraq, Lebanon, Pakistan, Philippines, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: Chile, France, Guatemala, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Austria, Congo (Democratic Republic of), Finland, Iran, Mexico, Netherlands, New Zealand, Peru, Senegal, Turkey, Venezuela.

(b) At the request of the representative of the Netherlands, a separate vote was taken on the words "and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity" in operative paragraph 4 of the draft resolution. Their inclusion was approved by 14 votes to 6, with 9 abstentions;

(c) Draft resolution D contained in Sub-Commission resolution 4 (XXIII), as a whole, as amended, was adopted by 24 votes to none, with 4 abstentions.

110. For the text of the resolution, see chapter XIX, resolution 5 (XVII).

E. Report of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII), 2 (XXIV), 21 (XXV) and 8 (XXVI) of the Commission

111. The Commission considered item 12(a) of its agenda at its 1102nd, 1104th-1105th, 1107th and 1111th-1112th meetings held from 2-4 and 8-9 March 1971.

112. During its discussion of this sub-item, the Commission had before it the report of the Ad Hoc Working Group of Experts prepared in accordance with resolution 21 (XXV) of the Commission on Human Rights (E/CN.4/1051 and Corr.1). At the request of the Chairman of the Working Group the report was introduced by Mr. Ermacora, in his capacity as a member of the Group, at the 1102nd meeting of the Commission.

113. The Commission also had before it the text of a letter, dated 8 March 1971, addressed to the Chairman of the Commission by the Permanent Representative of Portugal to the United Nations at Geneva (E/CN.4/1064) and a note by the Secretary-General (E/CN.4/1051, paras. 1-4, and annex).

114. In paragraph 4 of its report, the Working Group indicated that the report had been drawn up in accordance with resolution 21 (XIV), confirmed by resolution 8 (XXVI) of the Commission. In paragraph 3, the Group added that the study on the question of apartheid from the point of view of international penal law would be submitted to the Commission in due course. In introducing the report, Mr. Ermacora pointed out that, where the Working Group had been unable

itself to investigate thoroughly a statement made, it had, in chapter VI of the report, setting out the Working Group's conclusions and recommendations, used the phrase "the fact has been reported".

115. Several members of the Commission expressed their gratitude to the Working Group for having carried out thoroughly a difficult and unpleasant task and having produced a clear and balanced report. The view was expressed in the Commission that, whatever doubts might exist as to certain factual issues, each report of the Working Group added to the hard core of reliable evidence concerning the shocking situation as regards human rights in South Africa, Namibia, Southern Rhodesia and the African territories under Portuguese domination. Particular attention was drawn during the discussions to the evidence concerning the ill-treatment of political prisoners and captured freedom-fighters, the great number of executions of Africans, the high infant mortality and low average life expectancy among Africans, the controls exercised over their movement and the conditions in the "transit camps" and "reserves" in South Africa. It was claimed that certain aspects of the evidence revealed elements of genocide. It was maintained that the sale of arms to South Africa and other forms of trade therewith must be stopped and that the information in the Working Group's report should be given wide publicity.

116. A majority of the members of the Commission were able to accept the conclusions and recommendations set out in chapter VI of the Working Group's report. Some members were unable to accept them in their entirety.

117. In paragraph 535 (8) of the report, the Working Group concluded that:

"Another grave manifestation of apartheid can be inferred from the apparent intervention in the internal affairs of Lesotho; a violation of the Chicago Convention has been reported to have been committed through the enactment of a South African law making it mandatory for any aircraft leaving Lesotho to call at a South African airport".

Paragraph 535 (16) contains the following recommendation:

"The Commission on Human Rights is requested to recommend to the General Assembly that it look, if possible with the assistance of the International Civil Aviation Organization, into the application of the Chicago Convention by South Africa in respect to Lesotho".

It was suggested in the Commission that the comments of the Government of Lesotho on these passages might have been invited. Mr. Boye, speaking as Chairman of the Working Group, said that the reference to Lesotho had been included in the report as part of the evidence concerning apartheid in South Africa.

118. The representative of the United Nations High Commissioner for Refugees made a statement clarifying the position of UNHCR in relation to the persons referred to in the recommendations (28), (29) and (59) contained in chapter VI of the Working Group's report. The Chairman of the Ad Hoc Working Group of Experts stated that it was his intention to co-operate with UNHCR as regards these recommendations. Upon the suggestion of a number of representatives who took note of this statement and of the statement by UNHCR, it was agreed that the endorsement by the Commission of these recommendations would be interpreted accordingly.

119. There was some discussion of the question whether the same persons should act both as independent fact-finding experts, as members of the Working Group, and as governmental policy makers, as members of the Commission, in relation to the same subject matter. Some representatives noted that the United Nations inquiry missions should strive for the maximum objectivity and credibility. Attention was drawn in this connexion to the presence on the Commission's agenda of item 12(c), on model rules of procedure for United Nations bodies dealing with violations of human rights.

120. The Commission had before it: a draft resolution (E/CN.4/L.1156) submitted by India, Senegal, United Republic of Tanzania and Yugoslavia, an amendment thereto (E/CN.4/L.1164) submitted by the Union of Soviet Socialist Republics and an amendment (E/CN.4/L.1166) submitted by Democratic Republic of the Congo, Ghana, Morocco, Senegal, United Arab Republic and United Republic of Tanzania. After some discussion, the representative of the Union of Soviet Socialist Republics did not press for a vote on his amendment.

121. At the 1111th meeting of the Commission the representative of the Secretary-General made a statement on the financial implications of draft resolution E/CN.4/L.1156.

122. The following points arose in connexion with this draft resolution:

(a) According to the draft resolution, as orally amended, the Commission would look forward to receiving from the Working Group the text of the study of the question of apartheid from the point of view of international penal law. Doubt was expressed in the Commission as to whether an international penal law could be said to exist. On the other hand, it was pointed out that apartheid had been declared a crime against humanity. The term "international penal law" was well established and had been used in resolution 8 (XXVI) of the Commission;

(b) The draft resolution, as orally amended, would have the Working Group continue to survey certain developments and remain active and vigilant in its observation of colonial and racially discriminating practices in Africa. These proposed requirements gave rise to a discussion of the desired period of the continued functioning of the Working Group. One view was that the Group should soon wind up its work, partly in view of the virtual completion by it of its envisaged tasks and partly in view of the financial implications of its continuance. Another view was that the Group should continue working until discrimination in southern Africa had come to an end. The view was also expressed that the continuance of the Working Group depended partly on a decision as to its place in the general scheme of United Nations fact-finding operations. Some representatives noted that it would be much more effective if this Group were entrusted with the study of the ways and means by which a number of States, the major trading partners of South Africa, rendered assistance to racist and colonialist régimes in South Africa.

123. The amendment (E/CN.4/L.1166) submitted by Democratic Republic of the Congo, Ghana, Morocco, Senegal, United Arab Republic and United Republic of Tanzania would request the Chairman of the Commission to appoint, in consultation with the African States members of the Commission, another African expert to the Working Group in the place of Mr. Waldron-Ramsey, who had become High Commissioner of

Barbados to the United Kingdom. The reference to "African expert" gave rise to a discussion of the status of members of the Working Group. It was said that they had originally been appointed in their expert capacity as jurists, and not as Government representatives. Another view was that the Working Group's expertise should represent the major legal systems of the world and a third was that the principle of geographical distribution should also apply to its membership.

124. The voting took place at the 1111th meeting of the Commission, on 8 March 1971.

125. The amendment E/CN.4/L.1166 was adopted by 23 votes to none, with 3 abstentions.

126. Draft resolution E/CN.4/L.1156, as amended, was put to the vote. A separate vote was requested on operative paragraph 2 by the representative of the Netherlands, and on operative paragraphs 3 and 4 by the representative of the Union of Soviet Socialist Republics. At the request of the representative of Senegal a roll-call vote was taken on each of those paragraphs and on the draft resolution as a whole.

127. Paragraph 2 of the draft resolution was adopted by 19 votes to none, with 9 abstentions. The voting was as follows:

In favour: Chile, Congo (Democratic Republic of), Ghana, India, Iran, Iraq, Lebanon, Mexico, Morocco, Pakistan, Philippines, Poland, Senegal, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: None.

Abstaining: Australia, Finland, France, Guatemala, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

128. Paragraph 3 of the draft resolution was adopted by 23 votes to none, with 5 abstentions. The voting was as follows:

In favour: Austria, Chile, Congo (Democratic Republic of), Finland, Ghana, Guatemala, India, Iran, Iraq, Lebanon, Mexico, Morocco, Netherlands, New Zealand, Pakistan, Philippines, Poland, Senegal, Turkey, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

Abstaining: France, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

129. Paragraph 4 of the draft resolution, as orally amended, was adopted by 24 votes to 1, with 2 abstentions. The voting was as follows:

In favour: Austria, Chile, Congo (Democratic Republic of), Finland, Ghana, Guatemala, India, Iran, Iraq, Lebanon, Mexico, Morocco, Netherlands, New Zealand, Pakistan, Philippines, Poland, Senegal, Turkey, United Arab Republic, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: Ukrainian Soviet Socialist Republic.

Abstaining: France, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

130. The draft resolution as a whole, as amended, was adopted by 25 votes to none, with 3 abstentions. The voting was as follows:

In favour: Austria, Chile, Congo (Democratic Republic of), Finland, Ghana, Guatemala, India, Iran, Iraq, Lebanon, Mexico, Morocco, Netherlands, New Zealand, Pakistan, Philippines, Poland, Senegal, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

Abstaining: France, United Kingdom of Great Britain and Northern Ireland, United States of America.

131. For the text of the resolution, see chapter XIX, resolution 7 (XXVII).^{4/}

132. At the 1136th meeting, on 25 March 1961, the Chairman of the Commission announced that in accordance with operative paragraph 5 of resolution 7 (XXVII) he had appointed Mr. Mohmmud Nasser Rattansay of the United Republic of Tanzania as a member of the Ad Hoc Working Group of Experts in place of Mr. Waldron-Ramsey.

^{4/} Attention is drawn to the fact that the recommendations of the Working Group, which are endorsed by paragraph 2 of the resolution adopted, include sub-paragraphs 535 (16), (17), (39), (40), (56), (57), (58), (59), (60), (62) and (63), which contain recommendations addressed to the Economic and Social Council, the General Assembly or other "competent bodies of the United Nations".

III. IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS
RELATING TO THE RIGHT OF PEOPLES UNDER COLONIAL
AND ALIEN DOMINATION TO SELF-DETERMINATION

133. The Commission considered agenda item 11 at its 1112th - 1116th meetings, held on 9, 10 and 11 March 1971.
134. In its resolution 2588 B (XXIV) entitled "Implementation of the recommendations of the International Conference on Human Rights", the General Assembly recalled resolution VIII of the Conference, entitled "The importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights", and decided to review at its twenty-fifth session the progress in the implementation of resolution VIII of the International Conference on Human Rights and the relevant resolutions adopted by the General Assembly on the subject.
135. At its twenty-fifth session, the General Assembly adopted resolution 2649 (XXV), in paragraph 6 of which it requested the Commission on Human Rights to study, at its twenty-seventh session, the implementation of the United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination, and to submit its conclusions and recommendations to the General Assembly, through the Economic and Social Council, as soon as possible. The Council at its 1735th meeting, on 12 January 1971, decided to transmit this resolution to the Commission for its consideration. The Commission had before it a note by the Secretary-General (E/CN.4/1052).
136. The item was introduced by the Director of the Division of Human Rights who recalled various General Assembly resolutions relating to the question and also the Secretary-General's statement on the occasion of the tenth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples.
137. At the 1113th meeting, the Commission heard a statement by the representative of the International Labour Organisation (ILO), in which it was indicated that the ILO would continue to co-operate fully, within its sphere of competence, with the United Nations in order to ensure the observance of the principles of equal rights and self-determination of peoples as essential human rights.
138. It was generally agreed that over the past twenty-five years the world had witnessed notable progress towards the fulfilment of the right of self-determination and that an impressive number of nations in former dependent territories had acquired independence and become Members of the United Nations. That process had been greatly accelerated by political initiatives taken within and under the auspices of the United Nations. Particular reference was made to the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)). Several representatives, however, expressed the view that it was inconceivable that more than twenty years after the adoption of the Universal Declaration of Human Rights and more than ten years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, there were millions of peoples who were still denied the right to self-determination.

139. In the opinion of some representatives the liquidation of the remaining vestiges of colonial and alien domination required effective implementation of the numerous declarations and resolutions which the United Nations had adopted on the subject and a demonstration of collective solidarity towards the peoples under colonial and alien domination. Several representatives referred to a general resolution on decolonization adopted unanimously by the third Summit Conference of Non-aligned Countries in which an urgent appeal had been made to the colonial powers concerned to permit the peoples of their colonies to exercise their right to self-determination, freely and as rapidly as possible under the auspices of the United Nations and the Organization for African Unity. Several representatives expressed deep concern over the slow progress being made regarding the questions of Namibia, Southern Rhodesia and the territories under Portuguese administration. They referred to the ineffectual nature of the sanctions applied against those countries which denied the right of peoples under their domination to self-determination, and to the support they were getting from their allies and trade partners which enabled them to continue their policy of oppressing the African peoples in those territories.

140. It was pointed out that the right of peoples to self-determination was essential for the full exercise of other fundamental human rights and that as recognized in the United Nations Charter it constituted one of the main guarantees of peace and stability.

141. Some representatives remarked that it was not quite clear whether the right to self-determination as embodied in the United Nations Charter and the International Covenant on civil and political rights and other international instruments formed part of the generally recognized international law or merely represented a principle or policy of universal application.

142. It was also pointed out that the task of the Commission in accordance with General Assembly resolution 2649 (XXV) was to study the implementation of the United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination. In this connexion the attention of the Commission was drawn to General Assembly resolution 2621 (XXV) which recommended Member States to intensify their efforts to implement or to promote the implementation of the General Assembly and the Security Council resolutions relating to territories under colonial domination, and to carry out the programme of action to assist in the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. However, it was the opinion of some representatives that the Commission should rationalize its work and avoid duplication with other United Nations organs which were already dealing with this question. In opposing this view some representatives stated that the right to self-determination had originally been included in the Commission's agenda because of the importance of the universal realization of the right of the peoples to self-determination and of the speedy granting of independence to colonial countries and peoples. Thus the task of the Commission was to study self-determination in that context and within the terms of reference given to it in operative paragraph 6 of General Assembly resolution 2649 (XXV). While it was true that other United Nations bodies were also considering human rights in the context of their own respective competence the principal responsibility rested with the Commission on Human Rights.

143. It was generally agreed that the Commission in compliance with the General Assembly resolution should prepare a study before formulating its conclusions and recommendations. However, there was some difference of opinion as regards the approach that the Commission should take for this purpose. Some representatives were in favour of entrusting a special rapporteur with the task of preparing a study to be submitted for the Commission's consideration, while others thought that the Secretary-General should be requested to prepare a detailed annotated collection of all the relevant resolutions adopted by the various organs of the United Nations for submission to the Commission at its twenty-eighth session as a basis for carrying out its mandate.

144. At the 1113th meeting, held on 9 March 1971, Morocco and Pakistan submitted a draft resolution (E/CN.4/L.1168). The draft resolution inter alia recommended the appointment of a special rapporteur to study the implementation of the United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination and to submit his report along with his conclusions and recommendations to the Commission on Human Rights in time for consideration at its twenty-eighth session.

145. At the 1114th meeting, held on 10 March 1971, Chile and Uruguay submitted amendments (E/CN.4/L.1171 and Add.1) to the draft resolution. The amendments inter alia proposed the addition of a second preambular paragraph to the draft resolution and replaced the first two operative paragraphs by two new paragraphs in which the Commission would request the Secretary-General to prepare an annotated collection of all the resolutions adopted by the various organs of the United Nations, the specialized agencies and the regional organizations relating to the right of peoples under colonial and alien domination to self-determination. The proposal would request the Commission to continue the consideration of the question at its twenty-eighth session. The sponsors of the draft resolution accepted the amendments after their sponsors had agreed to the addition of the words "with a view to appointing a special rapporteur at its twenty-eighth session".

146. At the 1114th meeting, the Ukrainian SSR submitted a draft resolution (E/CN.4/L.1170) providing that the Economic and Social Council recommend to the General Assembly for its adoption a draft resolution which inter alia recommended that the Secretary-General prepare and submit to the Commission at its twenty-eighth session an analytical report on "flagrant large-scale violations of human rights and fundamental freedoms resulting from the denial to peoples under colonial and foreign domination of their right to self-determination", and that the Economic and Social Council consider the report of the Secretary-General and submit its recommendations. After the vote on the draft resolution of Morocco and Pakistan the representative of the Ukrainian SSR revised the text of his draft resolution by deleting the two operative paragraphs 8 and 9 relating to the action to be undertaken by the Secretary-General.

147. At the 1113th and 1116th meetings the representative of the Secretary-General made some observations on the methods which the Secretary-General might follow in giving effect to the request of the Commission.

148. At the 1113th meeting the representative of the Secretary-General made a statement on the financial implications (E/CN.4/L.1169) of the draft resolution of Morocco and Pakistan.

149. At its 1116th meeting, on 11 March 1971, the Commission voted on the draft resolution submitted by Morocco and Pakistan, as revised with the insertion of the revised amendments of Chile and Uruguay and the revised draft resolution submitted by the Ukrainian SSR. The voting was as follows:

(a) At the request of the representative of the Union of Soviet Socialist Republics, a separate vote was taken on the words "regional organizations" in the new operative paragraph 1 of the draft resolution of Morocco and Pakistan (E/CN.4/L.1168), and the words were retained by a vote of 20 to none with 6 abstentions.

(b) The draft resolution, as revised, as a whole, was adopted by 20 votes to none with 6 abstentions.

(c) The draft resolution of the Ukrainian SSR, as revised (E/CN.4/L.1170) was voted on by roll-call, at the request of the representative of the Ukrainian SSR, and adopted by 11 votes to 6 with 8 abstentions. The voting was as follows:

In favour: Ghana, India, Iraq, Lebanon, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: Austria, France, Netherlands, New Zealand, United Kingdom, United States of America.

Abstaining: Chile, Finland, Iran, Peru, Philippines, Turkey, Uruguay, Venezuela.

150. For the text of the resolutions, see chapter XIX, resolutions 8 A and B (XXVII).

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE TERRITORIES
OCCUPIED AS A RESULT OF HOSTILITIES IN THE MIDDLE EAST

151. The Commission considered agenda item 5 at its 1115th -- 1120th meetings, held on 10 -- 12 and 15 March 1971.

152. At the 1118th meeting the Commission heard statements by the observers of Israel and Syria.

153. At its twenty-sixth session, the Commission having received the report of the Special Working Group established under its resolution 6 (XXV) to investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of August 12, 1949 (the fourth Geneva Convention), adopted resolution 10 (XXVI) in which, *inter alia*, it endorsed the conclusion of the Working Group concerning the applicability of the fourth Geneva Convention to all the occupied areas including occupied Jerusalem, and the existence of specific violations of this Convention in the Israeli occupied territories. The Commission further condemned Israel's violation of the Convention, and called upon Israel to observe it strictly in the occupied territories and to immediately put an end to certain policies and practices in these territories. Finally, the Commission decided to continue to include the question as a separate item of priority on the agenda of its twenty-seventh session.

154. At its twenty-seventh session, the Commission had before it notes by the Secretary-General (E/CN.4/1062 and Add.1/Rev.1 and E/CN.4/1062/Add.2-3) drawing the attention of the Commission, at the request of the Permanent Representatives of Jordan and the United Arab Republic to the United Nations, to the following General Assembly and Security Council documents: A/8270 (also issued as S/10073), A/8272 (also issued as S/10075), A/8279, A/8287 and S/10105. The Commission had also before it a communication, dated 12 March 1971, addressed to the Chairman of the Commission by the Permanent Representative of Israel to the United Nations Office at Geneva (E/CN.4/1065). In addition, at the request of the representative of the United Arab Republic in the Commission, the following documents were made available to members of the Commission: A/8089, A/8141, A/8280, A/8282 and A/8286 and Corr.1, S/10074, S/10111, S/10119, S/10139.

155. It was recalled in the discussion that shortly after the Commission had adopted its resolution 10 (XXVI) on the basis of the conclusions and recommendations of its Special Working Group of Experts, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories established under General Assembly resolution 2443 (XXIII) started its own investigation. The report of the Special Committee was issued as a document of the twenty-fifth session of the General Assembly. 5/

156. In the view of many representatives, the evidence gathered in the report of the Special Committee showed that the specific violations by Israel of the provisions of the Geneva Conventions and of the principles of the Universal Declaration since the adoption of Commission resolution 10 (XXVI) had continued unabated and that the Government of Israel was systematically pursuing in the

5/ A/8089.

occupied territories policies and practices which were in violation of the human rights of the population of those territories. By resolution 2727 (XXV), the General Assembly, having considered the report of the Special Committee, called upon the Government of Israel immediately to implement the recommendations of the Special Committee and to comply with its obligations under the fourth Geneva Convention, the Universal Declaration of Human Rights and relevant resolutions adopted by the various international organizations. In spite of this appeal, the situation had continued to deteriorate and the violations had gained both in intensity and extent to the point of making life unbearable for the inhabitants of the occupied territories.

157. The same representatives stated that the observations of the Special Committee in this respect were corroborated and supplemented by an increasing number of official documents from various international humanitarian bodies and other objective sources, as well as by communications coming from Israeli sources. Reference was made in particular to relevant reports of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East, the International Committee of the Red Cross and Amnesty International. Mention was also made of the memorandum received by the Special Committee from the Israeli League for Human and Civil Rights. The conclusion that Israel was guilty of gross violations of human rights had been confirmed by the resolution adopted at the third Summit Conference of Non-aligned Countries at Lusaka.

