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OPEN-ENDED WORKING GROUP ON THE RIGHTS OF PERSONS BELONGING
TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

REPORT OF THE WORKING GROUP ON THE RIGHTS OF PERSONS BELONGING
TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Chairman-Rapporteur: Ms. Zagorka Ilíc (Yugoslavia)

I. INTRODUCTION

A. Establishment of the working group

1. By its resolution 1988/64 the Commission on Human Rights decided to establish at its forty-fifth session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia (E/CN.4/Sub.2/L.734), taking into account all relevant documents.
2. The working group held six meetings on 8, 9, 10, 14 and 20 February and on 7 March 1989.
3. At its 1st meeting on 8 February, the working group unanimously elected Ms. Zagorka Ilíc (Yugoslavia) as its Chairman-Rapporteur. At the 5th meeting on 20 February, Mr. Danilo Türk (Yugoslavia) chaired the working group during the absence of the Chairman/Rapporteur.

B. Documentation

4. The working group had before it the following documents:

(a) Provisional agenda (E/CN.4/1989/WG.5/L.1);

(b) Report of the open-ended working group set up by the Commission on Human Rights at its forty-fourth session to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious or linguistic minorities, containing in annex I the text of that part of the draft declaration on which preliminary agreement had been reached at that and previous sessions and in annex II a compilation of the proposals relating to the remaining articles of the draft declaration (E/CN.4/1988/36).

(c) Consolidated text of draft article 4 prepared by Yugoslavia pursuant to a decision taken by the working group at its 1988 session (E/CN.4/1989/WG.5/WP.1);

(d) Written proposal on draft article 5 by the Four Directions Council (E/CN.4/1989/WG.5/WP.2);

(e) Written proposals on draft article 5, paragraph 4, by the Ukrainian Soviet Socialist Republic (E/CN.4/1989/WG.5/WP.3) and

(f) Written proposal on draft article 4, paragraph 2, by the Ukrainian Soviet Socialist Republic (E/CN.4/1989/WG.5/WP.4).

5. In addition, the working group had before it a number of written proposals for draft articles 4 and 5 as put together by informal drafting groups. These texts are reproduced in the report.

C. Background information

6. At its thirty-fourth session in 1978, the Commission established an open-ended working group, pursuant to resolution 5 (XXX) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In that resolution, the Sub-Commission recommended that the Commission consider drafting a declaration on the rights of members of minorities, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights. A draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities proposed by Yugoslavia (E/CN.4/L.1367/Rev.1) was submitted to the working group to serve as a basis for discussion.

7. At each subsequent session of the Commission, an open-ended working group has been established to continue work on the drafting of a declaration.

8. Following Commission resolution 37 (XXXVI) of 12 March 1980, a revised and consolidated text of the draft declaration (E/CN.4/Sub.2/L.734) was prepared by Mr. Tosevski, Chairman-Rapporteur of the working group established at the Commission's thirty-sixth session, and was placed before the Commission at its thirty-seventh session in 1981. This revised draft declaration formed the basis of the discussions of the working groups set up by the Commission at its thirty-seventh and subsequent sessions. At each of these sessions, the

working group agreed that it would undertake a first reading of the draft and that such agreement as could be reached during this first reading would be of a preliminary character. Several amendments and alternate texts have been proposed by States and non-governmental organizations in the course of the working group's deliberations. At prior sessions, the working groups have provisionally adopted the title, the preamble and articles 1, 2 and 3 of the draft declaration (see annex I).

9. By resolution 1984/62 of 15 March 1984, the Commission requested the Sub-Commission to prepare a text defining the term "minority", taking into account studies already carried out in this field, comments and views provided by Governments, as well as discussions held during the sessions of the working group and other relevant documents. At its thirty-eighth session, the Sub-Commission considered a report prepared by Mr. J. Deschênes on the question of the definition of the term "minority" (E/CN.4/1985/31 and Corr.1) and adopted resolution 1985/6 of 28 August 1985, by which it decided to transmit to the Commission Mr. Deschênes study and proposal concerning a definition of the term "minority", together with the summary records of the discussions thereon by the Sub-Commission (E/CN.4/Sub.2/1985/SR.13 to 16). At the 1986 session, the working group "agreed to postpone the consideration of the question of definition until a later stage and to continue with the first reading of the operative articles of the draft declaration" (E/CN.4/1986/43, para. 12). A compilation of proposals concerning the definition of the term "minority" has been prepared by the Secretariat (E/CN.4/1987/WG.5/WP.1).

