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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES TO
THE COMMISSION ON HUMAN RIGHTS ON ITS TWENTY-
FIFTH SESSION

New York, 14 August-1 September 1972

Rapporteur: Mr. Robert Rhodes JAMES

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I. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its twenty-fifth session at United Nations Headquarters from 14 August to 1 September 1972.
2. The session was opened (636th meeting) by Mr. Héctor Gros Espiell (Uruguay), Chairman of the Sub-Commission at its twenty-fourth session, who made a statement.
3. Mr. Marc Schreiber, Director of the Division of Human Rights made a statement on behalf of the Secretary-General.

Attendance

4. The session was attended by members of the Sub-Commission, by observers from States Members of the United Nations, by representatives of the Commission on the Status of Women, specialized agencies, a regional intergovernmental organization and non-governmental organizations and by a Special Rapporteur not a member of the Sub-Commission. Details as to attendance appear in annex I.
5. Some members informed the Secretary-General that they were unable to attend the whole or parts of the session and in accordance with rule 70 of the rules of procedure of the functional commissions of the Economic and Social Council, and with the consent of their Governments, appointed alternates (see annex I). The Secretary-General concurred with these nominations, and the alternates therefore enjoyed during the session the same status as members of the Sub-Commission, including the right to vote.

Election of officers

6. At its 636th meeting, the Sub-Commission unanimously elected the following officers:

Chairman: Mr. Bali Ram Bhagat

Vice-Chairmen: Mr. Branimir M. Jankovic
Mr. Ahmed M. Khalifa
Mr. José R. Martínez Cobo

Rapporteur: Mr. Robert Rhodes James

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Agenda

7. At its 637th meeting, the Sub-Commission unanimously adopted the following agenda:

1. Election of officers
2. Adoption of the agenda
3. Suggestions and draft programme for a Decade for action to combat racism and racial discrimination
4. The consequences for the effectiveness of human rights of the aid which in some cases might be given to the racist and colonial régimes of southern Africa
5. Further studies on racial discrimination
6. 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: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)
7. Communications concerning human rights. Report of the Working Group established under resolution 2 (XXIV) of the Sub-Commission in accordance with Economic and Social Council resolution 1503 (XLVIII)
8. Study of the protection of minorities
9. Study of the question of the prevention and punishment of the crime of genocide
10. Study of the problem of discrimination against indigenous populations
11. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism
12. Review of further developments in fields with which the Sub-Commission has been concerned
13. Consideration of the future work of the Sub-Commission
14. Report of the twenty-fifth session

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Organization of work

8. The Sub-Commission dealt with the items on its agenda in the following order: 1, 2, 3, 4, 3 (resumed), 5, 6, 5 (resumed), 8, 6 (resumed), 10, 7, 3 (concluded), 9, 10 (concluded), 5 (concluded), 6 (concluded), 11, 12, 13 and 14.

Meetings, resolutions and documentation

9. The Sub-Commission held 28 meetings. The views expressed at those meetings are summarized in the records of the 636th to 663rd meetings (E/CN.4/Sub.2/SR.636-663).

10. The observers from Uganda and Israel addressed the Sub-Commission at its 650th and 662nd meetings respectively.

11. The Sub-Commission heard a statement by the representative of UNESCO at its 639th meeting.

12. The representatives of the International Association for Religious Freedom, the Agudas Israel World Organization, the International Federation of Women Lawyers, the Anti-Slavery Society and the St. Joan's International Alliance addressed the Sub-Commission at its 646th, 648th, 651st, 660th and 661st meetings respectively.

13. The Sub-Commission adopted resolutions 1 (XXV)-9 (XXV). The texts of those resolutions appear in chapter XIV.

14. Statements of the financial implications of resolutions 5 (XXV) and 7 (XXV), prepared by the Secretary-General, are reproduced in annex II.