158. References were made by many representatives to the flagrant cases of violation of human rights which had been analysed in the report of the Special Committee and could also be drawn from other reliable sources of information, in particular to the following:

(a) The denial of the right of refugees and displaced persons to return to their homes, which involved the simultaneous denial of a number of other fundamental rights;

(b) The concomitant and complementary policy of colonization of the occupied territories by the establishment of Israeli settlements calculated to depopulate the territories of their Arab inhabitants, and to transfer in their place immigrants and parts of the Israeli population, a deliberate policy expressly prohibited by article 49 of the fourth Geneva Convention;

(c) Mass deportation, expulsion and creation of conditions which left no option to the Arab inhabitants except to leave the occupied areas;

(d) Resort to collective punishment in the form of destruction of houses and villages, which constituted grave breaches of the Geneva Convention;

(e) Confiscation and expropriation of property, as illustrated by the so-called master plan of urbanization for the occupied city of Jerusalem, designed to drive out of their homes inhabitants who had lived there for centuries;

(f) Ill-treatment of prisoners and detainees including the use of torture during interrogation and the refusal to allow adequate visiting procedures for Red Cross representatives, particularly to the so-called group of "incommunicado" prisoners;

- (g) The taking of whole families as hostages in detention camps;
- (h) Failure to respect the status of hospitals and to ensure the availability of adequate good supplies;
- (i) Profanation of religious and cultural monuments;
- (j) Interference with the functioning of the judicial system including the provision of legal assistance for persons who were in detention;
- (k) Interference with education, including the rejection of text-books approved by UNESCO for schools in the occupied territories;
- (l) Denial of freedom of expression and association and of freedom of movement and residence;
- (m) Restrictions on the freedom of labour against Palestinian workers.

159. It was contended by some representatives that many of the violations of human rights committed by Israel were crimes as defined in article 6 of the Charter of the International Military Tribunal, articles 146, 147 and 148 of the fourth Geneva Convention, the Convention on Non-applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, and resolution 5 B (XXVI) of the Commission itself which considered that "grave breaches" of the Geneva Convention of 1949 as defined in these Conventions constituted war crimes. They stated that the situation in the occupied territories confirmed the view that chauvinism, national exclusivism and racial intolerance combined with aggressive militarism invariably led to violations of human rights. Policies and practices of Zionism and aggression carried out by Israel, which bore resemblance to nazism, colonialism and apartheid, called for the same reprobation and condemnation.

160. Those representatives maintained that Israel should therefore be severely condemned for its persistent violations of human rights and fundamental freedoms tantamount to a breach of recognized principles of international law and in open defiance of the many resolutions adopted by the United Nations for the safeguarding of human rights in the occupied territories. They also emphasized that Israel consistently refused to allow any international fact-finding mission to enter these territories. Moreover, they pointed out that the Commission should remind all States parties to the fourth Geneva Convention of their collective obligation not only to respect but also to ensure respect for the Convention in all circumstances.

161. Some representatives were convinced that Israel would not be able to maintain its position and refuse to comply with the legitimate demands of the international community and to continue mass and gross violations of human rights and standards of international law if it could not rely on the implicit or direct support of certain States. It was suggested that the Commission should again reaffirm the legitimacy of resistance to the aggressors by the inhabitants of the occupied territories.

162. One representative noted that throughout the debate no representative justified Israel's violations of human rights in occupied territories nor denied that those violations had taken place.

163. Some speakers, on the other hand, said that the Commission was not competent to pass judgement and should avoid making pronouncements on the basis of incomplete evidence not fully substantiated. They said it should rather focus its attention on the practical steps which could be taken to remedy violations of human rights wherever they occurred in the Middle East and ensure the protection of the rights not only of the population living in the occupied territories but of all peoples in the area. At the present juncture the Commission should refrain from entering into discussions or adopting resolutions of a political character which might hamper or prejudice the current talks under the auspices of Ambassador Jarring aimed at achieving a lasting peaceful settlement of the conflict.

164. In addition to the points made by other representatives, the Observer for Syria stated that even if it were assumed that a peaceful settlement was possible in spite of repeated refusals on the part of Israel to withdraw from the occupied territories, the question arose whether any such political settlement would necessarily ensure the basic rights of the inhabitants of the occupied territories including the Palestinian people. At any rate, until such settlement could be reached, it was the duty of the Commission to take action to alleviate the sufferings and plight of the people in the occupied territories. There was urgent need, in particular, for the weight of world public opinion to be brought to bear on the Government of Israel.

165. The Observer for Israel denounced what he termed the "atrocities propaganda" of which his country was the target. He said that Israel did not claim that its administration in the occupied territories was faultless, but it was making an honest effort to care with decency and humanity for the people for whom it was responsible until an agreed peace settlement could be reached. He contended that inhabitants of the territories under Israel's control were not cut off from the Arab world and enjoyed freedom of movement subject to necessary security requirements. He said that the Israeli administration had earned the respect of the Arab population of the territories and the complaint that Israel was exercising pressure on them to obtain their collaboration was unfounded. It was true that certain excesses had been committed in the course of certain recent police operations against terrorists in the Gaza Strip where the administration had been compelled to take vigorous action to restore order so that the population could live in security; but abusive practices had been investigated; those found guilty had been punished and compensation had been awarded to the victims. The Observer for Israel denied the alleged prohibition of all text-books approved by UNESCO in the occupied territories. He also stressed that Israel could not accept as valid or binding resolutions endorsing Arab allegations which were adopted in United Nations organs as a result of fortuitous political circumstances entirely unconnected with the merits of the case.

166. It was considered by many speakers that termination of the occupation itself would be the most effective way to put an end to these violations and that the definitive solution consisted in the implementation of Security Council resolution 242 (1967).

167. Many representatives stated that in the meantime the occupying power had both a legal and moral obligation to implement the Geneva Conventions. There was general support for the idea that the Commission should call upon Israel to comply fully with its obligations under the fourth Geneva Convention. Support was also expressed for the proposal of the Special Committee to the effect that, having

regard to the existing political attitudes of the parties to the conflict vis-à-vis one another and to the urgent need for providing a workable mechanism to ensure the safeguarding of human rights of the population of the occupied territories, a recommendation might be made to the States whose territory was occupied by Israel to appoint a neutral State or international impartial organization for this purpose. Some speakers considered it desirable that the parties to the conflict should endeavour to agree on the designation of a Protecting Power under article 9 of the Convention. Others contended that the designation of a Protecting Power did not materialize as a result only of the fact that Israel refused to recognize the very applicability of the fourth Geneva Convention to which it is a party. It was further stated that according to article 11 of the fourth Geneva Convention, the occupying power had the responsibility of designating a protecting power or a substitute thereto.

168. Reference was also made in this connexion to the need for a faithful application of the basic principles for the protection of civilian populations in armed conflicts laid down in General Assembly resolutions 2444 (XXIII) and 2675 (XXV).

169. Support was expressed by some representatives for the recommendations made by the Special Committee in its report. They felt that the Commission in its own resolution should endorse these recommendations in a more specific and detailed way than the General Assembly had done in its resolution 2727 (XXV). Other representatives expressed doubts regarding the composition of the Special Committee set up by the General Assembly and did not believe that there was need for that kind of investigatory body since a non-political procedure for investigating complaints existed under article 149 of the fourth Geneva Convention.

170. At the 1119th meeting, on 12 March 1971, a draft resolution was submitted by India, Mauritania, Pakistan, United Republic of Tanzania and Yugoslavia (E/CN.4/L.1172). At the 1120th meeting, on 15 March 1971, the representative of the Secretary-General made a statement on the financial implications of the draft resolution.

171. At the 1120th meeting, on 15 March 1971, the Commission voted on the draft resolution.

172. At the request of the representative of Uruguay, a separate vote was taken on each operative paragraph and at the request of the representative of Chile the sub-paragraphs of operative paragraph 2 were voted upon separately. The voting was as follows:

(a) Operative paragraph 1 was adopted by 14 votes to 5, with 9 abstentions;

(b) Operative paragraph 2(a) was adopted by 15 votes to none, with 15 abstentions;

(c) Operative paragraph 2(b) was adopted by 14 votes to none, with 14 abstentions;

(d) Operative paragraph 2(c) was adopted by 15 votes to none, with 15 abstentions;

(e) Operative paragraph 2(d) was adopted by 14 votes to none, with 16 abstentions;

(f) Operative paragraph 2(e) was adopted by 14 votes to none, with 15 abstentions;

(g) Operative paragraph 2(f) was adopted by 14 votes to none, with 15 abstentions;

(h) Operative paragraph 2(g) was adopted by 14 votes to none, with 16 abstentions;

(i) Operative paragraph 2(h) was adopted by 14 votes to none, with 16 abstentions;

(j) Operative paragraph 2 as a whole was adopted by 14 votes to 3, with 13 abstentions;

(k) Operative paragraph 3 was adopted by 14 votes to 3, with 13 abstentions;

(l) Operative paragraph 4 was adopted by 29 votes to none, with no abstentions;

(m) Operative paragraph 5 was adopted by 20 votes to none, with 10 abstentions;

(n) Operative paragraph 6 was adopted by 21 votes to none, with 8 abstentions;

(o) Operative paragraph 7 was adopted by 17 votes to 1, with 11 abstentions;

(p) Operative paragraph 8 was adopted by 14 votes to 3, with 12 abstentions;

(q) Operative paragraph 9 was adopted by 21 votes to none, with 9 abstentions;

(r) Operative paragraph 10 was adopted by 17 votes to 3, with 10 abstentions;

(s) Operative paragraph 11 was adopted by 20 votes to none, with 10 abstentions.

173. The draft resolution as a whole was voted upon by roll-call, at the request of the representative of Iraq, and adopted by 14 votes to 2, with 14 abstentions. The voting was as follows:

In favour: India, Iran, Iraq, Lebanon, Mauritania, Morocco, Pakistan, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: Guatemala, United States of America.

Abstaining: Austria, Chile, Congo (Democratic Republic of), Finland, France, Ghana, Mexico, Netherlands, New Zealand, Peru, Philippines, United Kingdom, Uruguay, Venezuela.

174. For the text of the resolution, see chapter XIX, resolution 9 (XXVII).

V. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

175. The Commission considered item 10 of its agenda at its 1119th - 1127th meetings, held on 12 and 15 - 18 March 1971.

176. The preliminary report of the Secretary-General on this question (E/CN.4/1028 and Add.1-3, Add.3/Corr.1 and Add.4) prepared in accordance with General Assembly resolution 2450 (XXIII) of 19 December 1968 was submitted in accordance with that resolution to the Commission at its twenty-sixth session. In resolution 14 (XXVI) of 26 March 1970 the Commission, regretting that during the session it had not had the necessary time to study the substantial documentation compiled and examined in that report, transmitted the preliminary report to the General Assembly through the Economic and Social Council. In the same resolution the Commission decided to examine at its twenty-seventh session, in the light of the decisions of the General Assembly, the preliminary report of the Secretary-General as supplemented by such information as might be collected in the meantime, particularly that submitted by Governments and the competent specialized agencies. An addendum (E/CN.4/1028/Add.5) to the preliminary report was also submitted to the General Assembly at its twenty-fifth session. In addition the Assembly had before it a preliminary memorandum by the World Health Organization^{6/} on health aspects of human rights and scientific and technological developments. By resolution 2721 (XXV) of 15 December 1970 the General Assembly requested the Secretary-General to continue to study the problems arising from developments in science and technology, as provided in paragraph 1 of resolution 2450 (XXIII). It also requested the Commission, at its twenty-seventh session, to give priority to the examination of the preliminary report, as supplemented by such further information as might be made available to it, including the preliminary memorandum of the World Health Organization, and to transmit to the General Assembly, through the Economic and Social Council, its suggestions and recommendations for the attainment of the objectives of General Assembly resolution 2450 (XXIII). A further supplement to the preliminary report (E/CN.4/1028/Add.6) was submitted by the Secretary-General to the Commission at its twenty-seventh session.

177. Accordingly, the Commission had before it: (a) the above-mentioned preliminary report by the Secretary-General (E/CN.4/1028 and Add.1-3, Add.3/Corr.1 and Add.4-6); (b) the above-mentioned preliminary memorandum by the World Health Organization; and (c) a working paper by the Secretary-General on the draft programme of work arising out of his preliminary report^{7/}. A statement relating to this agenda item was submitted by the World Union of Catholic Women's Organizations (E/CN.4/NGO/159).

178. At its 1120th meeting, the Commission heard a statement by the representative of the World Health Organization.

179. In the debate on this item, it was observed that science and technology were in themselves neutral; such problems as they posed for human rights, and such

^{6/} A/8055/Add.1

^{7/} Circulated to the Commission as E/CN.4/(XXVII)/CRP.2.

advantages as they offered to mankind, depended upon the uses to which they were put. It was added, however, that the belief which had prevailed, during the nineteenth and early twentieth centuries, that an essential link existed between scientific advance and human progress had become questionable owing to the development of the atomic bomb and other types of weapons of mass destruction. The Secretary-General's preliminary report had drawn attention to a number of other threats and dangers to human rights which had also been recognized as arising from recent scientific and technological developments. Particular reference was made to the threat of invasion of personal privacy made possible by the development of many new types of surveillance devices and procedures and of the electronic computer, to the tendency to use computers in the making of decisions which entailed value judgments which were not within their capacity, to the employment problems arising out of automation, to the ethical problems arising from recent developments in medicine, including surgery, to the problems arising from the high cost of advanced medical treatment, to the threats to national sovereignty posed by the development of observation satellites and to the need to protect traditional cultures against the influence of direct international broadcasting by satellites.

180. The impact on human rights of the deterioration of the human environment, the population explosion, the increasing destructive power of modern weapons and the hazards arising from atomic radiation was also recognized. However most references made to these problems reflected agreement with the Secretary-General's position not to duplicate studies of these problems already made or in progress, but to treat them to the extent necessary for the implementation of paragraph 1(d) of General Assembly resolution 2450 (XXIII), which invited the Secretary-General to study "the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity" (E/CN.4/1028/Add.3, para. 324).

181. Since the problems relating to human rights and scientific and technological developments were recognized as being world-wide, some disappointment was expressed at the fact that the Secretary-General's preliminary report contained material collected only from limited areas of the world, especially the countries more developed from a technological point of view, and satisfaction was expressed with the Secretary-General's statement of his intention to make further attempts to secure contributions on a broader, if possible world-wide, basis. The report had explained that, while it was possible that information would be received only from relatively few countries that were more advanced technologically, it was hoped that many other countries would express their points of view, since the intended outcome of the study, as stated in the third preambular paragraph of General Assembly resolution 2450 (XXIII), was to draw up appropriate standards to protect human rights and fundamental freedoms for all (E/CN.4/1028/Add.4, para.350).

182. Some speakers expressed disappointment that the preliminary report said little about the balance which should be established between scientific and technological progress and various other aspects of human advancement. It was stressed that an examination of this question would have revealed the numerous ways in which science and technology operated for the benefit of mankind, and it was noted that the Secretary-General also intended to study these aspects, while his preliminary report gave special emphasis to the threats and dangers posed to human rights. It was

felt that paragraph 1(d) of General Assembly resolution 2450 (XXIII) should be expanded so as to cover also the economic and social advancement of humanity, especially in promoting science and technology in developing countries.

183. A related view expressed was that many of the problems described in the preliminary report had little or no social significance, and contained too much speculative material.

184. It was recognized that the question of human rights and scientific and technological developments was a complex one, of which new aspects were constantly coming to light. The consequences for human rights of such developments were unpredictable. The question should be kept on the agenda of the Commission and further extensive study by the United Nations family of organizations would be needed. Most speakers approved, in general terms, of the draft programme of work contained in the Secretary-General's preliminary report. It was observed that, by the very nature of the problem, new aspects were likely to become apparent during the course of its examination. It was seen, however, that the Commission and the Secretary-General could not deal with all aspects of the problem at once, and that an order of priorities must therefore be agreed upon. Several speakers felt that the problems of personal privacy in the light of the development of recording and other techniques and of the electronic computer were the most ripe for treatment, in view of the amount of study devoted to these problems by governments, intergovernmental and non-governmental organizations and individuals. It was also pointed out that legislation, judicial decisions and other agreed norms had been applied to these problems in some countries. Other speakers felt that priority should be given to the study of the impact of scientific and technological developments on the implementation of the economic, social and cultural rights defined in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, including the right to health. A further choice for priority treatment was the question of the respect for the integrity and sovereignty of nations in the light of advances in recording, surveillance and other related devices.

185. It was recalled that, as envisaged in the third preambular paragraph of General Assembly resolution 2450 (XXIII), the study was to lead to the adoption on the international level of standards to protect human rights and fundamental freedoms. It was suggested that these sets of standards might evolve as minimum standards, guidelines, codes of behaviour, principles, model laws or declarations; ultimately, some of the standards might be adopted as conventions. In drafting such standards, account must be taken of existing relevant standards adopted by intergovernmental and non-governmental organizations, especially the Universal Declaration on Human Rights and the International Covenants on Human Rights. It was recognized, however, that it was impossible to envisage precisely the form or content of these proposed international instruments until further information had been gathered on a world-wide basis, relating, not only to the threats to human rights posed by recent scientific and technological developments, but also to the safeguards which might be adopted to counter such threats and the compensating benefits of those developments.

186. Attention was also drawn to the fact that the third preambular paragraph of General Assembly resolution 2450 (XXIII) endorsed the idea that the problems under discussion required thorough and continuous inter-disciplinary studies, both national and international. To promote the inter-disciplinary approach to these problems, it was considered essential to maintain the co-operation of the specialized agencies, particularly ILO, UNESCO and WHO. It was proposed in particular that WHO should assume the primary responsibility for initial studies on the effects on human rights of medical and biological developments. It was pointed out that certain intergovernmental organizations other than the specialized agencies had made contributions to the preliminary report and that their continued co-operation should be invited. The Secretary-General should also continue to avail himself of the assistance of the Advisory Committee on the Application of Science and Technology to Development. It was recognized that, even in those areas where intergovernmental organizations other than the United Nations had a special expertise, the United Nations had a parallel interest and a co-ordinating role. Mention was made in the same connexion of the useful role which non-governmental organizations could play.

187. At the 1124th meeting, on 17 March 1971, the representative of France introduced a draft resolution (E/CN.4/L.1173), submitted by Austria, Democratic Republic of the Congo, Finland, France, Iran, Netherlands, New Zealand and Uruguay. After discussion, a revised draft was submitted (E/CN.4/L.1173/Rev.1). At the 1126th meeting, on 18 March 1971, the representative of the Union of Soviet Socialist Republics introduced amendments E/CN.4/L.1174 to the draft resolution.

188. It was argued that the revised draft resolution took account of most of the views expressed during the debate and that it reflected the needs of the present situation. The proposed amendments, some speakers maintained, constituted a departure from the approach adopted in resolution XI of the International Conference on Human Rights and in General Assembly resolution 2450 (XXIII) as regards the balance of the studies requested of the Secretary-General. Moreover, some of the amendments laid undue stress on the rights of the community at the expense of the rights of the individual.

189. On the other hand, it was felt that the amendments rectified an important imbalance in the draft resolution by stressing not only that science and technology should not restrict the rights of the individual, but also that science should be used in the interests of society as a whole, and not to increase social and property inequality or to intensify the exploitation of man by man. Science and technology were factors in the development of production in the interests of social progress. In many countries they have made it possible to safeguard human rights and fundamental freedoms more effectively, to solve social problems and to increase the material and cultural well-being of people. It was important not only to study the measures against intrusions into private life but also to guarantee other important human rights within the framework of the progress of science and technology. Among the subjects chosen in the amendments for particular attention by the Commission at future sessions was the use of scientific and technological developments to foster respect for generally recognized moral standards and standards of international law; it was observed that moral standards would acquire increasing importance in international relations in the future. Some members of the Commission felt that it would endanger the universal application of human rights standards to provide, as did the proposed amendments, that problems of protecting human rights

and fundamental freedoms in the context of scientific and technological progress should be dealt with in accordance with the principles underlying the State and society, specific economic and social conditions and cultural traditions; the proposers of the amendment claimed, however, that States could clearly not deal with those problems on a stereotyped basis but that each had to consider which of the long list of problems connected with technological and scientific progress they regarded as most important from time to time. Science and technology affected societies from time to time in varying degrees, and in differing ways.

190. Some of the proposed amendments were accepted by the sponsors of the draft resolution. Both the draft resolution and some of the proposed amendments were orally revised by their sponsors during the discussion. The proposed amendments and the draft resolution were voted on at the 1127th meeting of the Commission, on 18 March 1971. The voting was as follows:

(a) The first amendment of the Union of Soviet Socialist Republics was voted on by roll-call at the request of the representative of the USSR and adopted by 15 votes to 7 with 5 abstentions. The voting was as follows:

In favour: Chile, Ghana, Guatemala, India, Iraq, Lebanon, Pakistan, Peru, Philippines, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela.

Against: Austria, Congo (Democratic Republic of), Finland, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: France, Iran, Mexico, Turkey, Uruguay.

(b) The second amendment of the USSR was adopted by 11 votes to 10 with 6 abstentions.

(c) The third amendment of the USSR was adopted by 13 votes to 6 with 8 abstentions.