II. DRAFT ARTICLES DISCUSSED

A. First reading of draft article 4

10. The working group had before it the text of draft article 4 as it appeared in the revised draft declaration submitted by Yugoslavia and a series of suggested amendments to that text proposed by the Governments of Argentina, Iraq, Bulgaria and the Union of Soviet Socialist Republics (E/CN.4/1988/36, annexes II and III), as well as a text proposed by an informal drafting group set up during the 1988 session (E/CN.4/1988/36, annex II). Frequent references were also made to the discussion about draft article 4 at last year's session of the working group as described in its report (E/CN.4/1988/36, paras. 20-23).

11. At the outset of this session, as requested at the 1988 session (E/CN.4/1988/36, para. 23), the representative of Yugoslavia submitted and introduced to the group a consolidated text of draft article 4 based on previous proposals and discussions. The text read as follows:

"In developing their friendly relations and co-operation in accordance with the Charter of the United Nations, all States shall foster the exchange of information and experience, particularly in the fields of culture and education and in other fields of human endeavour important for minorities, with a view to creating favourable conditions for the promotion of the rights of [persons belonging to] minorities" (E/CN.4/1989/WG.5/WP.1).

12. In his introduction, the representative explained the nature and placement of this draft article and its contents in the context of the draft declaration as a whole. After establishing substantive rights in the first three draft articles, draft article 4 would deal with international co-operation among States for the purpose of creating favourable conditions

for minorities through fostering exchange of information and experience. He emphasized, however, that this consolidated text had been produced solely for facilitating the discussion.

13. It was generally emphasized that the issue under discussion was an important one as international understanding and co-operation with regard to minority questions were essential for good and friendly relations among States. But it was also underlined that the instrument was to be a human rights declaration spelling out minority rights rather than regulating relations between States and, furthermore, that the understanding and co-operation must have internal as well as international dimensions. The view was expressed that minorities should not be subject to duties or restrictions which are not applied to other human rights beneficiaries.

14. In the course of the debate on the consolidated text, several delegates made specific comments and amendments. It was thus suggested, inter alia, to replace the word "foster" with "promote", to replace the words "particularly in" with "including", to add "teaching" to the fields covered, to replace the word "endeavour" with "activity", and to add the phrase "and for promoting mutual understanding" after the words "important for minorities". It was also proposed, as other delegates opposed parts of the new text together with some of these amendments, to go back to either draft article 4 in the revised draft declaration on the text negotiated by the 1988 informal drafting group (E/CN.4/1988/36, annex II). Furthermore, attention was drawn to elements contained in an earlier proposal which could constitute a new paragraph of draft article 4 (E/CN.4/1988/36, annex III, para. 5). A number of drafting suggestions were made to accommodate these views.

15. An informal drafting group, working on the basis of the discussions at the first meeting, presented the following draft to the second meeting:

"1. In developing their friendly relations and co-operation in accordance with the Charter of the United Nations, all States shall encourage the exchange of information and experience, particularly in the fields of culture and education [and in other fields of human activity important to minorities], with a view to strengthening mutual understanding and creating other favourable conditions for the promotion of the rights of [persons belonging to] minorities.

2. [Persons belonging to] minorities should play an active role in the development of good neighbourliness and mutual understanding among peoples in conformity with the principles enshrined in the United Nations Charter and with international instruments in the field of human rights."

16. A spokesman for the informal drafting group introduced the new proposal as representative of the points previously made. He explained that the square brackets were placed where particular difficulties had arisen and that the new paragraph drew on ideas which had also been presented at the working group's latest session (E/CN.4/1988/36, annex III). The new text was welcomed by some speakers. It was observed that obligations and duties should indeed accompany the rights established by the previous articles and that this was the right place to introduce this new dimension. Minorities must, it was said, act in defence of their rights in a responsible manner.