15. Annex III contains a list of the documents submitted for the Sub-Commission's consideration.

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II. SUGGESTIONS AND DRAFT PROGRAMME FOR A DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

16. The Sub-Commission considered item 3 of its agenda, "Suggestions and draft programme for a Decade for action to combat racism and racial discrimination", at its 637th to 640th, 642nd to 644th and 656th to 658th meetings. The attention of the Sub-Commission was drawn to General Assembly resolution 2784 (XXVI) in which the Assembly expressed the conviction that the International Year for Action to Combat Racism and Racial Discrimination should be observed as the opening year of an ever-growing struggle against racial discrimination in all its forms and manifestations and for the purpose of promoting international solidarity with all those struggling against racism. The Assembly invited the Economic and Social Council to request the Commission on Human Rights to submit suggestions with a view to launching continued international action to combat racism on the basis of a "Decade for vigorous and continued mobilization against racism and racial discrimination in all its forms". The Commission at its twenty-eighth session, in resolution 1 (XXVIII), welcomed the decision of the General Assembly and requested the Sub-Commission at its twenty-fifth session "as its first priority urgently to prepare suggestions and draw up a draft programme to be followed during the envisaged 'Decade for action to combat racism and racial discrimination' and to submit its suggestions and draft programme to the Commission at its twenty-ninth session". The Commission drew the attention of the Sub-Commission to certain points to be considered as guidelines in the study of the subject and the preparation of the suggestions and draft programme. As requested by the same resolution, the Secretary-General prepared a note (E/CN.4/Sub.2/325 and Add.1), in consultation with the specialized agencies, "in the light of the above-mentioned guidelines and the experience gained during the International Year For Action to Combat Racism and Racial Discrimination, and on the basis of replies available from Governments to the message sent by the President of the twenty-sixth session of the General Assembly to heads of State or Government", containing an outline of a long-term programme of international action to combat racism, apartheid and racial discrimination.

17. The views expressed during the general debate on this item are set out in the summary records of the Sub-Commission's 637th to 640th and 642nd to 644th meetings (E/CN.4/Sub.2/SR.637 to 640 and 642 to 644).

18. Many members referred to the persistence of racist practices and the spread of racial discrimination, and endorsed the action of the General Assembly in proclaiming a Decade for action to combat racism and racial discrimination. A small minority expressed doubts concerning the possible effectiveness of the Decade, although agreeing that racism and racial discrimination were a major world problem. It was emphasized by several speakers that there was a need to evaluate the results of the International Year for Action to Combat Racism and Racial Discrimination before embarking upon a more extensive programme.

19. During the general debate members endorsed many of the suggestions made by the Secretary-General in his outline of a long-term programme (E/CN.4/Sub.2/325 (annex) and Add.1), and said that these could usefully be adopted by the Sub-Commission in its preparation of a draft programme for a Decade for action to combat racism and racial discrimination.

20. While there was support for the Secretary-General's suggestion that the General Assembly and other United Nations bodies should continue to appeal to Governments to ratify or to accede to the International Convention on the Elimination of All Forms of Racial Discrimination, some members emphasized that steps should be taken to ensure that all States should be eligible to become parties to the Convention.

21. Concern was expressed about the fact that many United Nations recommendations concerning racism, apartheid and racial discrimination had been virtually ignored by some States, and that it was now essential to find effective practical means of implementing them. The suggestion was made that future international recommendations on this subject should be directed not only to Governments but also to populations at large. Some members emphasized the particular need to enlist the support of non-governmental organizations and other institutions in the struggle against racism and racial discrimination.

22. The suggestions made by the Secretary-General for the holding of further international conferences, seminars and meetings on combating racism and racial discrimination, for the preparation of further studies on racism and racial discrimination, and for the expansion and intensification of education and information programmes, were widely supported. Some members urged that greater voluntary contributions should be made by Governments to the existing United Nations programmes designed to aid the victims of racial discrimination. It was also proposed that Governments should be urged to make special efforts to ensure that the principles of racial equality were introduced into the curricula of school children at an early age.

23. Divergent views were expressed concerning ways of co-ordinating the activities of the United Nations organs dealing with racial discrimination and apartheid. Some members expressed the view that a new body was required for this purpose, while others maintained that existing organs, such as the General Assembly and the Economic and Social Council, should continue to co-ordinate the work in this field.