(d) Paragraph 2 of the fourth amendment of the USSR was voted on separately at the request of the representative of Uruguay by a roll-call vote requested by the representative of the USSR and adopted by 11 votes to 9 with 7 abstentions. The voting was as follows:

In favour: Austria, Ghana, India, Iraq, Lebanon, Pakistan, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Against: Congo (Democratic Republic of), Finland, France, Guatemala, Netherlands, Peru, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Chile, Iran, Mexico, New Zealand, Philippines, United Republic of Tanzania, Venezuela.

(e) The opening phrase of paragraph 3 of the fourth amendment of the USSR was voted on separately at the request of the representative of Guatemala and adopted by 14 votes to 4 with 9 abstentions.

(f) Paragraph 3 of the fourth amendment of the USSR, as a whole, was voted on separately at the request of the representative of Uruguay by roll-call vote requested by the representative of the USSR and adopted by 11 votes to 9 with 7 abstentions. The voting was as follows:

In favour: Chile, Ghana, India, Iraq, Lebanon, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania.

Against: Austria, Congo (Democratic Republic of), Finland, France, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Guatemala, Iran, Mexico, Pakistan, Peru, Philippines, Venezuela.

(g) The fifth amendment of the USSR was adopted by 12 votes to 6 with 9 abstentions.

(h) The sixth amendment of the USSR was adopted by 14 votes to 6 with 7 abstentions.

(i) The draft resolution as amended, as a whole, was adopted by 17 votes to none with 9 abstentions.

191. For the text of the resolution see chapter XIX, resolution 10 (XXVII).

192. At the 1122nd meeting of the Commission, having described the Secretariat's provisional plans for further implementation of General Assembly resolution 2450 (XXIII), the representative of the Secretary-General stated at the 1127th meeting that the Secretariat would proceed with its studies under that resolution, bearing in mind the resolution just adopted by the Commission and, as far as possible, the various views expressed by members of the Commission.

VI. STUDY OF THE QUESTION OF THE EDUCATION OF YOUTH ALL OVER THE WORLD FOR THE DEVELOPMENT OF ITS PERSONALITY AND THE STRENGTHENING OF ITS RESPECT FOR THE RIGHTS OF MAN AND FUNDAMENTAL FREEDOMS

193. The Commission considered item 6 of its agenda at its 1123rd - 1125th, 1128th, 1129th, 1131st and 1132nd meetings, on 16, 17, 19, 22 and 23 March 1971.

194. The Commission had before it the report of the Director-General of UNESCO (E/CN.4/1027) and the report of the Secretary-General (E/CN.4/1032 and Add.1-2), which had been prepared for the twenty-sixth session in response to Commission resolution 20 (XXV) and supplementary documentation from the Director-General of UNESCO (E/CN.4/1027/Add.1) and from the Secretary-General (E/CN.4/1032/Add.3-7), as requested in Commission resolution 12 (XXVI). The Commission had also before it document A/C.3/L.1766/Rev.3 transmitted to it through the Economic and Social Council by the General Assembly (E/CN.4/1032/Add.3, annex).

195. In connexion with this item, the Commission also had before it the report of the seminar on the role of youth in the promotion and protection of human rights, held in Belgrade from 2-12 June 1970 at the invitation of the Government of Yugoslavia (ST/TAO/HR/39).

196. In addition, the Commission had before it a statement submitted by the Commission of the Churches for International Affairs, Friends' World Committee for Consultation, International Movement for Fraternal Union Among Races and Peoples, International Student Movement for the United Nations, Pax Romana, World Student Christian Federation and World Young Women's Christian Association (E/CN.4/NGO/160).

197. The item was introduced by the Director of the Division of Human Rights, who recalled the action taken in this connexion by various United Nations organs, the conclusions of the seminar on the role of youth in the promotion and protection of human rights held in Belgrade in 1971 and the work of the World Youth Assembly.

198. At its 1123rd meeting, the Commission heard a statement by the Observer for Romania.

199. At its 1131st meeting, the Commission heard a statement by the representative of UNESCO.

200. Also, at its 1123rd, 1124th, 1125th and 1131st meetings, the Commission heard statements by the representatives of the World Federation of Trade Unions and of the All-India Women's Conference, Amnesty International, the Friends' World Committee for Consultation, the International Student Movement for the United Nations, Pax Romana, and the World Student Christian Federation.

201. During the general discussion on the question, attention was directed to the following points:

(a) The particular ethical difficulties confronting present-day youth in view of the disparities between accepted principles and the actual conduct of public affairs, accentuated by practical problems such as those arising from unemployment and under-employment in many developed and developing countries;

(b) The rebellious response of youth in many countries to physical violence as well as to the harm which some young people consider to be done to their personalities by established institutions of their societies;

(c) The need to put an end to repression against youth lawfully acting against aggressive wars, colonial and foreign domination, for peace, freedom and social progress;

(d) Repressive measures taken against youth demonstrations in a number of countries, and the link between this question and the item on the Commission's agenda dealing with an international code of police ethics;

(e) The continuing importance to a healthy society of questioning older norms which no longer meet social needs, and the paramount role of individual conscience and choice in human affairs;

(f) The responsibility of youth and youth organizations to continue their efforts to maintain a dialogue with older generations, in view of the eventual and inevitable transmission of responsibility to the present generation of youth and to successive generations;

(g) The responsibility of the present adult generations to match their deeds to ideals of equality and racial harmony enunciated in, for example, the United Nations Charter and in the Universal Declaration of Human Rights, to respect the rights of youth and to provide it with practical opportunities to put these ideals into practice, in line with the efforts already being made in a number of countries to involve youth in direct participation as responsible citizens in the over-all development of their respective communities and of the international community as a whole;

(h) Education and the part to be played by educational systems and institutions, at all levels, including the universities and higher technical institutes, in preparing youth to take a constructive and satisfying part in improving societies at the national and international levels, and the need for providing educational opportunities to all, including education for those beyond the age usually categorized as young;

(i) The need to include teaching about human rights in educational curricula, so as to inculcate a deeper appreciation for peace and for the principles of human rights and international law;

(j) The usefulness of the reports compiled by the United Nations and UNESCO on the subject, notwithstanding certain limitations in the source material provided by governments;

(k) The value of conferences, seminars and meetings on matters of concern to youth and the desirability of organizing additional seminars as well as training courses especially at the regional level;

(l) The need to increase activities of the United Nations and of the specialized agencies concerned in programmes designed to involve youth in more meaningful ways in practical programmes for national development and to co-ordinate these activities for their greater effectiveness.

202. In connexion with this item of its agenda, the Commission considered the question of conscientious objection to military service, which was recognized by a number of representatives to be a matter of increasing interest to young people in certain countries in the world. There was general agreement as to the duty of the individual citizen to defend his family and society when his country was attacked or invaded and to contribute to his country's response to treaty obligations arising, for example, under the United Nations Charter or under treaties of collective or mutual defence against aggression. Differences of opinion, however, arose concerning the possibility of permitting exceptions to bearing arms for active military service on grounds of conscientious objection, religious belief or moral conviction.

203. Some representatives pointed out that conscientious objectors often undertook difficult assignments after invoking their freedom of conscience and that indeed some alternative forms of service were more dangerous physically than many forms of active military service. It was stated that in some cases soldiers professing the principles of non-violence had allowed themselves to be shot rather than return fire themselves. These representatives thought freedom of conscience and of dissent to be of paramount importance, and they advocated the provision of alternative forms of service to genuine conscientious objectors. These representatives noted that governments as well as international bodies had shown increasing interest in the question in recent years, and felt it desirable to have additional information on national practices without necessarily prejudging the issue. It was also suggested that consideration might be given to organizing an international service under United Nations auspices which would give conscientious objectors an opportunity to serve humanity rather than bear arms.

204. Other representatives, however, considered that an individual's refusal to defend his family and society against invasion and unjust attack could only be construed as unethical and as a proof of lack of courage, and that no exceptions could be made to what was a duty to one's country and society. These representatives cited constitutional and religious provisions which made military service mandatory in all just wars. It was noted, however, that individuals could be expected to object on grounds of conscience to wars unjustly undertaken by their governments, such as wars of aggression and colonialist oppression, and that the entire question should be left to national governments rather than made a subject for international consideration.

205. Some representatives observed that the question of conscientious objection was of less immediate interest to countries with large manpower reserves than to small countries, and that geographically vulnerable countries or newly independent countries could be expected to have varying approaches to the questions of universal national service and to the complementary question of compulsory military service. It was also noted that developed countries which could afford to hire mercenaries were in a position to consider conscientious objection from a different viewpoint.

206. At the 1128th meeting on 19 March 1971, draft resolutions were submitted by Finland (E/CN.4/L.1175) and by the Ukrainian SSR (E/CN.4/L.1177). In response to suggestions made by several delegations, the representative of Finland revised his draft resolution to incorporate basic elements of the Ukrainian draft resolution

as well as a number of oral amendments made during the course of the debate. As a result the revised draft resolution of Finland (E/CN.4/L.1175/Rev.1) was introduced at the 1131st meeting, on 22 March 1971, and the Ukrainian draft resolution was withdrawn by its sponsor. At the 1131st meeting, oral amendments submitted by the representative of the USSR to the revised draft resolution were accepted by the sponsor, and the representative of Austria withdrew an oral amendment submitted during the course of the discussion.

207. At the same meeting the Commission adopted the revised draft resolution as orally amended by 26 votes to none, with 2 abstentions.

208. For the text of the resolution, see chapter XIX, resolution 11A (XXVII).

209. At the 1128th meeting, on 19 March 1971, a draft resolution concerning conscientious objection (E/CN.4/L.1176) was submitted by Austria, Chile, Netherlands, New Zealand and Uruguay. The draft resolution, noting, inter alia, the increasing interest among young people in the question of conscientious objection to military service, and considering it to be of importance that the domestic laws of all countries should provide for the recognition and just treatment of conscientious objectors to military service, requested the Secretary-General to prepare and submit a report on this matter to the Commission.

210. In response to observations made in the ensuing debate that the question might be considered to be of interest to young people in certain countries rather than all, and that it would be advisable to await the Commission's consideration of the Secretary-General's report before prejudging the issue, the sponsors at the 1131st meeting accepted an oral amendment made by the representative of India to the first preambular paragraph and also replaced the third preambular paragraph by wording indicating the desirability of having more information before proceeding to further study of the question. The sponsors also agreed that as the information requested might not be available in time for consideration at the Commission's twenty-eighth (1972) session, the resolution should request the Secretary-General's report to be submitted as soon as possible.

211. At its 1131st meeting, on 22 March 1971, the Commission adopted the draft resolution (E/CN.4/L.1176) as orally amended, by 18 votes to 3, with 7 abstentions.

212. For the text of the resolution, see chapter XIX, resolution 11B (XXVII).

213. A draft resolution (E/CN.4/L.1178) submitted by Guatemala, Peru, Uruguay and Venezuela was introduced at the 1128th meeting, on 19 March 1971; Mexico joined as a co-sponsor at the 1129th meeting. The draft resolution which, inter alia, requested UNESCO to consider the desirability of envisaging the systematic development of a "human rights theory" as an independent scientific discipline, generated considerable discussion as to the meaning of the term "human rights theory" and the desirability of establishing a discipline independent of the study and teaching of such subjects as international, constitutional and administrative law, political science and the related social sciences.

214. The sponsors of the draft resolution explained that the purpose of the draft resolution was to systematize what had already been done in teaching human rights by interpreting human rights in philosophical terms as a scientific discipline, rather than simply cataloguing the existing instruments at the national and international levels and listing the diversity of approaches to the teaching of human rights as undertaken at various educational institutions throughout the world. As the terms "human rights theory" and "independent" continued to pose difficulties to a number of representatives, who felt that the teaching of human rights should not necessarily be considered at the present stage of development either as a separate corpus of knowledge or as a subject of instruction separate from related disciplines or subjects of instruction at both the university and secondary levels of education, the sponsors accepted the formulation "scientific discipline of human rights" as embodying their wish to encourage the systematic and scientific study of the principles of human rights as a coherent and consistent body of doctrine.

215. The sponsors accepted an oral amendment submitted by the representative of the USSR to add that such a discipline be studied taking into account the main legal systems of the world. Other oral amendments submitted by the representatives of Iraq and of India were also accepted by the sponsors.

216. At its 1131st meeting, on 22 March 1971, the Commission, by a roll-call vote requested by the representative of Guatemala, unanimously adopted draft resolution E/CN.4/L.1178 as orally amended. The voting was as follows:

In favour: Austria, Chile, Finland, France, Ghana, Guatemala, India, Iran, Iraq, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Pakistan, Peru, Philippines, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela and Yugoslavia.

Against: None.

Abstaining: None.

217. For the text of the resolution, see chapter XIX, resolution 11C (XXVII).

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

218. The Commission considered agenda sub-items 12 (b) and (c) together with sub-item 15(a) at its 1132nd - 1134th meetings, held on 23 and 24 March 1971.

219. At its 1132nd meeting the Commission heard statements from the following non-governmental organizations in consultative status: World Federation of Trade Unions, anti-Slavery Society, Commission of the Churches on International Affairs, International Commission of Jurists, and International Federation of Women Lawyers.

220. In connexion with item 12 as a whole the Commission had before it a note by the Secretary-General (E/CN.4/1051) containing information relating to the various questions falling under this item, including sub-items (b) and (c) which were examined jointly and are dealt with in separate sections below. A statement was also submitted by the Women's International Democratic Federation (E/CN.4/NGO/156).

A. Study of situations which reveal a consistent pattern of violations of human rights as provided in resolution 8 (XXIII) of the Commission and resolutions 1235 (XLII) and 1503 (XLVIII) of the Economic and Social Council

221. In addition to the above-mentioned note of the Secretary-General, the Commission had before it chapter V of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040) as well as Sub-Commission resolution 6 (XXIII), by which it transmitted to the Commission certain proposals and amendments thereto reproduced in Chapter V, and the summary records of its 607th - 609th meetings. The Commission had also before it two notes by the Secretary-General (E/CN.4/1058 and E/CN.4/1059) drawing the attention of the members of the Commission, in conformity with decisions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to petitions concerning Papua and Southern Rhodesia respectively (E/C.109/TET.1136 and Corr.1 and E/C.109/PET.1150). The Commission also had at its disposal confidential lists of communications prepared by the Secretary-General in accordance with Economic and Social Council resolutions 728 F (XVIII), 1235 (XLII) and 1503 (XLVIII).

222. It was pointed out by some speakers that in the presence of the flagrant and massive violations of human rights which were known to take place increasingly in various parts of the world and which aroused public opinion, the Commission should endeavour to devote to the question more urgent attention at its sessions in order to give tangible proof of its continuous concern. It was suggested that the question should be put higher on its agenda so that adequate time would be available for its consideration. It was also observed that violations which were not related to such questions as the policies and practices of racial discrimination had so far not received in the Commission the attention they equally deserved.

223. Reference was made to the fate of political prisoners and the reported cases of ill-treatment and torture to which they were subjected. It was emphasized that international standards concerning the treatment of political prisoners set out in the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Geneva Conventions and other international instruments as well as United Nations resolutions, should be fully observed and implemented. It was also considered necessary to ensure the free transmission of accurate news on the subject so that public opinion could be well informed of the facts. The Commission, it was pointed out, should itself deal with the question, taking into account the work already done in this field by regional inter-governmental organizations. Mention was also made of the valuable contribution by non-governmental organizations in this respect.

224. Several representatives regretted that the Sub-Commission had found itself unable to reach a decision at its twenty-third session on the question of the violation of human rights and fundamental freedoms, including the new procedures for dealing with communications relating to such violations under the terms of the Economic and Social Council resolution 1503 (XLVIII). While they felt that there remained too little time at the present session for the Commission to examine the draft resolutions and records transmitted for its consideration by the Sub-Commission, they expressed the hope that the Sub-Commission at its twenty-eighth session would, in accordance with its own resolution 6 (XXIII), give priority to the consideration of the matter and find an acceptable solution in response to the request of the Council. It was imperative in their view that the procedure established by Council resolution 1503 (XLVIII) should be implemented without further delay.

225. It was contended on the other hand that the procedure established in Council resolution 1503 (XLVIII) represented interference in the domestic affairs of sovereign states, and thus ran counter to Article 2, paragraph 7 of the United Nations Charter and to the principle of co-operation among States on which the United Nations was founded. The Commission, under the new procedure, would run the risk of being confronted with controversial or embarrassing situations which it would find difficult to resolve. As regards the position of States before such procedures, it was pointed out that for many countries the need to protect national sovereignty has assumed increased importance at their present stage of development.

B. Model rules of procedure for United Nations bodies dealing with violations of human rights

226. In accordance with the request made by the Commission in resolution 8 (XXV), the Secretary-General had submitted to the Commission at its twenty-sixth session a note containing a draft of model rules of procedure for United Nations bodies dealing with violations of human rights (E/CN.4/1021). Because of lack of time, the Commission had not been able to consider the draft rules during that session. In consequence, by resolution 9 (XXVI) the Commission, taking into account the note mentioned above, had decided to resume consideration of that document at its twenty-seventh session. The preliminary draft of the model rules which was submitted by the Secretary-General to the Commission at its twenty-seventh session (E/CN.4/1021/Rev.1) was substantially the same as that submitted to it at its twenty-sixth session, but incorporated certain drafting changes intended to clarify the text of some of the rules.

227. At the 1132nd meeting, Austria and Finland submitted a draft resolution (E/CN.4/L.1180) recalling Commission resolutions 8 (XXV) and 9 (XXVI), taking note that the Special Committee established in accordance with paragraph 4 of General Assembly resolution 2443 (XXIII) had been guided in its work by the model rules (E/CN.4/1021/Rev.1), and expressing the hope that other bodies referred to in that document would also be guided by those model rules of procedure.

228. The discussion on the draft rules in the Commission, developed in the light of the proposals made in the draft resolution. While expressing support for the draft resolution, several representatives stressed that they could not vote for the text as submitted. Several others agreed with them in observing that there was not enough time at the present session to undertake an adequate examination of the text, a task which, they suggested, could be entrusted to a drafting committee.

229. Some representatives expressed the view that the Commission, without adopting the draft rules, could merely endorse them as a procedural guide for other groups engaged in investigating violations of human rights. It was stated in this regard that the draft rules could always be improved, modified or changed later, as needed, before their formal adoption.

230. A few representatives, however, were of the opinion that the model rules of procedure were unnecessary as it was customary for United Nations bodies engaged in investigating violations of human rights to devise their own rules of procedure. They questioned the advisability of adopting abstract rules which would have to be adapted to the concrete needs of different ad hoc bodies.

231. Several speakers, although asserting the need for the model rules, were of the opinion that the draft model rules of procedure could not be adopted at this session of the Commission in any direct or indirect way. Not adopting the rules now did not mean disapproval but merely deferment of their consideration to a future session in which an opportunity would exist for a careful examination of their text.

232. A few representatives expressed the view that as some provisions were now drafted, they might open the way for intervention in the internal affairs of States. Particular mention was made in this regard of section IX, rules 17 (a), (b), (c), (f), 18 and 22. It was stressed in this connexion that the co-operation of the States concerned was essential. In its absence, the result would not be international co-operation but international altercation between States involved in claims of serious violations of human rights by one or more of them.

233. It was suggested that the Commission would do well to differentiate between two distinct types of situations in this matter. The first type would consist of situations in which international law was applicable, in the form of certain international instruments and Security Council resolutions. This type would cover (a) violations of human rights by a State outside of its territorial limits, in areas of other countries occupied by it, and in which its own domestic laws could not apply to their territories and populations, and in which moreover the domestic laws of the countries affected could not be physically applied either; and (b) violations of human rights within the territorial limits of a State where its domestic laws would apply but where because of very serious violations of human rights which posed a

threat to international peace and security and were an affront to humanity, international concern had allowed international action to override them. The second type would consist of situations in which domestic law applied and where complaints of systematic violations of human rights had been made. Here it would be essential to have the consent of the State concerned and its co-operation to investigate such complaints without infringing upon its sovereignty. Separate sets of rules should perhaps be devised taking into account these different situations.

234. During the discussions wide support evolved among members of the Commission on the following points: (a) that the Commission should not adopt the draft model rules before thorough study; (b) that Member States should have adequate opportunity to examine and comment upon the draft model rules before they were adopted by the Commission, since the rules would only be effective if a majority of States gave them their support; (c) that it would be advisable to constitute a small drafting committee or working group of five legal experts among members of the Commission, representing the five geographical regions of the world, who would scrutinize the text and prepare it for adoption by the Commission. This working group should meet immediately before the twenty-eighth session of the Commission and should take into account all comments and observations made on the draft model rules up to then, and particularly those received from governments.

235. At the 1133rd meeting, on 23 March 1971, the representative of the Secretary-General made a statement on the financial implications of the meetings of this group in February of 1972 at Headquarters in New York.

236. In the light of the discussion and of the statement of the representative of the Secretary-General, the representatives of Austria and Finland submitted, at the 1134th meeting on 24 March 1971, a revised text of their draft resolution (E/CN.4/L.1180/Rev.1) incorporating the points on which there had been substantial agreement in the Commission. This revised draft was adopted by 15 votes to none, with 3 abstentions.

237. For the text of the resolution, see chapter XIX, resolution 14 (XXVII).

238. It was agreed that, following established practice, the Chairman of the Commission should appoint the members of the working group in consultation with the members of the Commission belonging to the five geographical regions. At the 1136th and 1138th meetings of the Commission, held on 24 and 25 March 1971, the Chairman informed the Commission that the five members of the working group constituted by resolution 14 (XXVII) would consist of Morocco, Netherlands, Pakistan, Uruguay, and one other member to be appointed after further consultations with the members of the Commission from eastern European countries.