17. On the other hand, the views were expressed that paragraph 1 should be a statement of rights without qualifications, that there was too much "mutual understanding" in the new text, and that the role of the State in facilitating the free flow of information should be established more clearly. Along these lines it was proposed that paragraph 1 should read as follows:

"1. All States shall take effective measures to promote and protect the human rights and fundamental freedoms of [persons belonging to] minorities by facilitating the unhindered enjoyment of all forms of communication, regardless of frontiers, in particular the free flow of information, documents and personal correspondence across international boundaries."

Similarly, hesitations came up with the role entrusted to minorities in paragraph 2 because they were being singled out to perform certain functions and carry obligations unlike the beneficiaries of other human rights instruments.

18. In response to these remarks, it was pointed out that freedom of expression and information were not the intended subject matters for draft article 4 and that the conflict between the references to "mutual understanding" and "regardless of frontiers" remained unresolved.

19. At the beginning of the third meeting, a new proposal for the text of draft article 4 was presented to the working group. This formulation was said to take into account the discussions and suggestions made during the first two meetings. The text read:

"1. In developing their friendly relations and co-operation in accordance with the Charter of the United Nations, all States shall encourage the exchange of information and experience, particularly in the fields of culture and education [and in other fields of human activity important to minorities], with a view to strengthening mutual understanding and creating other favourable conditions for the promotion of the rights of [persons belonging to] minorities.

2. All States shall facilitate the unhindered enjoyment, by the [persons belonging to] minorities, of their freedom of communication, regardless of frontiers, in particular through free flow of information, books and publications and personal correspondence.

3. All States shall contribute to the creation of conditions necessary for the [persons belonging to] minorities to play an active role in the development of good neighbourliness and mutual understanding among peoples in conformity with the principles enshrined in the United Nations Charter and with international instruments in the field of human rights."

20. With regard to paragraph 1 of the proposal, unease was still expressed about the term "favourable conditions" as minority rights should not be the subject of conditions. Accordingly, it was suggested that the end of paragraph 1 could read "with a view to strengthening mutual understanding for promoting the rights of [persons belonging to] minorities". Others explained that the term "conditions" as it appeared in the context of this article, clearly referred to a "favourable environment" rather than "limitations". The exact meaning and purpose of the term "exchange of ... experience" was also

questioned. At this stage, a suggestion was made to go back to an earlier Argentinian proposal which some delegates still preferred (E/CN.4/1988/36, annex II).

21. In paragraph 2, which was drawn from an oral proposal made at the previous meeting, it was suggested that the word "facilitate" should be replaced with "ensure" to use both verbs and to add the words "all forms of" immediately prior to "communication". Another delegation added the sentence "This right shall be exercised in accordance with national legislation and relevant international human rights instruments" at the end of the paragraph. As to the last proposal, the wording "in accordance with existing international instruments in the field of human rights" was also suggested. Furthermore, there was considerable discussion about the placement of paragraph 2 with several delegates favouring draft article 3 as its logical venue in terms of the overall organization of the declaration.

22. In connection with the emphasis in paragraph 3, which was based on paragraph 2 from the previous meeting, on the duty of States to contribute to the creation of the necessary conditions, different opinions were voiced. On the one hand, it was maintained that this approach introduced a completely new idea with a meaning varying substantially from the original conception, but it was also supported as necessary from the point of view of minority protection. In order to build a bridge between paragraphs 2 and 3, it was suggested to add the phrase "through their freedom of communication" after the word "role" in paragraph 3. Continued reluctance was expressed concerning the reference to "good neighbourliness and mutual understanding" while other delegates proposed adding an explicit reference to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations as adopted by the General Assembly.

23. Before the fourth meeting of the working group, the Ukrainian Soviet Socialist Republic submitted the following proposal on paragraph 2, stressing that the proper place for it should be within article 3 adopted earlier:

"2. Such measures shall include facilitation of the enjoyment by [persons belonging to] minorities of their freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, in particular through utilization of all forms of communication to ensure a freer and wider dissemination of all forms of information"
(E/CN.4/1989/WG.5/WP.4).