24. Some members referred to the study concerning the question of apartheid from the point of view of international penal law, prepared by the Ad Hoc Working Group of Experts under Commission resolution 8 (XXVI) (E/CN.4/1075), and noted that the study had not dealt with the question of the responsibility of individuals. They expressed the view that it was necessary during the Decade to study this question in some detail, in spite of the decision of the General Assembly to defer consideration of questions relating to international criminal jurisdiction.

25. Some members expressed their approval of the work being done to combat racism and racial discrimination by the International Labour Organisation, UNESCO, UNITAR and other organizations. It was emphasized that it would be necessary to co-ordinate the work of these organizations at all stages of the Decade if the programme was to achieve the desired results.

26. The view was expressed that studies undertaken in connexion with the Decade should be of a scientific nature and should, among other things, diagnose the

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causes of racism and racial discrimination. Some members pointed out that certain economic, political and strategic interests benefited from and actually assisted the racist policies of certain Governments, and proposed that these questions should be examined in depth.

27. Some members drew attention to the increasing migration of workers across national frontiers, and pointed out that these workers often did not receive equal treatment either in their countries of origin or in the receiving countries. It was suggested that this question should be the subject of increasing international concern.

28. At the 643rd meeting, Mr. Moussa submitted a working paper (E/CN.4/Sub.2/XXV/CRP.2) on this item. At the same meeting, the Sub-Commission decided, by 14 votes to 2, with 7 abstentions, to establish an informal working group to make recommendations to the Sub-Commission regarding the proposed Decade. The group was composed of the following: Messrs. Akram and Carey, Mrs. Daes and Messrs. Farhadi, Mohammed, Moussa and Voicu. The Sub-Commission decided that all members of the Sub-Commission could attend meetings of the Working Group and submit written proposals.

29. At its 656th meeting Mrs. Daes, Chairman of the working group, presented its draft resolution (E/CN.4/Sub.2/L.574) on suggestions and draft programme for a Decade for action to combat racism and racial discrimination. She stated that the draft programme for the proposed Decade, which was contained in the annex to the draft resolution, was based on the above-mentioned working paper (E/CN.4/Sub.2/XXV/CRP.2), on the provisions of the Charter, the relevant United Nations instruments, namely, the Declaration and Convention on the Elimination of All Forms of Racial Discrimination, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, the International Covenants on Human Rights and, mainly, on the summary records in which the views of the members of the Sub-Commission had been included. Also, the written suggestions submitted by members of the Sub-Commission had been properly considered.

30. The Sub-Commission decided to begin its consideration of the draft resolution, with an examination of the draft programme set out in the annex. The consideration of the annex was as follows:

Paragraph 1

31. The Sub-Commission agreed to the text proposed by the working group in paragraph 1.

Paragraph 2

32. The Sub-Commission agreed to the oral proposal of Mr. Capotorti as amended by Mr. Nettel, to substitute the words "its competent organs have" for the word "has" appearing after the word "consequently".

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33. The Sub-Commission agreed, on the oral proposal of Mr. Al-Qaysi, to redraft subparagraph (a) after the words "origin is an" as follows: "affront to humanity and shall be condemned as a violation of the principles of the Charter of the United Nations and of the human rights... security among peoples".

Paragraph 3

34. The Sub-Commission agreed, on the oral proposal of Mr. Inglés, as amended by Mr. Carey, to add the words "both international and national" after the word "institutions".

35. By a vote of 7 against, 5 in favour and 8 abstentions, the Sub-Commission rejected the amendment of Mr. Smirnov to substitute the words "to eliminate all forms of racial discrimination" for the words "to oppose racial discrimination and pursue racial harmony".

36. By a vote of 15 in favour, and 1 against, the Sub-Commission adopted the oral amendment of Mr. Gros Espiell to substitute for the first eight words of subparagraph (a) the following: "The ratification, accession and implementation of the widely accepted...".

37. The Sub-Commission agreed, on the oral proposal of Mr. Inglés, to substitute in subparagraph (e) for the words appearing after "race, colour" the words "descent or national or ethnic origin". The proposal of Mr. Carey to add the words "or other status" at the end of the same subparagraph was adopted by 8 votes in favour, 2 against and 10 abstentions.

Paragraph 4

38. The Sub-Commission agreed, on the oral proposal of Mr. Nettel, to substitute the word "dogma" for the word "theories".