VIII. REPORT OF THE TWENTY-THIRD SESSION OF THE SUB-COMMISSION
ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES,
INCLUDING THE STUDY OF EQUALITY IN THE ADMINISTRATION OF JUSTICE

239. The Commission considered this part of agenda item 15 at its 1132nd and 1133rd meetings, on 23 March 1971.

240. The Commission had before it the report of the twenty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040), chapters II, III, and VI and resolutions 1 (XXIII), 3 (XXIII) and 7 (XXIII) as well as the study of equality in the administration of justice (E/CN.4/Sub.2/296).

241. The representative of the Secretary-General made a statement relating to the considerations which might arise in connexion with the possibility, referred to in Sub-Commission resolution 7 (XXIII) of the Sub-Commission's holding January sessions in Geneva and Headquarters in alternate years. He also referred to the possibility mentioned by the Sub-Commission of holding some of its future sessions in Addis Ababa, Bangkok and Santiago.

242. During the consideration of Sub-Commission resolution 1 (XXIII), it was pointed out that the problem of the elimination of all forms of slavery, the slave trade and the slave-like practices of apartheid and colonialism was urgent and important. The hope was expressed that the Sub-Commission on Prevention of Discrimination and Protection of Minorities would be able to consider and adopt at its twenty-fourth session a final version of the study under preparation by Mr. Mohamed Awad.

243. At the 1133rd meeting the representatives of Austria and the United Kingdom submitted amendments (E/CN.4/L.1185) to the draft resolution recommended in Sub-Commission resolution 1 (XXIII) for adoption by the Economic and Social Council. The amendments were adopted unanimously. The draft resolution contained in Sub-Commission resolution 1 (XXIII), as amended, was also adopted unanimously.

244. For the text of the resolution, see chapter XIX, resolution 12 (XXVII).

245. During the consideration of Sub-Commission resolution 3 (XXIII), it was pointed out that the first attempt to codify principles on equality in the administration of justice had been accomplished successfully, since the Sub-Commission had adopted such principles and had annexed them to the resolution. At the same time, some representatives stated that while they approved the recommendation of the Sub-Commission that the principles should be printed along with the Study of Equality in the Administration of Justice, that approval did not indicate acceptance of all those principles.

246. Some representatives recalled that the Sub-Commission had transmitted the principles to the Commission for examination with regard to the advisability of preparing a convention or a declaration, or both, on equality in the administration of justice, or several instruments dealing with various aspects of the problem, and for decision as to subsequent action. They expressed the view that the Commission,

because of lack of time, would be unable adequately to consider these principles and suggested the postponement of such an examination to the twenty-eighth session of the Commission.

247. The draft resolution contained in Sub-Commission resolution 3 (XXIII), as orally amended, was adopted unanimously.

248. For the text of the resolution, see chapter XIX, resolution 13 (XXVII).

249. During the discussion of resolution 7 (XXIII) of the Sub-Commission, it was pointed out that it would be preferable for the Sub-Commission to meet in January, and not in August as it had done in recent years, for reasons stated in the preamble to the resolution. Other representatives considered that the holding of sessions of the Sub-Commission in January might make it difficult to prepare the Sub-Commission's report in good time for submission to the following session of the Commission.

250. It was observed that Sub-Commission resolution 7 (XXIII) requested the Economic and Social Council, as well as the Commission, to invite the Secretary-General to explore the possibility of holding sessions of the Sub-Commission in future years at the headquarters of regional economic commissions; it was felt that the Council would be in a better position than the Commission to decide this matter.

IX. THE POSSIBILITY OF PREPARING A DRAFT INTERNATIONAL AGREEMENT ENSURING THE PROTECTION OF JOURNALISTS ENGAGED ON DANGEROUS MISSIONS AND PROVIDING, INTER ALIA, FOR THE CREATION OF A UNIVERSALLY RECOGNISED AND GUARANTEED IDENTIFICATION DOCUMENT

251. The Commission considered agenda item 9 at its 1134th and 1135th meetings, held on 24 March 1971.

252. The Economic and Social Council at its 1735th meeting, held on 12 January 1971, decided to transmit General Assembly resolution 2673 (XXV) of 9 December 1970 to the Commission on Human Rights. By this resolution, the General Assembly invited the Economic and Social Council to request the Commission to consider the possibility of preparing a draft international agreement ensuring the protection of journalists engaged on dangerous missions and providing, inter alia, for the creation of a universally recognized and guaranteed identification document. The Assembly also invited the Commission to consider this question as a matter of priority at its twenty-seventh session so that a draft international agreement might be adopted as soon as possible by the General Assembly or by some other appropriate international body. The Secretary-General was requested, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to submit a report on this question to the General Assembly at its twenty-sixth session. The Assembly further decided to give the highest priority to the consideration of this question at its twenty-sixth session.

253. The Commission had before it a note by the Secretary-General relating to this item (E/CN.4/1047).

254. The Commission had also before it a preliminary draft international convention on the protection of journalists engaged on dangerous missions presented by France on 18 February 1971 (E/CN.4/L.1149). A revised text of this preliminary draft co-sponsored by Austria, Finland, France, Iran, Turkey and Uruguay (E/CN.4/L.1149/Rev.1) was put before the Commission on 22 March 1971.

255. Nearly all representatives who spoke during the discussion in the Commission welcomed the initiative taken by the General Assembly in resolution 2673 (XXV). They recognized that journalists engaged on missions in areas where an armed conflict was taking place performed at great personal risk an important task of informing public opinion. In reporting extensively and objectively on the horrors of war and the sufferings of the peoples involved, they demonstrated the ultimate futility of resorting to violence and could actually contribute to the creation of a climate of peace. But in doing so, many journalists in recent years had disappeared or suffered serious hardships. Although the Geneva Conventions afforded some protection to journalists, they did not adequately cover all categories of journalists engaged on dangerous missions. Consequently, there was need for an additional humanitarian international instrument to ensure better protection of these journalists, taking into account the present-day requirements of their profession.

256. The preliminary draft international convention in its revised form (E/CN.4/L.1149/Rev.1) was received with appreciation and evoked interest on the part of the members of the Commission. In view of the complexity of the legal and practical problems it posed, they considered that it deserved very careful consideration and more detailed analysis, not only in the competent international bodies but at governmental levels. It also required consultations with professional organizations of journalists. The need to act in this matter in close co-operation with the International Committee of the Red Cross (ICRC) was emphasized. It was also stated that the final preparation of the special convention on the protection of journalists might better be approached in the larger context of the elaboration of additional international legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts, including freedom fighters, as envisaged in General Assembly resolutions 2444 (XXIII) and 2674 (XXV).

257. Preliminary comments on the provisions of the draft convention were directed in particular to the following points:

(a) The convention should not only deal with the rights of journalists but also with their obligations towards the States which would be called on to guarantee them special protection;

(b) Certain provisions, in particular in articles 2, 4 and 7 might be interpreted to the detriment of the sovereignty of States;

(c) The application of the convention to missions carried out in areas where a conflict of an internal character would take place might result in interference in the domestic affairs of the country concerned and be a source of further disorder. States should be able to protect themselves against such occurrences. It was stated in particular that the right of correction should be available to them in cases of distorted news or tendentious information;

(d) The dual reference in the draft instrument to "States Parties to the Convention" and to "parties to an armed conflict" might raise problems of implementation. It was contended that in the case of an internal conflict in particular, a State Party could not be expected to assume responsibility for the other party to the conflict. It was contended that the convention could only bind States Parties themselves while parties to the conflict might be called upon to respect its provisions;

(e) The question of the universality of the draft convention did not appear to be resolved in a satisfactory manner in article 2 which limited its scope to States Members of the United Nations system. It was suggested that all Parties to the Geneva Conventions should be included;

(f) Some representatives considered that the reference in the preamble to article 19 of the Universal Declaration of Human Rights was not appropriate for the reason that this article did not apply specifically to the conditions under which journalists on dangerous missions should be able to seek and impart information freely. Others felt that the reference was acceptable if considered in the larger framework of other principles embodied in the Universal Declaration as a whole.

(g) The definition of journalists in article 2 would require clarification both on legal and professional grounds. The reference to practice as distinguished from law as regards the recognition of the status of journalist to particular individuals raised certain problems and might lead to abuses. Television technicians which were not specifically mentioned in the draft should also be covered.

(h) The proposal to have an international professional committee issue the card for the protection of journalists raised questions as regards its composition and functions. Some representatives did not consider it necessary to establish such a committee and suggested that another organ, such as the ICRC, might be used instead.

(i) The rights and obligations of journalists arising out of the issuance to them of the proposed identification card would need to be spelled out in more concrete terms.

258. Replying to some of the above comments, the sponsors of the draft convention said that:

(a) They saw only advantages in including a reference to withdrawal of the card and drawing up specific criteria to ensure that journalists observed professional ethical rules in the matter;

(b) Article 9 of the draft convention, in stating that the convention should not affect national regulations concerning the crossing of frontiers or the movement or residence of aliens, made it clear that the sovereignty of States was respected;

(c) Legally, the draft convention, if adopted, would not affect the obligations laid down in the Convention on the International Right of Correction;

(d) It would obviously be in the interests of the parties to an internal conflict, even where one of them did not enjoy de jure or de facto recognition by the international community, to respect the provisions of the convention in order to further their cause in the eyes of international public opinion;

(e) In view of the object and specific nature of the convention, consideration should in fact be given to the question of accession to the convention by States which were not Members of the United Nations but were Parties to the Geneva Conventions;

(f) The reference to article 19 of the Universal Declaration of Human Rights, was essential, as the implementation of that article was the actual justification for the special régime which the convention provided for journalists;

(g) The draft was intended also to apply to television and if there were any doubts on that score, journalists and television technicians would be specifically mentioned; as regards possible abuses, the "criteria" which had been mentioned most frequently, and, in particular, the "withdrawal" procedure were likely to prevent them and, in any event, to penalize them;

(h) The committee responsible for issuing the card should be mainly composed of persons representative of professional circles so that journalists would have no fear of any threat to their independence.

259. At the 1135th meeting, Austria, Finland, France, Iran, Turkey and Uruguay submitted a draft resolution (E/CN.4/L.1182) concerning the future stages in the consideration and elaboration of their preliminary draft international convention.

260. At the same meeting, amendments to this draft resolution were submitted by the Ukrainian SSR (E/CN.4/L.1186). Oral amendments were submitted by the Union of Soviet Socialist Republics and the United Arab Republic.

261. The sponsors further revised their draft resolution orally in the light of the discussion and taking into account various suggestions.

262. At the 1135th meeting, the representative of the Secretary-General made a statement on the financial implications of the draft resolution.

263. At the same meeting, the Commission voted on the Ukrainian amendments, as amended (E/CN.4/L.1156/Rev.1), as follows:

(a) The first amendment, which was to insert a new paragraph after the fourth preambular paragraph, was rejected by a vote of 10 to 8 with 11 abstentions;

(b) The second amendment, which was to insert the words "with due respect for the law" after the word "journalists" in the seventh preambular paragraph, was adopted by 28 votes to none with 1 abstention;

(c) A sub-amendment by France, which was to add to the Ukrainian amendment the words "in particular of article 19 of the Universal Declaration of Human Rights concerning freedom of information", was adopted by 21 votes to none with 8 abstentions. The Ukrainian amendment as sub-amended was adopted unanimously;

(d) The amendment to operative paragraph 1 was voted in two parts at the request of the representative of Guatemala. The addition proposed in the first part was adopted by 14 votes to 5 with 9 abstentions. The deletion proposed in the second part was rejected by 11 votes to 13 with 5 abstentions;

264. The Commission voted as follows on the oral amendments of the USSR:

(a) An amendment to replace the penultimate preambular paragraph by a new text was adopted by 15 votes to 4 with 10 abstentions;

(b) An amendment to paragraph 2, to insert the words "as far as possible" after the words "before it", was adopted by 12 votes to 10 with 7 abstentions;

(c) An amendment to the opening sentence of operative paragraph 4 so that it would read:

"Requests the Secretary-General to establish a group of not more than seven experts, including in particular a consultant jurist, persons nominated by the national professional organizations of journalists from different geographical regions and a representative ...", was adopted by 15 votes to 9, with 5 abstentions;

(d) An amendment to operative paragraph 4 (c) to insert the words "as far as possible" after the words "before it", was voted by roll-call at the request of the representative of France and adopted by 12 votes to 11, with 6 abstentions. The voting was as follows:

In favour: Chile, Congo (Democratic Republic of), Ghana, India, Iraq, Lebanon, Morocco, Netherlands, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Against: Austria, Finland, France, Iran, New Zealand, Pakistan, Peru, Turkey, United States of America, Uruguay, Venezuela.

Abstaining: Guatemala, Mexico, Philippines, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yugoslavia.

265. The oral amendment of the United Arab Republic to operative paragraph 2, which consisted of the insertion of the words "and through the International Committee of the Red Cross to the Parties to the Geneva Conventions of 12 August 1949", was adopted by 14 votes to none, with 15 abstentions.

266. The draft resolution as a whole, as amended, was adopted unanimously.

267. For the text of the resolution, see chapter XIX, resolution 15 (XXVII).

X. QUESTION OF THE PUNISHMENT OF WAR CRIMINALS AND OF
PERSONS WHO HAVE COMMITTED CRIMES AGAINST HUMANITY

268. The Commission considered agenda item 17 at its 1136th meeting, on 25 March 1971.

269. The Commission had before it a note by the Secretary-General (E/CN.4/1053) concerning decisions on this question by the Economic and Social Council at its forty-eighth session and by the General Assembly at its twenty-fifth session.

270. The representatives of Poland and the USSR submitted a draft resolution (E/CN.4/L.1179).

271. During consideration of the draft resolution some representatives noted with satisfaction the fact that the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity had entered into force in November 1970. They stated that the provisions of the Convention related not only to crimes committed at the time of the Second World War, but also to all war crimes and crimes against humanity being committed as a result of aggressive wars during military occupation, and the policies of racism, apartheid and colonialism. They spoke in favour of the adoption of urgent and effective measures in order to put an end to the above-mentioned crimes being committed at the present time.

272. Other representatives expressed the view that war crimes and crimes against humanity could be committed during any war and not only in aggressive wars. They pointed out that it would be more correct to speak about all kinds of war and not make distinctions.

273. A number of representatives noted that the term "aggressive war" was one used by General Assembly resolution 2712 (XXV). It was stressed that war crimes were also committed on occupied territories.

274. Some representatives expressed the view that it was the duty of the Commission to take effective measures for preventing once and for all the committing of war crimes or crimes against humanity and stated that they were in favour of the need to develop additional international instruments aimed at preventing wars and crimes against humanity.

275. At the 1136th meeting the representative of the United Arab Republic submitted oral amendments to the fourth preambular paragraph and operative paragraph 1 which were accepted by the co-sponsors. At the same meeting the representative of Chile submitted an oral amendment to operative paragraph 2 which was accepted by the co-sponsors.

276. The voting on the draft resolution (E/CN.4/L.1179) took place at the 1136th meeting of the Commission, on 25 March 1971. At the request of the representative

of the Netherlands, the fourth preambular paragraph and operative paragraph 1 were voted on separately, the vote being taken by roll-call and these paragraphs were retained by 10 votes to 4 with 12 abstentions. The voting was as follows:

In favour: Chile, India, Lebanon, Morocco, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania.

Against: Netherlands, New Zealand, United Kingdom, United States of America.

Abstaining: Austria, Democratic Republic of Congo, Finland, France, Guatemala, Iran, Mexico, Peru, Philippines, Turkey, Uruguay, Venezuela.

277. The draft resolution as a whole was adopted by 10 votes to none, with 16 abstentions.

278. For the text of the resolution, see chapter XIX, resolution 16 (XXVII).

XI. QUESTION OF THE REALIZATION OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND THE STUDY OF SPECIAL PROBLEMS RELATING TO HUMAN RIGHTS IN DEVELOPING COUNTRIES

279. The Commission considered agenda item 18 at its 1136th meeting, held on 25 March 1971.

280. On the recommendation of the Commission in its resolution 11 (XXVI) of 24 March 1970, the Economic and Social Council adopted at its 1693rd meeting, on 27 May 1970, resolution 1502 (XLVIII) on the question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and the study of special problems relating to human rights in developing countries. In that resolution, the Council recalled its resolution 1421 (XLVI) of 6 June 1969 by which it had requested the Secretary-General "urgently to continue the exchange of experience among States on the effectiveness of the methods and means used by them in the realization of economic, social and cultural rights and also to consider the use for this purpose of the advisory services in the field of human rights". In paragraph 2 of resolution 1502 (XLVIII), the Council requested the Secretary-General to urge once again those Governments and specialized agencies which had not yet done so to submit information on the effectiveness of the methods and means used by them in the realization of economic, social and cultural rights.

281. At its twenty-seventh session, the Commission had before it a note by the Secretary-General (E/CN.4/1023/Add.1) containing substantial excerpts from information received as of 31 December 1970 from the Governments of Belgium, India, Malta, Nigeria, Poland, Singapore and the Union of Soviet Socialist Republics, as well as from the ILO, UNESCO and WHO. The Commission had also before it statements submitted by the Women's International Democratic Federation (E/CN.4/NGO/157) and the International Federation of Business and Professional Women (E/CN.4/NGO/162).

282. By resolution 1502 (XLVIII) the Economic and Social Council requested the Special Rapporteur appointed under Commission resolution 14 (XXV) to complete his study as soon as possible and to submit his final report to the Commission, if possible, at the twenty-seventh session, but in any case no later than the twenty-eighth session in 1972.

283. The Chairman read out a cable he had received from the Special Rapporteur, Mr. Ganji in which he informed the Commission that he had not been able to complete his report and that he would be unable to attend the current session of the Commission. The Special Rapporteur expected to have more time at his disposal in the future.

284. The representative of Poland submitted a draft resolution (E/CN.4/L.1181) which would have the Commission place this item as a high priority matter on the agenda of its twenty-eighth session and would recommend that the Economic and Social Council request the Special Rapporteur, while preparing his study, to take into account the provisions of the General Assembly declaration on social progress and development 2542 (XXIV) and resolution 2543 (XXIV) on the implementation of that declaration.

285. The draft resolution was adopted by 21 votes to none, with 2 abstentions.

286. For the text of the resolution, see chapter XIX resolution 17 (XXVII).

XII - PERIODIC REPORTS ON HUMAN RIGHTS

287. The Commission considered agenda item 20 at its 1136th meeting, held on 25 March 1971.

288. The Commission had before it:

(a) Reports on economic, social and cultural rights for the period 1 July 1966 to 30 June 1969 received subsequent to the 1970 session of the Ad Hoc Committee on Periodic reports on Human Rights from the following States Members of the United Nations or members of the specialized agencies: Bulgaria, Hungary, Italy, Jamaica, Kenya, Lebanon, Malaysia, New Zealand (Niue), Niger, Norway, Singapore, Somalia, Trinidad and Tobago (E/CN.4/1011/Add.9-17).

(b) An analytical summary of these reports (E/CN.4/1024/Add.3 and 4) prepared by the Secretary-General in accordance with resolution 16 (XXIII) of the Commission on Human Rights.

(c) A subject and country index to these reports prepared by the Secretary-General (E/CN.4/1025/Add.1).

(d) An up-to-date memorandum on the status of multilateral international agreements in the field of human rights (E/CN.4/907/Rev.7).

(e) The report of the Ad Hoc Committee on Periodic Reports on Human Rights on the work of the 1971 session (E/CN.4/1060).

289. The draft resolution submitted by the Ad Hoc Committee on Periodic Reports (ibid., para. 30) was adopted by 25 votes to none, with 1 abstention.

290. For the text of the resolution, see chapter XIX, resolution 18 (XXVII).

291. The representative of the United Kingdom then submitted two draft resolutions (E/CN.4/L.1183 and E/CN.4/L.1184), stating however that he was prepared not to press them to a vote at this session, in view of the fact that there would be little opportunity to discuss them adequately.

292. In introducing his first draft resolution he stated that he was impressed by the comparatively few governments which were submitting reports and wondered whether governments were not being asked for more reports than they could handle. It was with this idea in mind that he proposed to change the cycle from the present three years to nine years. He hoped that this longer cycle would not only enable more governments to submit reports but would also make it possible for those governments that were submitting reports to submit better ones. He pointed out that there was no conflict between this text and the text from the Ad Hoc Committee which had been just adopted.

293. Several representatives expressed their appreciation to the United Kingdom representative for not pressing his proposal to a vote. The periodic reports represented a valuable experiment in reporting on human rights not only for Governments but also for specialized agencies and non-governmental organizations. The experience of the Ad Hoc Committee had been very helpful in the past, and it would continue to be so in the future, in showing difficulties encountered in reporting in the field of human rights. The new nine-year cycle would weaken, and would be tantamount to discarding the periodic reports system.

294. It was pointed out that the system of periodic reports and other requests for information from governments served a purpose even when governments did not reply, as their attention was focussed on certain areas by the United Nations' requests for information, which aroused interest in those areas and were frequently followed by improvements in legislation and practice.

295. The view was expressed that the United Kingdom proposal had at least drawn attention to the fact that the existing system of periodic reports could be improved and that this would be in the minds of the members of the Commission when in future sessions the question of periodic reports on human rights came up for consideration.

296. In introducing his second draft resolution the representative of the United Kingdom stated that his delegation was not altogether satisfied with the format of the Yearbook on Human Rights. It duplicated materials already contained in the periodic reports on human rights and those relating to the enforcement of the Convention on the Elimination of All Forms of Racial Discrimination. He pointed out that there was a lag of many years in its appearance and that there would be advantages in printing periodic reports when they were received and making them available for sale. He was therefore suggesting in the operative paragraph of his draft resolution to discontinue the Yearbook and publish once every three years, in a continuing cycle, the collected periodic reports submitted by Member States on civil and political rights, economic, social and cultural rights and freedom of information.