24. Also at the fourth meeting, two delegations presented a new proposal for draft article 4 based on the previous discussions:

"1. All States shall take appropriate and effective measures, especially in the fields of teaching, education, culture, information, and law to promote and protect the human rights and fundamental freedoms of [persons belonging to] minorities.

2. Such measures shall include facilitation of the unhindered enjoyment by [persons belonging to] minorities of their freedom of communication regardless of frontiers, in particular through utilization of all forms of communication to ensure a free flow of information, publications and other documents, and personal correspondence.

3. Such measures should further include the exchange of information among States in the aforementioned fields, with a view to strengthening mutual understanding and tolerance among all people, including [persons belonging to] minorities, as well as to develop further friendly relations and co-operation among States in accordance with the Charter of the United Nations."

25. In the discussion of paragraph 1 of the proposal, there was agreement to remove the reference to "law" by adding "legislative or other" in front of "appreciate". Furthermore, it was suggested that the words "human" and "and fundamental freedoms" should either be dropped or placed in square brackets for reasons of consistency with draft article 3, but this idea met with opposition. It was also proposed to add at the end of the paragraph "in particular their rights under this Declaration". During the 4th meeting on 14 February, after considerable discussion, the working group adopted paragraph 1. The text as adopted appears in annex I.

26. As to the two proposals for paragraph 2, it was observed that there was neither need nor reason to grant to minorities more extensive rights than those spelled out in article 19 of the International Covenant on Civil and Political Rights. The danger of paraphrasing article 19, or other existing norms, was also mentioned. The view that paragraph 2 had its proper placement in draft article 3 was continually emphasized, but willingness was expressed to consider this question during the second reading of the draft declaration. Nevertheless, the point was made that draft articles 3 and 4 were still distinct as the former referred to individual actions and the latter to State obligations. The working group adopted paragraph 2 of its 5th meeting, on 20 February 1989. The text as adopted, appears in Annex I.

27. The suggestion was made that paragraphs 1 and 3 should be merged as paragraph 3 still represented the original idea and thrust of draft article 4. Also, as at the previous meetings, a strong preference for adding an explicit reference to the General Assembly's Declaration on principles was brought up. Although it was pointed out that this addition was really unnecessary in face of the reference to the Charter in the paragraph and to the Declaration in the sixth preambular paragraph of the draft declaration, it was agreed to include it in square brackets. The working group adopted paragraph 3 at its 5th meeting on 20 February. The text as adopted appears in annex I.

28. The three paragraphs of draft article 4 were adopted provisionally and in first reading, with square brackets indicating language about which there were still pending reservations. Before the adoption, it had been suggested that the working group reorder the paragraphs of the draft article in such a way that paragraph 2 should become paragraph 3 and that paragraph 3 become paragraph 2. Because of lack of time, it was agreed that the paragraphs could be reordered at a later session.

B. First reading of draft article 5

29. The working group had before it the text of draft article 5 as it appeared in the revised draft declaration submitted by Yugoslavia and amendments thereto proposed by the Governments of the United Kingdom and the

United States of America (E/CN.4/1988/36, annex II). References were also made to the discussion about draft article 5 at the latest session of the working group (E/CN.4/1988/36, paras. 24-25).

30. On the basis of the texts before the working group and an initial discussion about them at the first meeting, an informal drafting group presented a new text to the second meeting:

"1. In ensuring and promoting the rights of [persons belonging to] minorities, strict respect for the sovereignty, territorial integrity, and political independence of States, and for the principle of non-interference and non-intervention in the internal affairs of those countries in which minorities live, should be observed.

2. Respect for the aforementioned principles shall not prevent the fulfilment of the international commitments of States Members of the United Nations in relation to minorities or persons belonging to minorities. Member States shall fulfil in good faith the commitments they have assumed under international treaties and agreements to which they are parties and under other international instruments.

3. This Declaration shall not prejudice the enjoyment of rights accorded by international conventions and customary international law to all persons.

4. In exercising their rights, [persons belonging to] minorities shall respect the human rights and fundamental freedoms of others."

31. In the discussion about paragraph 1 of the proposal, reservations were voiced again about imposing restrictions on minorities which did not find express mentioning in other human rights instruments. In particular, objection was raised to "non-interference and non-intervention" because minority rights, in light of article 56 of the Charter, constituted an international concern as did human rights in general. On the other hand, this language was deemed necessary so as to avoid the use of minorities as political weapons.