39. The Sub-Commission agreed, on the oral proposal of Mr. Bouhdiba, to add the words "and in particular," before the words "southern Africa".

Paragraph 5

40. The Sub-Commission agreed, on the oral proposal of Mr. Bouhdiba, to substitute the word "discourage" for the words "cloud the vision or stand in the way of".

Paragraph 6

41. The Sub-Commission agreed, on the oral proposal of Mr. James, to substitute in subparagraph (a) for the words appearing after the words "race and colour" the words "descent or national or ethnic origin or other status".

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42. The Sub-Commission agreed, on the oral proposal of Mr. Al-Qaysi, to delete in subparagraph (b) the words "and objectives" and to add the words "purposes and" before the word "principles".

Paragraph 7

43. The Sub-Commission agreed, on the oral proposal of Mr. Smirnov, to delete the word "first" before the word "Decade".

Paragraph 8

44. The Sub-Commission agreed, on the oral proposal of Mr. Inglés, to substitute the words "descent or national or ethnic origin" for the words "sex, language... birth".

45. The Sub-Commission agreed, on the oral proposal of Mr. Smirnov, to substitute the words "policy and practices" for the word "strategy".

46. The Sub-Commission agreed, on the oral proposal of Mr. Capotorti, to substitute the word "mythical" for the word "mystical".

Paragraph 9

47. The Sub-Commission agreed, on the oral proposal of Mr. Smirnov, as amended by Mr. Carey, to add the words "and the eradication of all forms of racial discrimination," after the words "racial equality".

Paragraph 10

48. The Sub-Commission agreed, on the oral proposal of Mr. Smirnov, as amended by Mr. Carey, to add the words "eradicate racial discrimination and to" before the words "promote racial harmony".

Paragraph 11 (National)

49. The Sub-Commission agreed, on the oral proposal of Mr. Smirnov, to the reordering of the subparagraphs. Subparagraph (c) became subparagraph (a) and subparagraphs (a) and (b) became (b) and (c) respectively.

50. The Sub-Commission agreed, on the oral proposal of Mr. Voicu, to place sub-subparagraph (a) (vii) as sub-subparagraph (a) (i). It also agreed, on the oral proposal of Mr. Inglés, to place sub-subparagraphs (a) (i) and (ii) as sub-subparagraphs (a) (viii) and (ix) respectively. The sub-subparagraphs of subparagraph (a) were reordered accordingly.

51. The Sub-Commission agreed to the text of subparagraphs (b) and (c).

52. The Sub-Commission agreed, on the oral proposal of Mr. Inglés, to add the words "measures in the" after the words "implementation of" and to substitute the word "fields" for the word "measures" in subparagraph (a).

53. The Sub-Commission agreed, on the oral proposal of Mr. Al-Qaysi, to delete in subparagraph (a) the word "such" after the word "kind" and to add the word "to" after the word "as".

54. The Sub-Commission rejected by a roll-call vote of 11 against, 4 in favour, with 6 abstentions, the oral amendment proposed by Mr. James to add the words "and expulsion" after the words "policy of immigration" in sub-subparagraph (a) (ix). The voting was as follows:

Against: Mr. Al-Qaysi, Mrs. Daes, Messrs. Díaz Samayoá, Durlong, Jankovic, Kettani, Mrs. Kinyanjui, Messrs. Moussa, Sekyiamah, Smirnov and Voicu.

In favour: Messrs. Carey, Capotorti, James and Nettel.

Abstentions: Messrs. Abu-Rannat, Acevedo Morga, Bouhdiba, Miss Dubra, Messrs. Inglés, Martínez Cobo.

55. The Sub-Commission agreed, on the oral proposal of Mr. Smirnov as amended by Mr. Moussa, to add the words "to prohibit racial discrimination and" before the words "to prosecute" in sub-subparagraph (a) (ii).

56. The Sub-Commission agreed, on the oral proposal of Mr. Smirnov, to add the following words at the end of subparagraph (a) (ii): "and also of abrogating those laws and ordinances promoting the maintenance and extension of racial discrimination".

57. The Sub-Commission agreed, on the oral proposal of Mr. James, to add the following words at the end of sub-subparagraph (a) (iv) "and in particular by greater contributions to the United Nations Education and Training Programme for Southern Africa".