297. The representative of the Secretary-General stated that the Yearbook on Human Rights which was a United Nations sales publication was now a well-known publication in many circles with a wide distribution and represented a by no means negligible source of profits for the United Nations. Not only government reports went into the Yearbook, but also material from other sources. The gap between the preparation and the publication of the Yearbook, attributable to certain practical problems, was being progressively reduced.

XIII. STUDY OF DISCRIMINATION IN RESPECT OF THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY

298. The Commission turned to item 8 of the agenda at its 1136th meeting, on 25 March 1971.

299. The Commission had before it:

(a) The Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country, prepared by Mr. José D. Inglés, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;^{8/}

(b) The comments of governments and non-governmental organizations on the above-mentioned Study and upon the draft principles on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country (E/CN.4/869 and Add.1 and Add.1/Corr.1 and Add.2-5), which were adopted by the Sub-Commission by its resolution 2 (XV) (annex) ^{9/} and are reproduced in annex VI of the printed Study;

(c) A note by the Secretary-General (E/CN.4/1042 and Add.1-2) containing an account of the consideration of the Study by the Sub-Commission, the Commission and the Economic and Social Council, related decisions of the 1963 United Nations Conference on International Travel and Tourism, and information from Governments of Member States on new developments in the fields covered by the Study, received in accordance with Sub-Commission resolution 1 (XXII) of 28 August 1969;^{10/}

(d) Statements received from the following non-governmental organizations: the International Council of Jewish Women (E/CN.4/NGO/154), Amnesty International, Co-ordinating Board of Jewish Organizations, International Catholic Migration Commission, International Catholic Union of the Press, International Commission of Jurists, International Council of Jewish Women, International Federation for the Rights of Man, International Federation of University Women, International Federation of Women Lawyers, International League for the Rights of Man, Pan-Pacific and Southeast Asia Women's Association, Women's International League for Peace and Freedom, World Jewish Congress, World Union of Catholic Women's Organizations, and World's Women's Christian Temperance Union (E/CN.4/NGO/155) and the International Catholic Migration Commission (E/CN.4/NGO/161).

300. The Special Rapporteur, Mr. José D. Inglés, presented his Study to the Commission and referred also to the above-mentioned comments of governments and non-governmental organizations on the Study and draft principles and to the above-mentioned information on new developments. He drew attention, in particular, to chapter V (Trends and Conclusions) and VI (Proposals) of the Study.

^{8/} United Nations publication, Sales No.: 64.XIV.2.

^{9/} E/CN.4/846, para. 141.

^{10/} E/CN.4/1008, para. 259.

301. Mr. Inglés said that it was essential to study not only the right itself, but also the permissible limitations. The right must in the first instance be recognized in national law, preferably in the constitution or fundamental law. Formal recognition, however, was not sufficient to ensure its enjoyment. The conditions or limitations imposed on its exercise should not in effect negate the right. Mr. Inglés pointed to the need to adopt the principles which would give effect to the right in a separate international instrument in the form of either a Declaration or Convention. The information on new developments indicated no improvement in the fields covered by the Study; many persons were still prevented from leaving their country and many others were refugees who were unable to return to their country.

302. Owing to lack of time, the Commission was unable to discuss this agenda item and deferred consideration of it to the twenty-eighth session.

XIV. APPROVAL OF LIST OF EXPERTS DRAWN UP BY THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES AT ITS TWENTY-SECOND SESSION UNDER RESOLUTION 1330 (XLIV) OF THE ECONOMIC AND SOCIAL COUNCIL

303. The Commission considered item 24 of its agenda at its 1136th meeting on 25 March 1971.

304. It had before it a note by the Secretary-General (E/CN.4/1043), in which it was recalled that, in resolution 1330 (XLIV) of 31 May 1968, the Economic and Social Council had requested the Secretary-General, in consultation with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and subject to confirmation by the Commission, to establish a list of experts in economic, sociological, legal and other relevant disciplines, whose advice would be available to States concerned with the liquidation of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism. The list proposed by the Sub-Commission at its twenty-second session, as augmented by the Commission at its twenty-sixth session, was annexed to the note by the Secretary-General.

305. The Commission approved this list, on the understanding that further names might be added to the list in the future. The list so approved is as follows:

List of experts in economic, sociological, legal and other relevant disciplines, whose advice could be made available to States concerned with the liquidation of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

Mr. Mario Alzamora-Valdez, philosopher and jurist (Peru)

Mr. Mohamed Awad, Special Rapporteur on slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (United Arab Republic)

Mr. Abdelwahab Bouhdiba, sociologist, publicist and scientific researcher (Tunisia)

Mr. Jorge Bravo Bresani, engineer and economist (Peru)

Mr. William O. Brown, sociologist, professor of sociology and Director of African Research and Studies Program, Boston University (United States of America)

Pastor Bjørn Bue (Norway)

Mr. Emilio Castañón-Pasquel, attorney, economist and professor of economics (Peru)

Smt Kanaladevi Chattopadhyaya, writer and lecturer (India)

Mr. André Joseph Chosalland, Commissioner of Police (France)

Dr. William Montague Cobb, anatomist, physical anthropologist, medical editor, head of Department of Anatomy, Howard University (United States of America)

Mr. Paul Cornil, professor at the Université libre de Bruxelles (Belgium)

Mr. James T. Duffy, educator, associate professor of Anthropology, Brandeis University (United States of America)

Pastor Halvdan Endresen (Norway)

Mr. Gregorio Feliciano, Secretary of Social Welfare (Philippines)

Mr. Raúl Ferrero-Rebagliati, writer, sociologist, man of letters, attorney and university professor (Peru)

Mr. Kemal Uddin Hossain, Deputy Attorney General for Pakistan, Dacca (Pakistan)

Mr. José D. Inglés, Undersecretary of Foreign Affairs and member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Philippines)

Mr. Karl Gothe Stig Johansson, police officer (Sweden)

Mr. A.E. Jøraandstad (Norway)

Mr. Noe Ladhari, jurist, publicist and university professor (Tunisia)

Mr. John Marcum, political scientist, professor of political science and Director of African Language Center and Studies Program, Lincoln University (United States of America)

Smt Lakshmi Menon (India)

Mr. Telesfor Nowak, jurist-judge of the Voivodship Court, Warsaw (Poland)

Mr. Blas Ople, Secretary of Labour (Philippines)

Mr. Richard Parvis, sociologist, associate professor of anthropology, University of Pittsburgh (United States of America)

Mr. Justice Herman T. Raymond (retired) (Pakistan)

Mr. George W. Shepherd, political scientist, Director of Research and Training Program on Race in International Systems, University of Denver (United States of America)

Mr. Arnold A. Sio, sociologist, professor and Chairman of Department of Sociology and Anthropology, Colgate University (United States of America)

Mr. Taieb Slim, Ambassador (Tunisia)

Mr. Øystein Stabrun (Norway)

Mr. Mamintal Tamano, Commission for National Integration (Philippines)
Mr. Olof G. Tandberg, Head of section in the Ministry of Education (Sweden)
Mr. Claudio Teehankee, Secretary of Justice (Philippines)
Mrs. Germaine Tillon, writer and sociologist (France)
Mr. Ilhan Unat, professor of private international law at Ankara University (Turkey)
Professor Cicely D. Williams (United Kingdom)

XV. MEMBERSHIP OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

306. The Commission considered item 25 of its agenda at its 1136th meeting, on 25 March 1971.

307. It had before it a note by the Secretary-General (E/CN.4/1061), in which it was recalled that the Commission was due to elect a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to serve for the unexpired term of office of one year of Mr. Bolintineanu, who had resigned. As a result of steps taken by the Secretary-General, in accordance with established practice, the Government of the Social Republic of Romania had nominated Mr. Aurel Cristescu to fill this vacancy.

308. The Commission elected Mr. Cristescu in place of Mr. Bolintineanu.

XVI. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

309. At its twenty-seventh session, the Commission had before it a report of the Secretary-General (E/CN.4/1056) dealing with the relevant decisions of the forty-eighth and forty-ninth sessions of the Economic and Social Council and of the twenty-fifth session of the General Assembly, as well as with the 1970 advisory services programme and the programme plans for 1971 and 1972. It also had before it the report of the three seminars held in Yugoslavia, Zambia and the Union of Soviet Socialist Republics, respectively, during 1970 (ST/TAO/HR/39-41).

310. At its 1136th meeting, held on 25 March 1971, the Commission, upon a proposal by the Chairman decided to take note of the report of the Secretary-General on advisory services in the field of human rights (E/CN.4/1056).

XVII. COMMUNICATIONS CONCERNING HUMAN RIGHTS

311. The Secretary-General distributed to the members of the Commission confidential lists of communications (H.R. Communications List Nos. 21-30), replies of Governments (H.R. Communications Nos. 777-864) and a confidential document of a statistical nature (H.R. Communications/Stat.12). A non-confidential list of communications containing a brief indication of the substance of each communication, however addressed, which dealt with the principles involved in the promotion of universal respect for and observance of human rights (E/CN.4/CR.40), was also distributed.

XVIII. ADOPTION OF THE REPORT

312. At its 1137th and 1138th meetings on 26 March 1971, the Commission considered the draft report on the work of its twenty-seventh session. The draft report, as amended in the course of the discussion, was adopted unanimously.

XIX. RESOLUTIONS AND OTHER DECISIONS ADOPTED BY THE COMMISSION
AT ITS TWENTY-SEVENTH SESSION

A. RESOLUTIONS

- 1 (XXVII). Observance in 1971 of the International Year for
Action to Combat Racism and Racial Discrimination^{11/}

The Commission on Human Rights,

Recalling that 1971 has been designated International Year for Action to
Combat Racism and Racial Discrimination,

Appeals to international public opinion to protest against any attempt to
violate the relevant provisions of the Security Council resolutions imposing the
embargo on the sale of arms to the Government of South Africa.

- 2 (XXVII). Special study of racial discrimination in
the political, economic, social and
cultural spheres^{12/}

The Commission on Human Rights,

Recommends to the Economic and Social Council the adoption of the following
draft resolution:

For the text, see chapter XX, draft resolution I⁷

- 3 (XXVII). Racial discrimination in the political, economic,
social and cultural spheres^{13/}

The Commission on Human Rights,

Having considered the conclusions and proposals set out in chapter XIII of the
special study of racial discrimination in the political, economic, social and
cultural spheres (E/CN.4/Sub.2/307/Add.5 and Add.5/Corr. 1 and 3) prepared by
Mr. Hernán Santa-Cruz,

Taking into account the recommendations in resolution 4 A (XXIII) of the Sub-
Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/
1040, chap. VIII) relating to the special study, and the discussions in the
Commission at its twenty-seventh session,

Decides to recommend to the Economic and Social Council the adoption of the
following draft resolution:

For the text, see chapter XX, draft resolution II⁷

^{11/} Adopted at the 1101st meeting, on 1 March 1971. See chap. II, para. 33.

^{12/} Adopted at the 1106th meeting, on 4 March 1971. See chap. II, para. 87.

^{13/} Adopted at the 1107th meeting, on 4 March 1971. See chap. II, para. 57.

4 (XXVII). The problem of indigenous populations^{14/}

The Commission on Human Rights,

Having considered the conclusions and proposals set out in chapter XIII of the special study of racial discrimination in the political, economic, social and cultural spheres (E/CN.4/Sub.2/307/Add.5 and Add.5/Corr. 1 and 3) prepared by Mr. Hernán Santa-Cruz,

Taking into account the recommendations in resolution 4 B (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap. VIII) relating to the special study and the discussions in the Commission at its twenty-seventh session,

Decides to recommend to the Economic and Social Council the adoption of the following draft resolution:

For the text, see chapter XX, draft resolution III⁷

5 (XXVII). The danger of a revival of nazism and racial intolerance^{15/}

The Commission on Human Rights,

Having considered the conclusions and proposals set out in chapter XIII of the special study of racial discrimination in the political, economic, social and cultural spheres (E/CN.4/Sub.2/307/Add.5 and Add.5/Corr.1 and 3) prepared by Mr. Hernán Santa-Cruz,

Taking into account the recommendations in resolution 4 D (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap. VIII) relating to the special study and the discussions in the Commission at its twenty-seventh session,

Decides to recommend to the Economic and Social Council and adoption of the following draft resolution:

For the text, see chapter XX, draft resolution IV⁷

^{14/} Adopted at the 1108th meeting, on 5 March 1971. See chap. II, para. 65.

^{15/} Adopted at the 1110th meeting, on 8 March 1971. See chap. II, para. 109.

6 (XXVII). Policies of apartheid and racial discrimination^{16/}

The Commission on Human Rights,

Having considered the conclusions and proposals set out in chapter XIII of the special study of racial discrimination in the political, economic, social and cultural spheres (E/CN.4/Sub.2/307/Add.5 and Add.5/Corr.1 and 3) prepared by Mr. Hernán Santa-Cruz,

Taking into account the recommendations in resolution 4 C (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap. VIII) relating to the special study and the discussions in the Commission at its twenty-seventh session,

Decides to recommend to the Economic and Social Council the adoption of the following draft resolution:

For the text, see chapter XX, draft resolution V

7 (XXVII). Report of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII), 2 (XXIV), 21 (XXV) and 8 (XXVI) of the Commission^{17/}

The Commission on Human Rights,

Recalling its resolution 2 (XXIII) in which it established the Ad hoc Working Group of Experts, its resolution 21 (XXV) and 8 (XXVI) in which it extended and enlarged the mandate of the Working Group,

Recalling General Assembly resolution 2440 (XXIII) of 19 December 1968 in which the General Assembly, inter alia, condemned any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South Africa police custody and prisons during interrogation and detention, as found in the first report of the Group,

Further recalling General Assembly resolutions 2646 (XXV) of 30 November 1970 concerning the elimination of all forms of racial discrimination and 2676 (XXV) of 9 December 1970 concerning the respect for human rights in armed conflicts,

Further recalling General Assembly resolution 2544 (XXIV) of 11 December 1969 by which the General Assembly designated the year 1971 as International Year for Action to combat Racism and Racial Discrimination,

^{16/} Adopted at the 1110th meeting, on 8 March 1971. See chap. II, para. 77.

^{17/} Adopted at the 1111th meeting, on 8 March 1971. See chap. II, para. 130.

Recognizing the contribution of the report of the Group to the continuing efforts of the United Nations to investigate and thus expose the gross and flagrant violation of human rights in southern Africa and in the African territories under Portugese administration,

Having examined the report of the Group (E/CN.4/1050 and Corr.1),

1. Expresses its appreciation of the work of the Ad hoc Working Group of Experts and looks forward to receiving the text of the study concerning the question of apartheid (which has been declared a crime against humanity) from the point of view of international penal law;

2. Endorses the observations, conclusions and recommendations of the Group;

3. Decides that the Ad hoc Working Group of Experts should continue surveying the developments in the areas and fields mentioned in paragraphs 3 (i) to (iv) of Commission resolution 2 (XXIV) and in paragraph 3 of Commission resolution 21 (XXV) with particular reference to grave manifestations of colonialism and racial discrimination present in the situation prevailing in Namibia, Southern Rhodesia, Angola, Mozambique and Guinea Bissau, resulting from the actions of the illegal South African régime in Namibia, the illegal minority régime in Southern Rhodesia and the Portugese régime in Angola, Mozambique and Guinea Bissau;

4. Requests the Group to remain active and vigilant in its observation of colonial and racially discriminatory practices in Africa and bring to the attention of the Commission new developments in the field mentioned in paragraph 3 above to the twenty-eighth session of the Commission and to submit a report including conclusions and recommendations to the twenty-ninth session of the Commission;

5. Requests the Chairman of the Commission on Human Rights at its twenty-seventh session to appoint in consultation with the African States members of the Commission another African expert to the Ad Hoc Working Group of Experts in the place of Mr. Waldron-Ramsey.^{18/}

8 (XXVII). Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination^{19/}

A

The Commission on Human Rights,

Recalling resolution 2649 (XXV) of 30 November 1970, by which the General Assembly, inter alia, requested the Commission on Human Rights to study, at its twenty-seventh session, the implementation of the United Nations resolutions

^{18/} See para. 132 above.

^{19/} Adopted at the 1116th meeting, held on 11 March 1971. See chap. III, para.149.

relating to the right of peoples under colonial and alien domination to self-determination and to submit its conclusions and recommendations to the General Assembly, through the Economic and Social Council, as soon as possible,

Believing that effective application of the principle of self-determination of peoples is the essential basis for recognition and observance of human rights and that self-determination means that all peoples have the right freely to determine their political status without external interference and to pursue their economic, social and cultural development,

1. Requests the Secretary-General to prepare an annotated collection of all the resolutions adopted by the various organs of the United Nations, the specialized agencies and the regional organizations relating to the right of peoples under colonial and alien domination to self-determination;

2. Decides, making use of this collection, to continue the consideration of this question with a view to appointing a special rapporteur at its twenty-eighth session.

B

The Commission on Human Rights,

Bearing in mind General Assembly resolution 2649 (XXV) of 30 November 1970, by which the Commission on Human Rights is requested to study the question of the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination,

Having considered this question, in pursuance of the request by the General Assembly, at its twenty-seventh session,

Decides to recommend to the Economic and Social Council the following draft resolution:

/For the text, see chapter XX, draft resolution VI/

9 (XXVII). Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East^{20/}

The Commission on Human Rights,

Guided by the purpose and principles of the Charter of the United Nations,

Bearing in mind the Universal Declaration on Human Rights,

^{20/} Adopted at the 1120th meeting, on 15 March 1971. See chap. IV, para. 173.

Reaffirming that the Human Rights and fundamental freedoms as provided for in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949,^{21/} and in other relevant international instruments, fully apply to all the territories occupied by Israel as a result of the hostilities in the Middle East, including occupied Jerusalem,

Recalling Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968 and General Assembly resolution 2252 (ES-V) of 4 July 1967, in which the Council and the General Assembly called upon Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled these areas since the outbreak of hostilities,

Recalling General Assembly resolutions 2443 (XXIII) of 19 December 1968, 2546 (XXIV) of 11 December 1969, 2674 (XXV) of 9 December 1970, and 2675 (XXV) of 9 December 1970,

Further recalling General Assembly resolution 2727 (XXV) of 15 December 1970 in which the Assembly requested the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, pending an early termination of Israeli occupation, to continue its work in order to ensure the safeguarding of the human rights of the population in the occupied territories,

Also recalling its resolution 6 (XXV) by which it decided to establish a special Working Group of Experts to investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, and resolution 10 (XXVI) in which it condemned Israel's grave violations of human rights as well as its violations of the Geneva Convention in the occupied territories,

Having studied the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,^{22/}

Gravely concerned by the fact that Israel's violations of human rights in the occupied territories continue unabated, in total disregard of the appeals and resolutions adopted by the United Nations, the specialized agencies, the International Conference on Human Rights held at Teheran in 1968 and the XXIst International Conference of the Red Cross held in Istanbul in September 1969,

Alarmed by the fact that Israel continues the establishment of settlements in the occupied territories including occupied Jerusalem, while it refuses to permit the return of the refugees and displaced persons to their homes, a right the denial of which by Israel constitutes an affront to humanity and a grave violation of international law,

1. Condemns Israel's continued violations of human rights in the occupied territories, including policies aimed at changing the status of these territories;

^{21/} United Nations, Treaty Series, Vol. 75 (1950), No. 973.

^{22/} A/8089.

2. Condemns specifically the following policies and practices of Israel:

- (a) Denial of the right of the refugees and displaced persons to return to their homes;
- (b) Resort to collective punishment;
- (c) The deportation and expulsion of the citizens of the occupied territories;
- (d) Arbitrary arrest and detention of the citizens of the occupied territories;
- (e) Ill treatment and torture of prisoners;
- (f) Destruction and demolition of villages, town quarters, houses and confiscation and expropriation of property;
- (g) Evacuation and transfer of sections of the population of the occupied territories;
- (h) Transfer of parts of its own civilian population into the occupied territories;

3. Strongly deplores Israel's policies in the occupied territories aimed at placing the population in a general state of repression, fear and deprivation, and particularly deplores:

- (a) Requisition of hospitals and their transformation into police stations;
- (b) Abrogation of the national laws and interference with the judicial system;
- (c) Refusal to allow the text books approved by the Director-General of the United Nations Educational, Scientific and Cultural Organization for schools in the occupied territories, and the insistence on forcing upon school children an alien system of education;

4. Calls upon Israel once again to comply fully with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949;

5. Again calls upon Israel to enable forthwith the refugees and displaced persons to return to their homes;

6. Once again calls upon Israel to heed and to implement the many resolutions adopted by the United Nations organs and the specialized agencies for the safeguarding of human rights in the occupied territories;

7. Reaffirms that all measures taken by Israel to colonize the occupied territories including occupied Jerusalem are completely null and void;

8. Declares that Israel's continued and increasing violations of the human rights of the population of the occupied territories, and its deliberate and persistent refusal to abide by its legal obligations under the United Nations Charter, international law, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, indicate the necessity of collective action on the part of the international community to ensure respect for the human rights of the population of the occupied territories;

9. Urges the International Committee of the Red Cross to co-operate with the United Nations organs, and particularly with the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in the fulfilment of its task to ensure the safeguarding of the human rights of the population of the occupied territories, and to inform the Commission on Human Rights at its twenty-eighth session of the steps it has taken in this regard;

10. Requests the Secretary-General to give wide publicity to United Nations documents dealing with the violations of human rights in the occupied territories, and in particular to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population in the Occupied Territories, and to use United Nations media of information in disseminating information on the conditions of the population of the occupied territories, the refugees and displaced persons;

11. Decides to include the question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East as a separate item of high priority on the agenda of the Commission's twenty-eighth session.