32. With regard to paragraph 2, preference was expressed for the word "obligations" instead of as in addition to "commitments" and to replace the term "principles" with "rights ennuiciated in this Declaration". It was also said that the second sentence of paragraph 2 was not necessary and the phrase "in good faith" could be added to the first sentence, but others underlined the separate value of the second sentence which should therefore be retained.

33. In paragraph 3, it was proposed to delete the reference to "customary international law" because of its ambiguous and evolutionary character.

34. As to paragraph 4, it was suggested to add to the list respect for international law and for other peoples and minorities.

35. On the basis of the proposals made and discussions held, a new text was presented to the working group at the outset of its third meeting. The text reads as follows:

- "1. Respect for the rights proclaimed in this Declaration shall not prevent the fulfilment of other international obligations and commitments of States in relation to minorities or persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.
2. This Declaration shall not prejudice the enjoyment of rights accorded by international conventions and customary international law to all persons.
3. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations and, in particular, contrary to the sovereignty, territorial integrity and political independence or contrary to the principle of non-intervention and non-interference in domestic affairs of other States.
4. In exercising their rights, [persons belonging to] minorities shall respect the human rights and fundamental freedoms of others."
36. At the same meeting, the representative of the Ukrainian Soviet Socialist Republic submitted the following written proposal for a new paragraph 4 of draft article 5:

"4. In exercising their rights, [persons belonging to] minorities shall respect the human rights and fundamental freedoms of others and refrain from activities which prejudice the promotion of mutual understanding, tolerance, good neighbourliness and friendship among nations and racial or ethnic groups in conformity with the principle enshrined in the United Nations Charter and with international instruments in the field of human rights." (E/CN.4/1989/WG.5/WP.3).

37. It was said that paragraph 1 of the proposal that it was superfluous and that the second sentence could be deleted if the phrase "in good faith" was added after "fulfilment". With regard to paragraph 3, it was proposed to add a reference to the Charter, to replace the word "construed" with "may be interpreted". As to the two proposals concerning paragraph 4, attention was drawn to article 5 of the Convention against Discrimination in Education which was reflected in the second proposal.

38. At the 4th meeting, the representative of the Four Directions Council presented his written proposal for a new text of draft article 5:

- "1. States shall continue to fulfil in good faith all of the obligations and commitments which they have assumed in relation to minorities under international treaties and agreements.
2. This Declaration shall not prejudice the enjoyment of rights accorded by international conventions and declarations to all persons.
3. Nothing in the present Declaration shall be interpreted as *permitting any activity which is contrary to the purposes and principles of the United Nations.*

4. In exercising their rights, [persons belonging to] minorities shall respect the human rights and fundamental freedoms of others" (E/CN.4/1989/WG.5/WP.2).

In his introduction, the representative stated that his proposal focused on the bare essentials of the draft article and he expressed the hope that this simple and straightforward text would facilitate the ongoing drafting work. Due to the lack of time the working group did not have the possibility to consider in depth all the proposals.

III. Adoption of the report

39. At its 6th meeting, on 7 March 1989, the working group adopted this report.

Annex I

TEXT OF THAT PART OF THE DRAFT DECLARATION ON WHICH
PRELIMINARY AGREEMENT HAS BEEN REACHED SO FAR

Draft declaration on the rights of persons belonging to
national or ethnic, religious or linguistic minorities

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in its Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion.

[Reaffirming] [Reiterating] [Declaring] faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles [concerning the rights of] [persons belong to] [minorities] which form the basis of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of All Forms of Racial Discrimination as well as other relevant international instruments [that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations],

Inspires by [Based on] the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to [national or] ethnic, religious or linguistic minorities contribute to the political and social stability of States in which they live,

Confirming that friendly relations and co-operation among States, which take place in the spirit of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, contribute to international peace and security and to the creation of more favourable conditions for the realization and promotion of human rights, including the rights of [persons belong to] [national or], ethnic, linguistic and religious minorities,