Paragraph 11 (International and regional)

58. The Sub-Commission agreed to accept the text proposed by the working group in subparagraphs (a) and (b).

59. The Sub-Commission agreed, on the oral proposal of Mr. Smirnov as amended by Mr. Moussa, to add the following words to the beginning of subparagraph (c): "The consideration of the ways and means to prepare concrete proposals in support of the efforts of all oppressed peoples suffering from racism and racial discrimination including,..."; as a consequence, the words "the peoples suffering from racial discrimination" in the same subparagraph were altered to read "those peoples".

60. The Sub-Commission agreed, on the oral proposal of Mr. Smirnov, to add the words "the elimination of" before the words "racial discrimination" in subparagraph (d).

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61. The Sub-Commission agreed, on the oral proposal of Mr. Smirnov as amended by Mr. Moussa, to add the words "and on the crime of apartheid" after the words "racial discrimination in all its forms" in subparagraph (e).

62. The Sub-Commission decided, on the oral proposal of Mr. Capotorti, to reconvene the working group to prepare a revised text of the remaining subparagraphs of paragraph 11.

63. At its 658th meeting, Mrs. Daes, the Chairman of the working group, presented the following oral revisions:

(a) To add a new subparagraph (d) to paragraph 11 (International and regional) reading as follows: "The denial to racist régimes of any support or assistance which will enable them to perpetuate racist policies or practices";

(b) To substitute for sub-sub-subparagraphs (a) (iv) a and b relating to the "United Nations system" the following new sub-sub-subparagraph (a) (iv) a: "Charting the spread or decline of racism or racial discrimination, diagnosing and detecting the introduction of racism or racial discrimination into any area early enough to permit effective preventive action";

(c) To substitute for sub-sub-subparagraphs (a) (iv) d and e relating to the "United Nations system" the following new sub-sub-subparagraph (a) (iv) c: "The role of science, especially social science, in combating racism and racial discrimination and in solving racial problems";

(d) To substitute in sub-subparagraph (a) (vi) relating to the "United Nations system" the words "for example" for the expression "i.e.";

(e) To substitute for sub-subparagraphs (b) (i) and (ii) relating to the "United Nations system" the following new sub-subparagraph (i): "The need for interagency co-ordination and co-operation in the field of education and training on problems and activities concerning the elimination of racial discrimination undertaken in the implementation of the present programme should be identified";

(f) To substitute in sub-subparagraph (c) (i), relating to the "United Nations system" the words "the peoples struggling against racial discrimination and apartheid" for the words "the victims of racial discrimination... in larger freedom";

(g) To add in sub-subparagraph (d) (i), relating to the "United Nations system", the words "and the Secretary-General" after the words "The Economic and Social Council";

(h) To delete in sub-subparagraph (d) (iii) the words "brief annual" and to add after the word "report" the words "every two years";

(i) To delete, in sub-subparagraph (d) (vi) the words "in the third year of the Decade and".

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64. The Sub-Commission accepted the oral revisions of the working group to paragraph 11 of the annex and agreed without objection to the text of the annex, as amended.

65. The Sub-Commission then considered the draft resolution submitted by the working group. It agreed to delete operative paragraph 2 of the draft resolution.

66. At its 658th meeting, the Sub-Commission heard a statement by the representative of the Secretary-General on the financial implications of the draft resolution.

67. At its 658th meeting on 29 August 1972, the Sub-Commission adopted the draft resolution submitted by the working group (E/CN.4/Sub.2/L.574), as amended, by 21 votes in favour, 1 against and 1 abstention. The text of the resolution appears in chapter XIV as resolution 3 (XXV).

68. On the oral proposal of Mr. Moussa, the Sub-Commission decided to request the Secretary-General to inform the General Assembly at its twenty-seventh session under item 50 of its provisional agenda, of the draft programme for a Decade for action to combat racism and racial discrimination as adopted by the Sub-Commission.