10 (XXVII). Report of the Secretary-General on Human Rights and Scientific and Technological Development^{23/}

The Commission on Human Rights,

Recalling that, in its resolutions 2450 (XXIII) of 19 December 1968 and 2721 (XXV) of 15 December 1970, the General Assembly expressed its profound concern at certain consequences which current scientific and technological developments have for human rights,

Reaffirming that scientific discoveries and their technological applications open up vast prospects for economic, social and cultural progress and for raising the level of living, and that, for that very reason, they may constitute an important factor in the effective application of human rights for all individuals and all peoples,

Being convinced that the favourable opportunities opened up by the scientific and technological revolution should be utilized in the interests of society as a whole and not to increase social and property inequality or to intensify the

^{23/} Adopted at the 1127th meeting, on 18 March 1971. See chap. V, para. 190.

exploitation of man by man, the exploitation of the scientifically and technologically less developed countries by the more developed countries,

Considering that in the future such developments will raise more and more complex problems, especially with regard to their consequences for human rights, if only because of their rapidity and their partly unpredictable nature,

Noting that the addenda to the report of the Secretary-General (E/CN.4/1028/Add. 5-6), the preliminary memorandum by the World Health Organization^{24/} and all other documents prepared in pursuance of the above-mentioned resolutions contain very valuable information on the various subjects dealt with, as well as analyses and conclusions,

Noting further that during the discussion at the twenty-seventh session reference was made to the need to give due attention in these reports to other aspects of the problem of the protection of human rights in conditions of scientific and technological progress and thus to make the reports more balanced,

Considering that the principles underlying the Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights remain fully valid and retain their universal scope, and that it is therefore important to consider the consequences of current and future scientific and technological developments for the exercise of human rights and the fundamental freedoms of the human person, and to study measures designed, if necessary, to avert the undesirable consequences which such developments may entail for fundamental freedoms and rights,

Considering that, on the one hand, these problems call for constant attention so that international action may be adapted so far as possible to their development and that, on the other hand, the information and conclusions in the above-mentioned reports of the Secretary-General reveal that the protection of the rights proclaimed in article 12 of the Universal Declaration of Human Rights against arbitrary interference and attacks, which have already increased with the use of various recording techniques, electronics and data processing systems, has already been sufficiently studied for the United Nations to make a more detailed investigation of the various aspects of the subject,

1. Considers that each State should, individually and through international co-operation with due regard to the principles of inviolability, sovereignty and equality of States, make use of scientific and technological developments to promote the exercise of human rights and fundamental freedoms as fully as possible;

2. Considers that problems of protecting human rights and fundamental freedoms in the context of scientific and technological progress should be tackled at the national and international levels in accordance with the principles underlying the structure of the State and society, specific economic and social conditions, and cultural tradition;

^{24/} A/8055/Add.1.

3. Recognizes the need during the Second United Nations Development Decade to concentrate its attention on the most important and basic problems of protecting human rights and fundamental freedoms in the context of scientific and technological progress, and in particular on:

(a) Protection of human rights in the economic, social and cultural fields in accordance with the structure and resources of States and the scientific and technological level they have reached, as well as protection of the right to work in conditions of the automation and mechanization of production;

(b) The use of scientific and technological developments to foster respect for human rights and the legitimate interests of other peoples and respect for generally recognized moral standards and standards of international law;

(c) Prevention of the use of scientific and technological achievements to restrict fundamental democratic rights and freedoms;

4. Requests the Secretary-General to continue his study of the consequences, for the observance of human rights, of current developments in science and technology, taking into account also the possibility of using them to improve living conditions and the enjoyment of economic, social and cultural rights;

5. Requests governments to submit to the Secretary-General any material they might have on problems arising in connexion with the protection of human rights within the context of scientific and technological progress, including information on the problems listed in paragraph 3 above and on the development of legislation, court decisions and national practice and any projects they have in view in connexion with the matters dealt with in this resolution;

6. Requests the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the other specialized agencies and the International Atomic Energy Agency to submit to the Commission, through the Secretary-General, a report on the above problems in relation to those human rights which fall within their competence;

7. Requests other intergovernmental organizations, especially regional organizations to transmit to the Secretary-General their comments and observations on these problems;

8. Requests the non-governmental organizations in consultative status with the Economic and Social Council to transmit to the Secretary-General any communications they consider relevant to these problems;

9. Requests the Secretary-General, bearing in mind the information received from governments and in the light of the discussions at the twenty-seventh session of the Commission, to supplement his studies, so as to present a balanced picture of all basic problems arising in connexion with the exercise of human rights and fundamental freedoms in conditions of scientific and technological progress;

10. Requests the Secretary-General to submit to the Commission one or more reports, in fields where sufficient documentation and studies are available, which

could be used as a basis for exploring the possibility of preparing international instruments designed to strengthen the protection of the human rights proclaimed in the Universal Declaration of Human Rights;

11. Requests the Secretary-General to bring to the attention of the Preparatory Committee for the United Nations Conference on the Human Environment and of the Economic and Social Council, in the course of the efforts to ensure the success of the Second Development Decade, this resolution and the relevant documents studied by the Commission at its twenty-seventh session;

12. Decides to retain the item on human rights and technological developments as a standing item on its agenda.

11 (XXVII). Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms 25/

A

The Commission on Human Rights,

Having examined the question of educating young people all over the world with a view to developing their personality and strengthening their respect for human rights and fundamental freedoms,

Having noted with interest the documentation furnished by the Director-General of the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1027 and Add.1) and by the Secretary-General (E/CN.4/1032 and Add.1-7) at the request of the Commission in its resolutions 20 (XXV) and 12 (XXVI), as well as the report of the Belgrade seminar on the role of youth in the promotion and protection of human rights (ST/TAO/HR/39) and the report relating to the World Youth Assembly, 26/

Recalling resolution XX of the International Conference on Human Rights, 27/ General Assembly resolution 2447 (XXIII) of 19 December 1968 and resolutions 20 (XX) and 12 (XXVI) of the Commission,

Recalling the principles of General Assembly resolution 110 (II) of 3 November 1947 condemning all forms of propaganda which is either designed or likely to provoke or encourage any threat to the peace, as well as the principles enshrined in the Declaration on the Promotion Among Youth of the Ideals of Peace, Mutual Respect and Understanding Among Peoples, adopted by the General Assembly in its resolution 2037 (XX) of 7 December 1965,

25/ Adopted at the 1131st meeting, on 22 March 1971. See chap. VI, paras. 207, 211 and 216.

26/ 56/WYA/P/10.

27/ United Nations publication, Sales No.: E.68.XIV.2, chap. III.

Recalling also General Assembly resolutions 2445 (XXIII) of 19 December 1968, 2497 (XXIV) of 28 October 1969 and 2633 (XXV) of 11 November 1970 and reaffirming the recommendations contained therein,

Recognizing that youth has a vital role to play in the promotion of world peace, justice, social and economic progress and respect for the value and dignity of the human person,

Believing that both school education and out-of-school education are of vital importance in fostering tolerance, international understanding and social justice, as well as in overcoming prejudice and outmoded customs and traditions that may lead to discrimination and violation of fundamental human rights,

Bearing in mind the recommendation contained in paragraph 67 of the International Development Strategy for the Second United Nations Development Decade adopted by the General Assembly in its resolution 2626 (XXV) of 24 October 1970, especially the role of developed countries and international institutions in giving assistance for extending and improving the systems of education of developing countries, especially by making available some of the educational inputs in short supply in many developing countries and by providing assistance to facilitate the flow of pedagogic resources among them,

Noting with regret that the teaching of human rights has not, to date, been accorded due priority in many countries,

Convinced that in addition to education in the respect for human rights, further effective ways and means must be found, with the participation of the younger generation, to create the conditions necessary for young people fully to develop their potentialities and to become actively involved in the promotion of respect for the dignity and worth of all human beings,

1. Appeals to governments, all organizations in the United Nations system, other intergovernmental and non-governmental organizations, to devote their urgent attention to the problems involved in the education of youth for the development of its personality, its devotion to social progress and the strengthening of its respect for human rights;
2. Urges governments to ensure that by meticulous respect for human rights in practice and by energetic action against all infringements of such rights in areas within their competence, they provide the vital prerequisite and key component of any effective education of young people in respect for human rights;
3. Calls upon governments to take all appropriate measures to educate young people in the spirit of peace, justice, freedom, mutual respect and mutual understanding, as well as respect for generally recognized principles of morality and international law, in order to promote equal rights for all people and nations and economic and social progress;
4. Draws the attention of States to the need to create conditions for active participation by young people in all aspects of the life of the community;

5. Calls upon all States concerned not to allow repressive measures to be taken against young people who are lawfully protesting against wars of aggression, colonial or alien oppression, racism, nazism and apartheid, or who are struggling for peace, for national and social liberation or for fundamental human rights and freedoms;

6. Invites governments concerned:

(a) To review their legislation to ensure that it adequately protects children, adolescents and other young persons from exploitation and that there are no legal impediments to hinder young persons from developing their full potential without any discrimination;

(b) To include as an important matter the teaching of human rights in their educational programmes at all levels of formal education, especially at the secondary and higher levels and also in out-of-school programmes and activities, and to develop suitable teaching materials for this purpose;

(c) To involve young people effectively in campaigns to eliminate illiteracy, in planning and executing programmes to protect the environment, in promoting economic and social progress in the defence of human rights and particularly in the realization of human rights in the field of education and in all other matters where they are directly concerned;

7. Invites States Members of the United Nations and members of the specialized agencies:

(a) To disseminate widely, through their educational institutions and out-of-school educational programmes and activities, information available from the United Nations and other organizations within the United Nations system on crucial questions of human rights that face the international community today;

(b) To encourage such institutions to establish or extend their contacts with all organizations of the United Nations system in order to become fully familiar with the work of these bodies in promoting respect for human rights;

8. Requests the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization and interested specialized agencies, with the assistance of non-governmental organizations, to increase their efforts to prepare and disseminate widely pamphlets and other publications relating to human rights which will appeal to educators and to the general public;

9. Expresses the hope that further seminars on the role of youth in the promotion and protection of human rights will be organized under the programme of advisory services in the field of human rights, if possible, in all regions of the world;

10. Invites the Secretary-General to explore, through such seminars and other techniques available, ways and means by which youth may be encouraged to participate constructively, and to assist in the effective implementation of United Nations principles concerning human rights at the national and international levels;

11. Decides to revert to the discussion of the role of youth in the promotion and protection of human rights at a future session.

B

The Commission on Human Rights,

Aware of the increasing interest among young people in certain countries in the question of conscientious objection to military service,

Recalling articles 3 and 18 of the Universal Declaration of Human Rights, enunciating the right to life, liberty and the security of person and the right to freedom of thought, conscience and religion,

Considering it desirable, with a view to further study of the question of conscientious objection to military service, to have more information at its disposal on domestic legislation and practice in this matter,

1. Requests the Secretary-General:

(a) To make available to the Commission the information on conscientious objection to military service, included in the country monographs which were prepared in connexion with the Study of Discrimination in the Matter of Religious Rights and Practices; 28/

(b) To seek from Member States up-to-date information on national legislations and other measures and practices relating to conscientious objection to military service and alternative service;

(c) To submit a report on this matter to the Commission as soon as possible;

2. Decides to study the question of conscientious objection to military service when the report of the Secretary-General is available for consideration.

C

The Commission on Human Rights,

Bearing in mind that the Universal Declaration of Human Rights recommends that respect for fundamental human rights and freedoms should be promoted by teaching and education,

Considering that the problem of human rights, as set forth in various international and national declarations and instruments, must be made accessible and comprehensible to university students and to young people in general in order to contribute to the understanding, promotion and protection of these rights, and to the adequate preparation of educators in this important field,

28/ United Nations publication, Sales No.: 60.XIV.2.

Having examined the report prepared by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1027), which draws attention to the difficulties raised by the teaching of human rights in schools and universities,

Having regard also to the difficulties encountered by educators in the teaching of human rights, as brought out in the general debate at the twenty-seventh session of the Commission,

Convinced that the United Nations and the specialized agencies should help to facilitate the teaching of human rights,

Resolves:

1. To request the United Nations Educational, Scientific and Cultural Organization to ask its member States for information on how human rights are taught in their universities and on the difficulties encountered in providing such teaching in a suitable manner;

2. To request the United Nations Educational, Scientific and Cultural Organization to consider the desirability of envisaging the systematic study and the development of an independent scientific discipline of human rights, taking into account the principal legal systems of the world with a view to facilitating the understanding, comprehension, study and teaching of human rights at the university level, and subsequently at other educational levels, and to report on the matter to this Commission, if possible, at its twenty-eighth session;

3. To continue the consideration of this subject at a future session.

12 (XXVII). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 29/

The Commission on Human Rights,

Noting resolution 1 (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, Chap. VIII),

Decides to recommend to the Economic and Social Council the adoption of the following draft resolution:

For the text, see chapter XX, draft resolution VII.7

13 (XXVII). Study of equality in the administration of justice 30/

The Commission on Human Rights,

Noting resolution 3 (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, Chap. VIII),

29/ Adopted at the 1133rd meeting, on 23 March 1971. See chap. VIII, para. 243.

30/ Adopted at the 1133rd meeting, on 23 March 1971. See chap. VIII, para. 248.

Decides to recommend to the Economic and Social Council the adoption of the following draft resolution:

/For the text, see chapter XX, draft resolution VIII.7

14 (XXVII). Model rules of procedure for United Nations bodies dealing with violations of human rights 31/

The Commission on Human Rights,

Recalling Commission resolutions 8 (XXV) and 9 (XXVI),

Taking note of the fact that the Special Committee established in accordance with paragraph 4 of General Assembly resolution 2443 (XXIII) of 19 December 1968 was guided by the model rules of procedure for United Nations bodies dealing with violations of human rights contained in the note by the Secretary-General (E/CN.4/1021/Rev.1),

1. Decides to establish a working group of five of its members to meet, if possible, immediately before the twenty-eighth session of the Commission to examine the model rules of procedure in the note by the Secretary-General, taking into account the views expressed during the twenty-seventh session of the Commission and to report to the twenty-eighth session of the Commission;

2. Decides to resume consideration of this matter at its twenty-eighth session;

3. Requests the Secretary-General to transmit the model rules contained in the note by the Secretary-General for comment by Member States and to submit such comments as may be received to the working group and the Commission. 32/

15 (XXVII). The possibility of preparing a draft international agreement ensuring the protection of journalists engaged in dangerous missions and providing, inter alia, for the creation of a universally recognized and guaranteed identification document 33/

The Commission on Human Rights,

Recalling resolution 2444 (XXIII) of 19 December 1968, in which the General Assembly invited the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study:

31/ Adopted at the 1134th meeting, on 24 March 1971. See chap. VII B, para. 237.

32/ See para. 238 above.

33/ Adopted at the 1135th meeting, on 24 March 1971. See chap. IX, para. 266.

(a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts,

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

Recalling further resolution 2673 (XXV) of 9 December 1970, in which the General Assembly invites the Economic and Social Council to request the Commission to consider the possibility of preparing a draft international agreement ensuring the protection of journalists engaged in dangerous missions and providing, inter alia, for the creation of a universally recognized and guaranteed identification document,

Noting that, in the same resolution, the General Assembly invites the Commission to consider this question as a matter of priority at its twenty-seventh session in order that a draft international agreement may be adopted as soon as possible by the General Assembly or by some other appropriate body,

Noting that the General Assembly has also requested the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to submit a report on this question to the General Assembly at its twenty-sixth session,

Noting also that the General Assembly has decided to give the highest priority to the consideration of this question at its twenty-sixth session,

Considering that without prejudice to the application of the Geneva Conventions of August 12, 1949 for the protection of war victims ^{34/} it is desirable to guarantee for all categories of journalists, in view of the present-day requirements of their profession, effective protection when they carry out dangerous missions,

Convinced of the urgent need to examine this question, both on humanitarian grounds and in order to enable journalists with due respect for the law to seek, receive and impart information fully, objectively and faithfully in the spirit of the purposes and principles of the United Nations Charter and the Universal Declaration of Human Rights and in particular article 19 of the Universal Declaration of Human Rights concerning freedom of information,

Considering that at the twenty-seventh session the Commission did not have sufficient time to consider in detail the preliminary draft international convention on the protection of journalists engaged in dangerous missions (E/CN.4/L.1149/Rev.1),

Anxious to act in this matter in close co-operation with the Secretary-General and the International Committee of the Red Cross,

1. Recommends the Economic and Social Council to consider and transmit to the General Assembly the preliminary draft international convention on the

^{34/} United Nations, Treaty Series, vol. 75 (1950), Nos. 970-973.

protection of journalists engaged in dangerous missions, together with the relevant records of the discussions held in the Commission and in the Economic and Social Council, as a valid basis for its discussions on this subject at its twenty-sixth session;

2. Requests the Secretary-General to communicate the same documentation to the Governments of States Members of the United Nations or members of a specialized agency or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice and through the International Committee of the Red Cross to the Parties to the Geneva Conventions of 1949 inviting them to send in their observations so that the General Assembly may have them before it as far as possible at its twenty-sixth session;

3. Requests the Secretary-General to transmit the preliminary draft convention as well as the relevant records of the discussions held in the Commission and in the Economic and Social Council to the Intergovernmental Conference of Experts of the International Committee of the Red Cross to be held in May 1971, requesting the Conference to make its observations on the draft convention so that the General Assembly may have them before it at its twenty-sixth session;

4. Requests the Secretary-General to establish a group of not more than seven experts which shall include in particular a consultant jurist, persons nominated by national professional organizations of journalists from different geographical regions and a representative of the International Committee of the Red Cross, for the purpose, in particular of:

(a) Considering the appropriate composition for an international professional committee for the protection of journalists engaged in dangerous missions, as envisaged in article 3 of the draft convention;

(b) Considering the conditions, procedure and the criteria for the issue and withdrawal as well as the procedure for the recognition of the safe-conduct card;

(c) Submitting to the General Assembly, so that it may have them before it as far as possible at its twenty-sixth session, its conclusions and recommendations together with a draft protocol, annexed to the draft convention prescribing the composition, duties and methods of the international professional committee provided for in article 3.

16 (XXVII). Question of the punishment of war criminals and of persons who have committed crimes against humanity 35/

The Commission on Human Rights,

Taking cognizance of the note by the Secretary-General (E/CN.4/1053) concerning the resolutions on the above question adopted by the Economic and Social Council at its forty-eighth session and by the General Assembly at its twenty-fifth session,

35/ Adopted at the 1136th meeting, on 25 March 1971. See chap. X, para. 277.

Recalling General Assembly resolution 2712 (XXV) of 15 December 1970 on the question of the punishment of war criminals and of persons who have committed crimes against humanity,

Noting with satisfaction the fact that the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity entered into force on 11 November 1970,

Considering that the provisions of the above Convention relate not only to crimes committed at the time of the Second World War, but also to all war crimes and crimes against humanity at present being committed as a result of aggressive wars, military occupation and the policies of racism, apartheid and colonialism,

Deeming it necessary that urgent and effective measures should be taken to end the war crimes and crimes against humanity which are at present being committed,

1. Once again condemns the war crimes and crimes against humanity which are at present being committed as a result of aggressive wars, military occupation and the policies of racism, apartheid and colonialism;

2. Urgently appeals to States within whose jurisdiction there are persons who are at present committing war crimes or crimes against humanity to put an end to such crimes, to punish persons guilty of such crimes severely and, in the case of heinous crimes, to extradite in conformity with their legislations such persons to the States on whose territory they have perpetrated their crimes;

3. Invites the above States to submit to the Secretary-General information on the measures adopted to give effect to the provisions of paragraph 2 of this resolution;

4. Calls on all States to expand co-operation in the collection and exchange of information leading to the detection, arrest, extradition, trial and punishment of persons guilty of war crimes and crimes against humanity;

5. Requests the Secretary-General, in the light of the information received from Governments, to submit a report on this question to the Commission at its twenty-eighth session;

6. Resolves to consider at its next session the question of the punishment of war criminals and of persons who have committed crimes against humanity.

17 (XXVII). Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on economic, social and cultural rights, and the study of special problems relating to human rights in developing countries 36/

The Commission on Human Rights,

Recalling its resolution 14 (XXV) and 11 (XXVI),

36/ Adopted at the 1136th meeting, on 25 March 1971. See chap. XI, para. 285.

Taking note of the note by the Secretary-General on the question (E/CN.4/1023/Add.1),

1. Decides to place this question, as a high priority matter, on the agenda of its twenty-eighth session;
2. Recommends to the Economic and Social Council the following draft resolution:

For the text, see chapter XX, draft resolution IX.