Emphasizing that the constant promotion and realization of the rights of persons belonging to minorities, as an integral part of the development of society as a whole and within the constitutional framework, would in turn contribute to the strengthening of friendship and co-operation among peoples and States,

Bearing in mind the work done so far within the United Nations system, in particular the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as the bodies established pursuant to the International Covenants on Human Rights and other relevant

international human rights instruments on promoting and protecting the rights of persons belonging to [national or] ethnic, religious or linguistic minorities,

Recognizing the need to ensure even more effective implementation of international human rights instruments relating to the rights of persons belonging to [national or] ethnic, religious or linguistic minorities,

Proclaim this Declaration on the Rights of Persons Belonging to [National or] Ethnic, Religious or Linguistic Minorities:

Article 1

1. [Persons belonging to] [national or] ethnic, linguistic and religious minorities (hereinafter referred to as minorities) have the right to respect for, and the promotion of, their ethnic, cultural, linguistic and religious identity without any discrimination.

2. [Persons belonging to] minorities have the right to life, liberty and security of person and all other human rights and freedoms without discrimination.

Article 2

1. In accordance with the Charter of the United Nations and other relevant international instruments, [persons belonging to] minorities have the right to be protected against any activity, including propaganda, [directed against minorities] which:

(i) may threaten their existence [or identity]

(ii) [interferes with their freedom of expression or association] [or the development of their own characteristics]; or

(iii) otherwise prevents their full enjoyment and exercise of universally recognized human rights and fundamental freedoms.

2. In accordance with their respective constitutional processes [and in accordance with the relevant international treaties to which they are parties], all States shall undertake to adopt legislative or other appropriate measures to prevent and combat such activities, with due regard to the principles embodied in this Declaration and in the Universal Declaration of Human Rights.

Article 3

1. [Persons belonging to] minorities have the right, individually or in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, and to use their own language, freely and without interference or any form of discrimination.

2. All states [which have not yet done so] shall [take measures to create favourable condition to enable [persons belonging to] minorities to freely]/ [ensure that [persons belonging to] minorities are freely able to] express

their characteristics, to develop their [education,] culture, language, religion, traditions and customs, and to participate on an equitable basis in the cultural, religious, social, economic and political life in the country where they live.

3. To the same ends, persons belonging to minorities shall enjoy, without any discrimination, the right to establish and maintain contacts with other members of their group [and with other minorities], especially by exercise of residence within the borders of each State, and the right to leave any country, including their own, and to return to their countries. [This right shall be exercised in accordance with national legislation and relevant international human rights instruments.]

Article 4

1. All States shall take legislative or other appropriate and effective measures, especially in the fields of teaching, education, culture and information, to promote and protect the human rights and fundamental freedoms of [persons belonging to] minorities.

2. Such measures shall include facilitation of the enjoyment by [persons belonging to] minorities of their freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, in particular through utilization of all forms of communication [This freedom shall be exercised in accordance with national legislation and relevant international human rights instruments.]

3. Such measures should also include the exchange of information [and experience] among States in the aforementioned fields, with a view to strengthening mutual understanding, tolerance and friendship among all people, including [persons belonging to] minorities, [as well as to develop further friendly relations and cooperation among States in accordance with the Charter of the United Nations.]/[as well as to develop further international co-operation in the spirit of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations].

Annex II

PROPOSALS RELATING TO THE DRAFT DECLARATION
AWAITING CONSIDERATION BY THE WORKING GROUP

Preamble

- (1) Bulgaria and the Union of Soviet Socialist Republics (E/CN.4/1989/36, annex III):

1. New preambular paragraph 4:

Bearing in mind that the prevention of a nuclear holocaust should be the responsibility of all human beings, regardless of their ethnic and cultural identity, or race, sex, language and religion.

2. New preambular paragraph 5:

Taking into account the necessity to establish a new economic order and secure ecology system as an important step towards further promotion of human rights.

3. Insert into the third preambular paragraph, 6th line "The Final Act of Helsinki".

4. Insert into the present fifth preambular paragraph, after "linguistic minorities" the following: "in those States where such minorities exist".

Draft article 5

- (1) Article 5, as it appears in the revised draft declaration (E/CN.4/Sub.2/L.734):

1. In ensuring and promoting the rights of minorities, strict respect for the sovereignty, territorial integrity, political independence and non-interference in the internal affairs of those countries in which minorities live should be observed.