18 (XXVII). Periodic reports on human rights 37/

The Commission on Human Rights,

Having regard to Economic and Social Council resolutions 1074 C (XXXIX) of 28 July 1965 and 1506 (XLVIII) of 27 May 1970,

Having considered, with the assistance of its Ad Hoc Committee on Periodic Reports on Human Rights, the reports, information and comments on economic, social and cultural rights for the period from 1 July 1966 to 30 June 1969, received from Member States since its twenty-sixth session (E/CN.4/1011/Add.9-17),

Noting that 1971 is observed as the International Year for Action to Combat Racism and Racial Discrimination,

1. Reaffirms paragraphs 1 to 4 of section I, and section II of its resolution 13 (XXVI);
2. Draws the attention of the Special Rapporteur appointed under its resolution 14 (XXV) and Economic and Social Council resolution 1421 (XLVI) of 6 June 1969 to the material, information and documentation submitted to the Commission and its Ad Hoc Committee in connexion with the consideration of periodic reports on economic, social and cultural rights covering the period from 1 July 1966 to 30 June 1969;
3. Invites Member States, in submitting their periodic reports, to follow closely the outline of headings for the reports sent to them by the Secretary-General and to pay greater attention to the guidelines contained in paragraph 1 of its resolution 16 B (XXIII) which was adopted unanimously on 22 March 1967;
4. Considers, in particular, that the assessments of progress and problems in the promotion and protection of human rights by the Commission and its Ad Hoc Committee can be of practical value only to the extent that Governments include in their reports detailed information concerning specific difficulties encountered, practical measures or methods applied or assistance needed to overcome them;

37/ Adopted at the 1136th meeting, on 25 March 1971. See chap. XII, para. 289.

5. Requests Member States and specialized agencies to make special reference in their reports to the action taken to overcome racism and racial intolerance in accordance with the objectives of the International Year for Action to Combat Racism and Racial Discrimination;

6. Notes with appreciation the contribution to the advancement of human rights made by those States which have submitted reports on economic, social and cultural rights;

7. Deplores the absence of information on the exercise of economic, social and cultural rights in some territories still under colonial rule;

8. Expresses the hope that an increasing number of Member States will report in the future;

9. Urges Member States to submit their reports within the established time-limits;

10. Emphasizes in this connexion that it is only through the timely submission of concise reports by Member States and specialized agencies and objective information by non-governmental organizations in consultative status that the international community can appreciate both the progress achieved and problems still to be overcome;

11. Recalls that the time-limit established for the submission of reports on freedom of information is 31 March 1971, and hopes that governments will find it possible to submit their reports by that time, so that the Secretary-General may issue the necessary documentation in appropriate time to enable the members of the Ad Hoc Committee on Periodic Reports to study it well in advance of the Committee's 1972 session.

B. OTHER DECISIONS

Advisory services in the field of human rights

At its 1136th meeting, on 25 March 1971, the Commission took note of the report of the Secretary-General on the programme of advisory services in the field of human rights (E/CN.4/1056). 38/

Approval of list of experts drawn up by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-second session under resolution 1330 (XLIV) of the Economic and Social Council

At its 1136th meeting, on 25 March 1971, the Commission approved the list of experts in economic, sociological, legal and other relevant disciplines, whose advice could be made available to States concerned with the liquidation of slavery

38/ See chap. XVI, para. 310.

and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism (see para. 306 above for the list of names) on the understanding that the list would be open for further additions as decided upon in the future.

Membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

At its 1136th meeting, on 25 March 1971, the Commission elected Mr. Aurel Cristescu (Romania) as a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to serve for the unexpired term of office of Mr. Alexandru Bolintineanu (Romania). 39/

Postponement of items on the agenda

At its 1136th meeting, on 25 March 1971, the Commission decided to postpone to its twenty-eighth session the consideration of the following items:

(a) Study of discrimination in the matter of political rights and the draft principles on freedom and non-discrimination in the matter of political rights;

(b) Review of the human rights programme and establishment of priorities. Control and limitation of documentation;

(c) Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country;

(d) Study of the right of everyone to be free from arbitrary arrest, detention and exile, and study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, as well as the draft principles on freedom from arbitrary arrest and detention;

(e) Further promotion and encouragement of respect for human rights and fundamental freedoms;

(f) Question of an international code of police ethics.

39/ See chap. XV, para. 308.

XX. DRAFT RESOLUTIONS FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

I

Special study of racial discrimination in the political, economic, social and cultural spheres 40/

The Economic and Social Council,

Taking into account the unique contribution made by the special study of racial discrimination in the political, economic, social and cultural spheres (E/CN.4/Sub.2/307/Rev.1) submitted by the Special Rapporteur, Mr. Hernán Santa Cruz to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-third session and to the Commission on Human Rights at its twenty-seventh session,

Expresses its appreciation to Mr. Santa Cruz for his valuable study.

II

Racial discrimination in the political, economic, social and cultural spheres 41/

The Economic and Social Council,

Considering it necessary that immediate, effective and decisive steps should be taken to eradicate racial discrimination in the political, economic, social and cultural fields,

Endorsing in general the conclusions concerning such discrimination set out in the special study of racial discrimination in the political, economic, social and cultural spheres (E/CN.4/Sub.2/307/Rev.1, chap. XIII, sect. A),

Bearing in mind that racial discrimination exists in many countries, and in southern Africa especially it is being perpetuated as a device for maintaining a steady supply of cheap labour and the minority rule by the racist régimes,

1. Recommends that the General Assembly request every competent United Nations organ, specialized agency, regional intergovernmental organization and non-governmental organization in consultative status to consider, as a matter of the highest priority, at sessions to be held in 1971, the International Year for Action to Combat Racism and Racial Discrimination, and in succeeding years:

(a) The further action which it might itself take with a view to speedily eliminating racial discrimination throughout the world;

40/ See chap. XIX, resolution 2 (XXVII), and chap. II, paras. 79-87.

41/ See chap. XIX, resolution 3 (XXVII), and chap. II, paras. 40-59.

(b) The action which it might recommend to its subsidiary organs, to States and to international and national bodies for this purpose;

(c) The follow-up measures required to ensure the full and effective implementation of its decisions in this matter;

2. Invites non-governmental organizations in consultative status with special interest in the elimination of racism and racial discrimination to communicate to the Economic and Social Council biennially and for the information of any interested organ of the United Nations their endeavours and progress in the struggle against racism, apartheid and racial discrimination especially in southern Africa;

3. Recommends further that the General Assembly urge all States which are not parties to the International Convention on the Elimination of All Forms of Racial Discrimination to accelerate the process of ratifying that Convention, to ratify or to accede to it as soon as possible, especially during the International Year for Action to Combat Racism and Racial Discrimination, and request them to report to the General Assembly on the measures taken by them to this effect, on any obstacles which may have been encountered and on any interim measures taken to comply strictly with the principles set out in the Declaration and the Convention;

4. Recommends further that the General Assembly should pursue as a major feature of action to combat racism and racial discrimination after the International Year and with the co-operation and assistance of every competent United Nations organ, specialized agency and affiliated national and international organization, a world-wide programme intended to build up public opinion, especially through radio and television broadcasts, as well as through the distribution of appropriate literature such as the Statement on Race and Racial Discrimination, adopted by a conference of experts on the subject convened by the United Nations Educational Scientific and Cultural Organization in Paris in 1967, with a view to eradicating once and for all false racial beliefs based upon a lack of scientific knowledge;

5. Recommends further that the General Assembly urge all States concerned to accelerate economic and social development of their minority groups with a view to eliminating de facto discrimination occasioned by their low standard of living, and urge also competent organs of the United Nations and specialized agencies to extend their full co-operation, including technical and financial assistance where appropriate, to enable the States concerned to achieve the foregoing objective;

6. Stresses the significance of social and economic reforms which lead to the acceleration of the social and economic development of countries and also to the full participation of people in the process of such development and in its benefits as the basis for the actual realization of human rights and freedoms and the elimination of all forms of racial discrimination;

7. Invites the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization to provide the Commission on Human Rights with reports, at three-year intervals, on the nature and effect of any racial discrimination especially in southern Africa of whose existence they have knowledge in their sphere of competence.

III

The problem of indigenous populations^{42/}

The Economic and Social Council,

Noting that indigenous populations often encounter racial prejudice and discrimination and that sometimes the "special measures" taken by the authorities to protect their unique culture and identity - which they themselves earnestly wish to maintain - may, with the passage of time, become unnecessary or excessive and therefore may also be discriminatory in character,

Considering that the international community must therefore devote particular attention to the problems of indigenous populations if it is to succeed in its endeavour to eliminate all forms of discrimination,

Convinced that the policy of integration of indigenous populations in the national community - and not segregation or assimilation - is the most appropriate means of eliminating discrimination against those populations,

Convinced further that no integration policy for indigenous populations, whether they represent minority groups or a majority of a country's population, can proceed unless it is accompanied by a policy of economic, social and educational development aimed at achieving a rapid and substantial rise in the living standards of those populations,

Further convinced that every precaution must be taken to ensure that the process of integration is not carried out to the detriment of the institutions and traditions of the indigenous population and that its cultural and historical values are respected,

1. Recommends that the Governments of all States having indigenous populations take into account, in their policies of economic and social development, the special problems of indigenous populations with a view to eliminating prejudice and discrimination against such populations;
2. Appeals to the States concerned, if they have not yet done so, to take the appropriate legislative, administrative and other measures to protect the indigenous population and to prevent any discrimination against it;
3. Invites all competent organs of the United Nations and, especially, the regional economic commissions and specialized agencies concerned to co-operate with governments in any actions which they may undertake in compliance with the present resolution;
4. Recommends to all States having legislation for the protection of indigenous populations that they review that legislation with a view to determining whether in practice it has not already resulted, or might not result, in discrimination, or whether its effect has been to place unjust and unnecessary restrictions on certain civil and political rights;

^{42/} See chap. XIX, resolution 4 (XXVII), and chap. II, paras. 60-67.

5. Notes with interest the efforts that have been made in this connexion within the inter-American system, and invites the Organization of American States, and particularly its specialized organs and bodies, such as the Inter-American Commission on Human Rights and the Inter-American Indian Institute, to take the necessary steps within their spheres of competence to eradicate any kind of discrimination against indigenous populations;

6. Invites, similarly, the specialized organs and bodies of the United Nations and the other regional bodies to take the necessary steps for the same purpose of eradicating any discrimination against indigenous populations;

7. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to make a complete and comprehensive study of the problem of discrimination against indigenous populations, and to suggest the necessary national and international measures for eliminating such discrimination, in co-operation with the other organs and bodies of the United Nations and with the competent international organizations.

IV

The danger of a revival of nazism and racial intolerance^{43/}

The Economic and Social Council,

Noting resolution 4 (XVIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap. VIII), and resolution 5 (XXVII) of the Commission on Human Rights, on the danger of a revival of nazism and racial discrimination,

Having considered the special study of racial discrimination in the political, economic, social and cultural spheres (E/CN.4/Sub.2/307/Rev.1) prepared by the Special Rapporteur of the Sub-Commission, and in particular chapter XII of that study on the danger of the revival of nazism and racial discrimination,

1. Invites the General Assembly to resume, as soon as possible, its study of the question of the international criminal jurisdiction and the question of the draft code of offences against the peace and security of mankind with a view to the preparation of effective measures to eliminate any possibility of a revival of nazism;

2. Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Recognizing that there still exists in the world convinced adherents of nazism and racial intolerance whose activities - if they are not opposed in sufficient time - could bring about a resurgence of those ideologies, which are clearly incompatible with the purposes and principles of the

^{43/} See chap. XIX, resolution 5 (XXVII), and chap. II, paras. 89-110.

United Nations Charter, the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination, and that, accordingly, the danger of a revival, or a development of new forms of nazism and racial discrimination combined with terrorism cannot be disregarded,

"Considering that contemporary manifestations of resurgent nazism, like the earlier ones, combine racial prejudice and discrimination with terrorism, and that in some cases racism has been raised to the level of State policy, as in the case of the Republic of South Africa,

"Believing it essential, in order to remove this threat to the peace and security of peoples and to the realization of basic human rights and fundamental freedoms, to elaborate a series of urgent and effective measures which might be adopted by States with a view to suppressing the revival of nazism and preventing its revival, in any form or manifestation, in the future,

"Firmly convinced that the best bulwark against nazism and racial discrimination is the establishment and maintenance of democratic institutions, that the existence of genuine political, social and economic democracy is an effective vaccine and an equally effective antidote against the formation or development of nazi movements, and that a political system which is based on freedom and effective participation by the people in the conduct of public affairs, and under which economic and social conditions are such as to ensure a decent standard of living for the population, makes it impossible for fascism, nazism or other ideologies based on terror to succeed,

"Confirming that nazism and other forms of racial intolerance constitute a serious threat to the realization everywhere of human rights and freedoms and the maintenance of international peace and security,

"Deeming it essential that the question of measures to be taken to combat nazism and racial intolerance should be kept under constant review by the appropriate United Nations bodies with a view to the timely and immediate adoption of the necessary measures for the complete eradication of nazism from the life of society,

"1. Condemns all manifestations of the ideology and practice of nazism and racial intolerance, wherever they may occur;

"2. Calls upon States to take steps to bring to light any evidence of the manifestation and dissemination of the ideology and practice of nazism and racial intolerance and to ensure that they are rigorously suppressed and prohibited;

"3. Invites all eligible States which have not yet done so to ratify and to accede to the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Non-Applicability of

Statutory Limitations to War Crimes and Crimes Against Humanity as soon as possible, and requests them to report to the General Assembly at its twenty-seventh session on the measures taken by them to comply strictly with the provisions of those Conventions;

"4. Invites all States Members of the United Nations and members of the specialized agencies to review their legislation, in the light of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, with a view to determining whether, in the light of their circumstances, further legal measures are required to eradicate for all time the danger of a revival of nazism, racial intolerance, or other ideologies based on terror;

"5. Urgently calls upon those States concerned which have not yet done so to take immediate and effective measures, including legislative measures, with due regard to the principles contained in the Universal Declaration of Human Rights, to prevent the activities of nazi and racist organizations and groups;

"6. Appeals to all States to prohibit activity by organizations propagating concepts of nazism and racial superiority;

"7. Urges those States which are unable, for serious constitutional or other reasons, to implement immediately and fully the provisions of article 9 of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, both of which condemn and outlaw all propaganda and all organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, to take measures designed to ensure the speedy disbandment and disappearance of such organizations; these measures should provide, inter alia, that:

'(a) Such organizations should not be allowed to receive financial subsidies from organs of the State, private companies or individuals;

'(b) Such organizations should not be allowed the use of public premises in which to establish their headquarters or conduct meetings of their members, the use of streets and squares in populated areas for holding demonstrations, or the use of public media of information for disseminating propaganda;

'(c) Such organizations should not be allowed to form militarized detachments on any pretext, and offenders should be subject to prosecution in the courts;

'(d) Persons employed by the State, particularly in the armed forces, should not be permitted to belong to such organizations;

All these measures may be taken only in so far as they are compatible with the principles of the Universal Declaration of Human Rights;

"8. Requests the United Nations Educational, Scientific and Cultural Organization, the International Labour Organisation and other United Nations specialized agencies to consider, within their respective spheres of competence, the question of the danger of a revival of the concepts of nazism and racial intolerance;

"9. Appeals to regional intergovernmental organizations to consider this question at the regional level;

"10. Calls upon governments, particularly those which control mass information media of world or continental scope, the United Nations and its subsidiary bodies, specialized agencies and international and national organizations to increase public awareness of the danger of a revival of nazism and racial intolerance, especially among young people, by education, by the preparation and dissemination of information on this subject and by recalling the history of nazism and its crimes and of racial intolerance;

"11. Calls upon all States to take legislative and administrative measures to prevent activities of any kind in favour of nazism and the concept of racial superiority;

"12. Decides to place the question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred on its agenda and under continuing review, and urges other competent organs of the United Nations to do likewise, so that appropriate measures can be taken promptly as required;

"13. Confirms the principles of international law with regard to the eradication of nazism, and appeals to all States to act in conformity with those principles."

V

Policies of apartheid and racial discrimination^{44/}

The Economic and Social Council,

Strongly condemning the policies of racial discrimination pursued in South Africa, Namibia, Southern Rhodesia and the territories under Portuguese domination, more particularly the doctrine of apartheid, which is scientifically false and whose application constitutes a crime against humanity and a threat to international peace and security,

Welcoming the recommendations concerning the policies of apartheid made in General Assembly resolutions of recent years, particularly resolutions 2396 (XXIII) and 2397 (XXIII) of 2 December 1968, 2544 (XXIV) of 11 December 1969, 2547 (XXIV) of 11 and 15 December 1969 and 2646 (XV) of 30 November 1970,

^{44/} See chap. XIX, resolution 6 (XXVII), and chap. II, paras. 68-78.

Convinced that, in order to ensure the complete effectiveness of the struggle being carried on against apartheid, it is essential for Member States, in particular the trading partners of South Africa, to apply as a matter of the utmost urgency and without reservation the resolutions concerning apartheid adopted by the General Assembly, the Security Council and other organs of the United Nations,

1. Requests the Security Council to find means of rigidly enforcing its own resolution in which all Member States are called upon not to supply arms to South Africa, and of effectively implementing the above-mentioned resolutions of the General Assembly;
2. Urges States and in particular the major trading partners of South Africa to apply fully the resolutions concerning apartheid adopted by the General Assembly, the Security Council, and other organs of the United Nations;
3. Invites the specialized agencies, and especially the financial institutions, to follow towards South Africa a policy in conformity with these resolutions;
4. Invites all States to strengthen and expand their programmes of assistance to the victims of apartheid, and to respond as promptly as possible to the General Assembly's appeal for substantial contributions to the United Nations Trust Fund;
5. Invites all States to undertake, with the assistance of non-governmental organizations, including workers, religious, social and professional organizations, universities, youth and civic groups and national women's organizations, where appropriate, an educational programme designed to acquaint the public of each country and Territory with the evil consequences of the policy of apartheid;
6. Also invites non-governmental organizations in consultative status with special interest in the elimination of racism and racial discrimination, independent of any action being undertaken by States, to mount a regular and constant campaign against apartheid both at the national and international levels and to report their endeavours and progress biennially to the Economic and Social Council;
7. Appeals to all humanitarian organizations, and to the International Committee of the Red Cross in particular, to take an active role in assisting the victims of apartheid, especially those who are detained or imprisoned;
8. Urges the General Assembly to provide funds on the scale required to combat effectively the propaganda undertaken by the Government of South Africa, by which that Government seeks to defend and justify the policy of apartheid;
9. Invites the Secretary-General to make special efforts, utilizing the existing information services available to the United Nations, to alert world public opinion, and particularly that of the countries trading with South Africa, to the recommendations made by various United Nations bodies on the subject of apartheid in order to facilitate compliance by Governments with those recommendations.

Implementation of United Nations resolutions relating
to the right of peoples under colonial and alien
domination to self-determination 45/

The Economic and Social Council,

Recalling General Assembly resolution 1514 (XV) of 14 October 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and General Assembly resolution 2621 (XXV) of 12 October 1970 concerning a programme of action for the full implementation of the said Declaration,

Guided by the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Recommends that the General Assembly adopt the following draft resolution:

"The General Assembly,

"Solemnly reaffirming that the subjection of peoples to alien subjugation, domination and exploitation is a violation of the principle of self-determination as well as a denial of basic human rights and is contrary to the Charter of the United Nations,

"Concerned at the fact that many peoples continue to be denied the right to self-determination and are living under conditions of colonial and foreign domination,

"Expressing concern at the fact that some countries, notably Portugal, with the support of its North Atlantic Treaty Organization allies, are waging war against the national liberation movement in colonial and developing countries,

"Confirming that colonialism in all its forms and manifestations, including the methods of neo-colonialism constitutes a gross encroachment on the rights of peoples and the basic human rights and freedoms,

"Convinced that effective application of the principles of self-determination of peoples is of paramount importance for promoting the development of friendly relations between countries and peoples and for ensuring human rights,

"1. Confirms the legality of the peoples' struggle for self-determination and liberation from colonial and foreign domination by all available means;

"2. Affirms man's basic human right to fight for the self-determination of his people under colonial and foreign domination;

45/ See chap. XIX, resolution 8 (XXVII), and chap. III, paras. 133-150.

"3. Believes that the main objectives and principles of international protection of human rights cannot be effectively implemented while some States pursue the imperialist policy of colonialism, use force against developing countries and peoples fighting for self-determination and support régimes that are applying the criminal policy of racism and apartheid;

"4. Condemns the colonial powers that are suppressing the right of peoples to self-determination and hampering the liquidation of the last hotbeds of colonialism and racism in the African continent and in other parts of the world;

"5. Condemns States that contribute to the creation in southern Africa of a military-industrial complex whose aim is the suppression of the movement of peoples struggling for their self-determination and interference in the affairs of independent African States;

"6. Recalls that it is the duty of every State to contribute through joint and independent action to the implementation of the principle of self-determination in accordance with the provisions of the Charter and to assist the United Nations to discharge the responsibilities vested in it by the Charter for the implementation of this principle;

"7. Urges States to discharge their duty and to co-operate in bringing about universal respect for an observance of human rights and fundamental freedoms and eliminating all forms of racial discrimination;

"8. Resolves to devote constant attention to the question of "flagrant large-scale violations of human rights and fundamental freedoms resulting from the denial to peoples under colonial and foreign domination of their right to self-determination.

VII

Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 46/

The Economic and Social Council,

Having considered the progress report on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, submitted by the Special Rapporteur, Mr. Mohamed Awad,^{47/}

Having noted the information on the same question presented by the Secretary-General ^{48/} in accordance with resolution 4 (XXII) of the Sub-Commission on

^{46/} See chap. XIX, resolution 12 (XXVII), and chap. VIII, paras. 242-244.

^{47/} E/CN.4/Sub.2/312.

^{48/} E/CN.4/Sub.2/308 and Add.1.