2. Respect for the aforementioned principles shall not prevent the fulfilment of the international commitments of States Members of the United Nations in relation to minorities. Member States shall fulfil in good faith the commitments they have assumed under international treaties and agreements in which they are parties and under other international instruments.

3. The present Declaration shall not have the effect of diminishing the rights which minorities may enjoy by virtue of treaties or agreements concluded between two or more States, where such rights are not contrary to the letter and spirit of this Declaration.

- (2) United Kingdom (E/CN.4/1984/42, page 7) amending paragraph 3 as follows:

3. "This Declaration shall not prejudice the enjoyment of rights accorded by conventional and customary international law to all individuals even where the present Declaration does not recognize such rights or recognizes them to a lesser extent."

(3) United States of America (E/CN.4/1983/66, para. 27):

In the second line of paragraph 1, replace "non-interference" by "non-intervention".

(4) In addition a number of drafting proposals concerning draft article 5 is reproduced in Annex III of this report.

Draft article 6

(1) Article 6, as it appears in the revised draft declaration (E/CN.4/Sub.2/L.734):

Member States of the United Nations shall endeavour, depending on their specific conditions, to create favourable political, educational, cultural and other conditions and to adopt adequate measures for the protection and promotion of the rights of minorities proclaimed in this Declaration.

(2) Cyprus (E/CN.4/1984/42, page 3):

In the second line, replace "conditions" by "resources".

(3) India (E/CN.4/1983/66, para. 30):

In the second line, replace "conditions" by "resources".

(4) Venezuela (E/CN.4/1985/24, page 3):

The following should be added at the end of the article "for which purpose they shall promote the acquisition of the material resources required for the implementation of policies designed to achieve the realization and practical verification of the principles proclaimed in this Declaration".

Draft article 7

(1) Four Directions Council (E/CN.4/1986/WG.5/WP.2):

1. In States where there are ethnically, linguistically or religiously distinct geographic regions, measures should be taken to ensure that each region enjoys:

(a) the right to influence the character and direction of regional development, and

(b) a meaningful opportunity to participate in and influence the decisions affecting it, through national institutions and, wherever possible, the development of regional, social, economic and political institutions.

2. National programmes to equalize regional economic disparities should not encourage or require changes in the ethnic, linguistic or religious character of regions.

3. Programmes of international economic co-operation and financial assistance should respect these principles and the freely expressed wishes of the people in the regions affected.

Annex III

DRAFTING PROPOSALS CONCERNING ARTICLE 5

(1) Text presented by the informal working group:

"1. Respect for the rights proclaimed in this Declaration shall not prevent the fulfilment of other international obligations and commitments of States in relation to minorities or persons belonging to minorities. In particular, States shall fulfill in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.

2. This Declaration shall not prejudice the enjoyment of rights accorded by international conventions and customary international law to all persons.

3. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations and, in particular, contrary to the sovereignty, territorial integrity and political independence or contrary to the principle of non-intervention and non interference in domestic affairs of other States.

4. In exercising their rights, [persons belonging to] minorities shall respect the human rights and fundamental freedoms of others."

(2) Ukrainian Soviet Socialist Republic (E/CN.4/1989/WG.5/WP.3)

"4. In exercising their rights, [persons belonging to] minorities shall respect the human rights and fundamental freedoms of others and refrain from activities which prejudice the promotion of mutual understanding, tolerance, good neighbourliness and friendship among nations and racial or ethnic groups in conformity with the principle enshrined in the United Nations Charter and with international instruments in the field of human rights."

(3) Four Directions Council (E/CN.4/1989/WG.5/WP.2)

"1. States shall continue to fulfil in good faith all of the obligations and commitments which they have assumed in relation to minorities under international treaties and agreements.

2. This Declaration shall not prejudice the enjoyment of rights accorded by international conventions and declarations to all persons.

3. Nothing in the present Declaration shall be interpreted as permitting any activity which is contrary to the purposes and principles of the United Nations.

4. In exercising their rights, [persons belonging to] minorities shall respect the human rights and fundamental freedoms of others."