Prevention of Discrimination and Protection of Minorities^{49/} and resolution 1331 (XLIV) of the Economic and Social Council of 31 May 1968,

1. Expresses its appreciation to the Special Rapporteur for his valuable report;
2. Invites the Special Rapporteur to continue his important task, taking into account the exchange of views on his progress report during the twenty-third session of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and the twenty-seventh session of the Commission on Human Rights, and to submit in his final report to the Sub-Commission at its twenty-fourth session his conclusions and recommendations having regard to the urgent need for the proper implementation of the Supplementary Slavery Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956;
3. Requests the Secretary-General once again to urge those States which have not yet ratified the Supplementary Convention of 1956 to expedite their ratification procedures;
4. Requests the Secretary-General to extend his assistance to the States Parties for the purpose of arranging for the exchange of information called for by article 3 (3) of the Supplementary Convention of 1956;
5. Authorizes the Secretary-General to supplement the information received from States Parties to that Convention by information which may be available from other official sources, including States that have not yet adhered to the Convention and the appropriate international organizations, and to present such information to the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
6. Requests the Secretary-General to seek the co-operation of those organizations, both intergovernmental and non-governmental, which can provide assistance in particular in the eradication of slavery, the slave trade and other forms of servitude.

VIII

Study of equality in the administration of justice^{50/}

The Economic and Social Council,

Recalling its resolution 1499 (XLVIII) of 27 May 1970, on the study of equality in the administration of justice,

Noting resolution 3 (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap. VIII),

^{49/} E/CN.4/1008, para. 222.

^{50/} See chap. XIX, resolution 13 (XXVII), and chap. VIII, paras. 245-248.

Considering, however, that owing to lack of time the Commission on Human Rights was unable to examine the above draft principles in detail,

Noting also that the Sub-Commission has completed its consideration of the draft principles contained in the study, and has adopted certain principles relating to equality in the administration of justice,

1. Expresses its appreciation to Mr. Abu Rannat for his valuable study;
2. Requests the Secretary-General to print the Special Rapporteur's study, together with the general principles adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and to circulate them as widely as possible;
3. Recommends that the Commission on Human Rights should, at its twenty-eighth session, examine the draft principles relating to equality in the administration of justice and take a decision on further action.

IX. Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on economic, social and cultural rights, and the study of special problems relating to human rights in developing countries 51/

The Economic and Social Council,

Recalling its resolutions 1421 (XLVI) of 6 June 1969 and 1502 (XLVIII) of 27 May 1970,

1. Draws attention to the fact that since the adoption of Economic and Social Council resolution 1421 (XLVI) the General Assembly has adopted resolution 2542 (XXIV) of 11 December 1969 containing the Declaration on Social Progress and Development and resolution 2543 (XXIV) of the same date on the implementation of the Declaration;
2. Requests the Special Rapporteur while preparing his study to take into account the provisions of the above-mentioned documents and to submit his final report to the Commission on Human Rights not later than at its twenty-eighth session, in 1972.

X

Report of the Commission on Human Rights

The Economic and Social Council

Takes note of the report of the Commission on Human Rights on its twenty-seventh session.

51/ See chap. XIX, resolution 17 (XXVII), and chap. XI, paras. 279-286.

ANNEXES

Annex I

ATTENDANCE

MEMBERS

Austria: Mr. Felix Ermacora, Mr. Franz Ceska*

Chile: Mr. Rafael Gumucio, Mr. Fernando Gamboa,* Mr. José Manuel Ovalle**

Democratic Republic of the Congo: Mr. Nicolas Bofunga

Finland: Mr. Voitto Saario, Mr. Klaus Törnudd,* Mr. Arto Tanner**

France: Mr. Pierre Juvigny, Mrs. Nicole Questiaux,* Mr. Jacques Bourgoin,**
Mrs. Germaine Hirlemann**

Ghana: Mr. R. M. Akwei,^{a/} Mr. Kofi Sekyiamah*

Guatemala: Mr. Carlos Garcia-Bauer

India: Mrs. Leela Damodara Menon, Mr. A. S. Mani,* Mr. P. M. S. Malik*

Iran: H.I.H. Princess Ashraf Pahlavi, Mr. Parvis Radji,* Mr. Mehdi Ehsassi,**
Mr. G. A. Sayar,** Miss Kayvan Molavi**

Iraq: Mr. Hisham Al-Shawi

Lebanon: Mr. Suleiman Sein, Mrs. Ruby Homsey*

Mauritania: Mrs. Turkia Ould Daddah,^{a/} Mr. Sid Ahmed Ould Taya*

Mauritius: Mr. Radha Krishna Ramphul

Mexico: Miss Maria Lavallo Urbina

Morocco: Mr. Ahmed Kettani, Mr. Mohamed Al Arbi Khat*

Netherlands: Mr. Th. C. van Boven, Miss F. Y. van der Wal*

New Zealand: Mr. R. Q. Quentin-Baxter, Mr. B. W. P. Absolum*

* Alternate

** Adviser

a/ Did not attend session

Pakistan: Mr. Abu Sayeed Chowdhury, Mr. Tariq Osman Hyder*

Peru: Mr. Mario Alzamora Valdez, Mr. Luis Solari Tudela*

Philippines: Mr. Narciso G. Reyes, Mr. Virgilio C. Nañagas,*
Mr. Maxie S. Aguillon**

Poland: Mr. Zbigniew Resich, Mr. J. Osiecki,* Mrs. Helena Dobrzynska*

Senegal: Mr. Ibrahima Boye

Turkey: Mr. Suat Bilge, Mr. Nüzhet Kandemir,* Mr. Tugay Ulugevik,*
Miss Hülya Taylaner*

Ukrainian Soviet Socialist Republic: Mr. P. E. Nedbailo,^{a/} Mr. Igor Lukashuk,*
Mr. Alexander Maiboroda**

Union of Soviet Socialist Republics: Mr. Nikolai Tarassov, Mr. Leonid Verenikin*

United Arab Republic: Mr. Hussein Khallaf, Mr. El Sayed Abdul Raouf El Reedy,*
Mr. Youssri Rizk,* Mrs. Mervat El Talawi,* Mr. Sami Draz*

United Kingdom of Great Britain and Northern Ireland: Sir Keith Unwin,
Miss Tessa Solesby*

United Republic of Tanzania: Mr. Mahmud Nasser Rattansey

United States of America: Mrs. Rita Hauser, Mr. Warren E. Hewitt,*
Mr. Frederic H. Barth,** Mr. James J. Casey,** Mr. John M. Cates, Jr.,**
Mr. Edward G. Misesy**

Uruguay: Mr. Hector Gros-Espiell, Mr. Sergio Pittaluga*

Venezuela: Mr. Andrés Aguilar, Mr. Pedro E. Coll,* Miss Maria C. López**

Yugoslavia: Mr. Branimir Janković, Mr. Milan^v Šahovic,* Mr. Milan Ristic*

* Alternate

** Adviser

a/ Did not attend session

STATES MEMBERS OF THE UNITED NATIONS REPRESENTED BY OBSERVERS

Algeria: Mr. Khelifa Lokmane
Australia: Mr. William Fisher
Barbados: Mr. W. Waldron-Ramsey
Belgium: Miss Claire Kirschen
Canada: Mr. Robert Auger
Colombia: Mrs. Maria Elena de Croro
Cuba: Mr. Carlos Lechuga Hevia, Mr. Frank Ortiz
Ecuador: Mr. José Martínez-Cobo
Hungary: Mr. Ferenc Gajda
Israel: Mr. Mordecai Kidron, Mr. Yurac Y. Dinstein, Mr. Moshé Melamed
Italy: Miss Graziella Simbolotti
Mongolia: Mrs. D. Baljinayam Erendo
Panama: Mr. José María Espino González, Mr. Luis Felipe Mora B.
Peoples Republic of the Congo: Mr. Gaston Gassai-Morero
Romania: Mrs. Florica Dinu
Syria: Mr. Mowaffak Allaf, Miss Siba Nasser
Tunisia: Mr. Hassen Abbas

United Nations High Commissioner for Refugees

Mr. Otto Bayer, Mr. Jean-Pierre Colombey, Mr. Zia Rizvi, Mr. Paul Weis

SPECIALIZED AGENCIES

International Labour Organisation (ILO): Mr. Ian Lagergren, Mr. K. T. Samson,
Mr. C. Von Knorring, Mr. Robert Posey

United Nations Educational, Scientific and Cultural Organization (UNESCO):
Mrs. Marion E. Glean, Miss L. Cordier, Mr. G. Ledakis

World Health Organization (WHO): Dr. Michael R. Sacks

REGIONAL INTERGOVERNMENTAL ORGANIZATIONS

Council of Europe: Mr. A. H. Robertson, Mr. Francis Rosenstiel

League of Arab States: Mr. Abou Seif Radi

Organization of American States: Mr. Luis Reque, Mr. Gerardo J. Schamis,
Mr. D. Chadwick Braggiotti

NON-GOVERNMENTAL ORGANIZATIONS

Category I

Women's International Democratic Federation: Mrs. S. Alami

World Confederation of Labour: Mr. Georges Eggermann

World Federation of Trade Unions: Mr. C. De Angeli

Category II

All-India Women's Conference: Mrs. P. Jungalwalla

All-Pakistan Women's Association: Mrs. N. Husain

Amnesty International: Mr. J. C. Luthi

Anti-Slavery Society: Mr. J. P. Montgomery

Bahai International Community: Mrs. J. Lindstorm

Catholic International Union for Social Service: Miss M. M. Brazzola

Commission of the Churches for International Affairs: Mr. E. Rees

Consultative Council of Jewish Organizations: Mr. Moses Moskowitz

Friends' World Committee for Consultation: Mr. D. Wood, Mrs. K. Wood

International Alliance of Women: Miss M. Ginsberg, Mrs. I. Rimondini

International Association for Social Progress: Mrs. J. Bernstein

International Catholic Migration Commission: Miss I. Rideau, Mr. T. Stark

International Committee of the Red Cross: Mr. A. Martin, Mr. D. Micheli,
Mr. C. Pilloud

International Commission of Jurists: Mr. Niall MacDermot, Mrs. E. Underhill

International Conference of Catholic Charities: Mr. T. Szmitkowski

International Council of Jewish Women: Mrs. K. Levy, Mrs. A. Schwob

International Council of Jewish Social and Welfare Services: Mr. D. Lack

International Council of Women: Miss R. Gaillard

International Federation of Business and Professional Women: Miss A. Travelletti

International Federation of University Women: Mrs. M. Fiechter, Mrs. C. Jones

International Federation of Women Lawyers: Miss H. Pfander

International Federation for the Rights of Man: Mrs. Grobet-Secrétan

International Law Association: Mr. M. Brandon

International League for the Rights of Man: Miss F. Grant, Mr. J. R. Hutchins,
Mr. S. Liskofsky

International Movement for Fraternal Union among Races and Peoples: Miss V. Leary

International Student Movement for the United Nations: Mr. R. Alvarez-Novoa,
Miss J. Pershke, Miss G. Z. Walker

Pan Pacific South-East Asia Women's Association: Mrs. C. Jones

Pax Romana: Miss E. Egan, Mrs. O. Roullet

Women's International Zionist Organization: Mrs. Mira Evan

Women's International League for Peace and Freedom: Mrs. E. Ballantyne

World Alliance of Young Men's Christian Associations: Mr. T. Doss

World Association of Girl Guides and Girl Scouts: Mrs. P. Bugnion-Secrétan

World Federation of Catholic Youth: Miss T. Pigeon

World Jewish Congress: Mr. A. Jabes, Mrs. M. L. Perlzweig

World Student Christian Federation: Mr. M. Amen, Mr. J. C. Luthi

World Union of Catholic Women's Organization: Mrs. M. T. Graber-Duvernay

World Young Women's Christian Association: Miss A. Paquier

Zonta International: Mrs. G. Deneke

Roster

International Federation of Free Journalists: Mr. M. Zaleski

St. Joan's International Alliance: Mrs. P. Wolf

Annex II

FINANCIAL IMPLICATIONS OF RESOLUTIONS ADOPTED BY THE COMMISSION AT ITS TWENTY-SEVENTH SESSION

1. In the course of its twenty-seventh session, the Commission adopted a total of eighteen resolutions, as well as other decisions, several of which have financial implications. Prior to the adoption of these resolutions by the Commission, the Secretary-General, in compliance with regulation 13.1 of the Financial Regulations of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements of the estimated financial implications of the proposals.

2. In some cases, the draft resolutions on the basis of which statements of financial implications were submitted were amended before their adoption; where the estimates have been materially affected by such amendments, they are being revised. The statement of financial implications, revised as necessary, will be issued in an addendum to the present report.

3. Should the action taken by the Economic and Social Council in respect of the proposals of the Commission require the Secretary-General to enter into commitments in 1971, the Secretary-General would need to seek the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions to meet these expenses initially under the terms of General Assembly resolution 2739 (XXV) of 17 December 1970 on unforeseen and extraordinary expenses for the financial year 1971. Requests for additional credits would thereafter be included, as appropriate, in the supplementary estimates for 1971 which the Secretary-General will submit to the General Assembly at its twenty-sixth session. Appropriate provision for expenditures falling in 1972, 1973 and 1974 would be included in the budget estimates for those years.

Annex III

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS TWENTY-SEVENTH SESSION

<u>Commission - General series</u>	<u>Agenda item No.</u>
E/CN.4/869/ Add.1/Corr.1	Draft principles on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country: note by the Secretary-General (Corrigendum) 8
E/CN.4/869/ Add.5	Draft principles on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country: note by the Secretary-General 8
E/CN.4/907/ Rev.7	Periodic reports on human rights - Status of multilateral treaties in the field of human rights concluded under the auspices of the United Nations: memorandum by the Secretary-General 20
E/CN.4/923/ Add.3-4	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> in all countries, with particular reference to colonial and other dependent countries and territories - Decisions taken by United Nations bodies containing provisions relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> in all countries, with particular reference to colonial and other dependent countries and territories (fourth and fifth supplements to document E/4226): introductory notes 12
E/CN.4/1011/ Add.9-17	Periodic reports on human rights - Reports on economic, social and cultural rights (comments from Governments): note by the Secretary-General 20
E/CN.4/1013/ Add.4	Study of discrimination in the matter of political rights and draft principles on freedom and non-discrimination in the matter of political rights: note by the Secretary-General 4

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E/CN.4/1021/ Rev.1	Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories - Model rules of procedure for United Nations bodies dealing with violations of human rights: note by the Secretary-General	12
E/CN.4/1023/ Add.1	Question of the realization of the economic social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and the study of special problems relating to human rights in developing countries: note by the Secretary-General	18
E/CN.4/1024/ Add.3-4	Periodic reports on human rights - Analytical summaries of reports and other material on economic, social and cultural rights for the period 1 July 1966 to 30 June 1969, received under Economic and Social Council resolution 1074 C (XXXIX)	20
E/CN.4/1025/ Add.1	Periodic reports on human rights - Subject and country index to reports on economic, social and cultural rights: note by the Secretary-General	20
E/CN.4/1027/ Add.1	Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms - Report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO)	6
E/CN.4/1028/ Add.5-6	Human rights and scientific and technological developments: report of the Secretary-General	10
E/CN.4/1032/ Add.3-7	Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms: report by the Secretary-General	6

		<u>Agenda</u> <u>item No.</u>
E/CN.4/1040	Report of the twenty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights	15
E/CN.4/1041	Provisional agenda: note by the Secretary-General	2
E/CN.4/1041/ Add.1 and Add.1/Corr.1	Annotations to the provisional agenda	2
E/CN.4/1041/ Add.2	Decisions of the Economic and Social Council relating to the provisional agenda: note by the Secretary-General	2
E/CN.4/1042 and Add.1-2	Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country: note by the Secretary-General	8
E/CN.4/1043	Approval of list of experts drawn up by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-second session under resolution 1330 (XLIV) of the Economic and Social Council: note by the Secretary-General	24
E/CN.4/1044/ and Add.1-2	Study of the right of everyone to be free from arbitrary arrest, detention and exile, and draft principles on freedom from arbitrary arrest and detention - Study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests: note by the Secretary-General	19
E/CN.4/1045	<u>[not issued]</u>	
E/CN.4/1046	Observation in 1971 of the International Year for Action to Combat Racism and Racial Discrimination: note by the Secretary-General	13

E/CN.4/1047	The possibility of preparing a draft international agreement for the protection of journalists engaged on dangerous missions and providing, <u>inter alia</u> , for the creation of a universally recognized and guaranteed identification document: note by the Secretary-General	9
E/CN.4/1048	Measures to be taken against nazism and racial intolerance: note by the Secretary-General	16
E/CN.4/1049	Working documents of the twenty-seventh session of the Commission <u>a/</u>	
E/CN.4/1050 and Corr.1	Report of the <u>Ad Hoc</u> Working Group of Experts prepared in accordance with resolution 21 (XXV) of the Commission on Human Rights	12(a)
E/CN.4/1051	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: note by the Secretary-General	12
E/CN.4/1052	Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination: note by the Secretary-General	11
E/CN.4/1053	Question of the punishment of war criminals and of persons who have committed crimes against humanity: note by the Secretary-General	17
E/CN.4/1054	Letter from the Director-General of the International Labour Office transmitting the text of a resolution concerning trade union rights and their relation to civil liberties adopted by the International Labour Conference at its 54th session in June 1970	
E/CN.4/1055	Review of human rights programme and establishment of priorities: control and limitation of documentation: note by the Secretary-General	7

a/ Contains the text of documents E/CN.4/L.1149-1186, originally distributed to participants only.

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E/CN.4/1058	Decision of the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to colonial countries and peoples relating to a petition concerning Papua: note by the Secretary-General	12
E/CN.4/1059	Decision of the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to colonial countries and peoples relating to a petition concerning Southern Rhodesia: note by the Secretary-General	12
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E/CN.4/1061	Election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities: note by the Secretary-General	25
E/CN.4/1062 and Add.1/Rev.1 and Add.2-3	Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East: note by the Secretary-General	5
E/CN.4/1063	Communication dated 1 March 1971 to the Chairman of the Commission from the Representative of the Ukrainian Soviet Socialist Republic at the twenty- seventh session of the Commission on Human Rights	15(b) and 16
E/CN.4/1064	Letter dated 8 March 1971 addressed to the Chairman of the Commission on Human Rights by the representative of Portugal to the United Nations at Geneva	12(a)
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E/CN.4/Sub.2/ 307 and Corr.1- political, economic, social and cultural spheres: 2 and Add.1 and final report submitted by the Special Rapporteur, Add.1/Corr.1, Mr. Hernán Santa Cruz 15(b)
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E/CN.4/Sub.2/ Summary records of the 607th to 609th meetings of the Sub-Commission 12(b)
SR.607-609

Ad Hoc Working Group of Experts established under resolutions 2 (XXIII), 2 (XXIV), 21 (XXV) and 8 (XXVI) of the Commission

E/CN.4/AC.22/ Records of testimony heard by the Ad Hoc Working 12(a)
RT.72/Add.1, Group of Experts
73-119, 121-123
and 126

Seminar reports

ST/TAO/HR/39 Report of the United Nations seminar on the role of youth in the promotion and protection of human rights, Belgrade (Yugoslavia), 2-12 June 1970 6 and 21

ST/TAO/HR/40 Report of the United Nations seminar on the realization of economic and social rights, with particular reference to developing countries Lusaka (Zambia), 23 June-4 July 1970 18 and 21

b/ The Study is to be published as E/CN.4/Sub.2/307/Rev.1, United Nations Publication Sales No.: E 71.XIV.2.

ST/TAO/HR/41 Report of the United Nations seminar on participation of women in the economic life of their countries (with reference to the implementation of article 10 of the Declaration on the Elimination of Discrimination against Women), Moscow (USSR), 8-21 September 1970 21

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E/CN.4/L.1154	United Kingdom of Great Britain and Northern Ireland: amendments to draft resolution 4 D (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap. VIII)	15(b) and 16
E/CN.4/L.1154/ Add.1	United Kingdom of Great Britain and Northern Ireland: amendments to draft resolution 4 D (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap. VIII)	15(b) and 16

^{c/} The text of documents E/CN.4/L.1149-1186, originally distributed to participants only, are reproduced in document E/CN.4/1049.

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E/CN.4/L.1155	Ghana, India and Pakistan: amendments to resolution 4 A (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap. VIII)	15(b)
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E/CN.4/L.1165	Chile, Guatemala, Mexico, Peru, Uruguay and Venezuela: amendments to resolution 4 B (XXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1040, chap.VIII)	15(b)
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- E/CN.4/NGO/154 Statement by International Council of Jewish Women, in connexion with "The right of everyone to leave any country, including his own, and return to his country"
- E/CN.4/NGO/155 Statement submitted by a group of non-governmental organizations in connexion with a "Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country"
- E/CN.4/NGO/156 Statement submitted by the Women's International Democratic Federation relative to the "Violation of human rights and fundamental freedoms"
- E/CN.4/NGO/157 Statement submitted by the Women's International Democratic Federation in connexion with the "Question of realization of the economic, social and cultural rights"
- E/CN.4/NGO/158 Statement submitted by the International Conference of Catholic Charities in connexion with the "Observance in 1971 of the International Year for action to combat racism and racial discrimination"
- E/CN.4/NGO/159 Statement submitted by the World Union of Catholic Women's Organizations relative to "Human rights and scientific and technological developments"
- E/CN.4/NGO/160 Statement presented by a group of non-governmental organizations in connexion with the "Study of the question of the education of youth all over the world for the development of its personality and the strengthening of its respect for the rights of man and fundamental freedoms"
- E/CN.4/NGO/161 Statement submitted by the International Catholic Migration Commission (ICMC) in connexion with the "Right of everyone to leave any country"
- E/CN.4/NGO/162 Statement submitted by the International Federation of Business and Professional Women in connexion with "The realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights"

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