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III. THE CONSEQUENCES FOR THE EFFECTIVENESS OF HUMAN RIGHTS OF THE AID
WHICH IN SOME CASES MIGHT BE GIVEN TO THE RACIST AND COLONIAL
REGIMES IN SOUTHERN AFRICA

69. At the 641st, 642nd and 659th meetings, the Sub-Commission, pursuant to its resolution 5 (XXIV) of 18 August 1971, considered item 4 of its agenda, "The consequences for the effectiveness of human rights of the aid which in some cases might be given to the racist and colonial régimes in southern Africa".

70. While many members of the Sub-Commission felt that the Sub-Commission was not in a position to undertake a comprehensive debate on the matter, owing in particular to the lack of relevant documentation, it was nevertheless thought that the Sub-Commission could benefit from a preliminary discussion of the subject. It was suggested that the Secretariat might be requested to prepare appropriate background documentation which would aid in a more thorough discussion of the question at the next session of the Sub-Commission.

71. It was also suggested that the question might further be pursued by an individual or institution outside the United Nations or that it might be made the subject of a symposium as part of the programme of the Decade for Action to Combat Racism and Racial Discrimination. One view expressed was that a study of the matter could be completed in six to eight months and that the results could be placed at the disposal of the Sub-Commission at its next session.

72. It was pointed out that consideration of the question of the consequences for the effectiveness of human rights of the aid which in some case might be given to the racist and colonial régimes of southern Africa would be a new undertaking for the Sub-Commission. Nevertheless it was felt that, in the preparation of such a study, the Sub-Commission could make use of some resolutions and the many documents prepared by other United Nations bodies dealing with the question. Attention was drawn to relevant studies made or in progress outside the United Nations. It was pointed out that any conclusions reached should be based on facts and not on political considerations since the Sub-Commission was a technical and not a political body. One opinion expressed was that, in studying the question of racism, the Sub-Commission should condemn the activities of all those giving aid to the racist régimes of southern Africa. On the other hand, it was felt that it was not appropriate for the Sub-Commission to issue such condemnation at the twenty-fifth session.

73. The representative of the Secretary-General stated that, if requested, the Secretariat would endeavour to provide the Sub-Commission with background information which might be relevant to its future consideration of the question. He cautioned, however, against proliferation and duplication of documentation and pointed out that a great deal of information concerning external investments in southern Africa and other matters referred to in the discussion had been assembled in the course of the work of other competent United Nations bodies, for instance, the Special Committee on Apartheid and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. He stated that such documentation could be

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brought to the attention of the Sub-Commission when it considered the question at its next session. It would be for the Sub-Commission to draw conclusions from the available facts regarding consequences of aid received as this term was understood by United Nations organs as regards respect of human rights.

74. There were some divergent views as to the meaning of the word "aid". Among the possible types of action which were mentioned in this connexion were investment in the private sector, investment in the public sector, trade, military co-operation and diplomatic ties. The need to define "effectiveness" in the context of the present agenda item was also mentioned. Most speakers agreed, however, that aid to South Africa, be it in the form of economic and military co-operation, foreign investments or bank activities, had a negative effect on human rights.

75. At the 659th meeting, the following draft resolution (E/CN.4/Sub.2/L.568 and Corr.1) was submitted by Mr. Smirnov:

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Convinced that apartheid is a crime against humanity,

Aware that racism and apartheid are instruments of colonialism, imperialism and economic expansion and that they are a total negation of the purposes and principles of the Charter of the United Nations,

Concerned that the numerous resolutions that have been adopted by the organs of the United Nations have not yet had the effect required in order to eradicate the hateful policy of apartheid and racism which is being applied in southern Africa.

Noting with regret that the Security Council's mandatory sanctions against the illegal minority régime of Southern Rhodesia have failed owing mainly to the obstinate non-compliance of certain countries,

Recalling resolution 2646 (XXV) in which the General Assembly condemned, in particular, the activities of those States which, by political, economic and military collaboration with the racist régimes of southern Africa, enable and encourage those régimes in the enforcement and perpetuation of their policy of apartheid and other forms of racial discrimination,

Recalling resolution 2784 (XXVI) in which the General Assembly recognized that the position of the racist régimes of southern Africa continues to be strengthened through the maintenance by many States of political, commercial, military, economic, social and other relations with the racist Governments in southern Africa and through the unceasing contribution from certain States in the form of political, economic and military assistance,

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Recalling resolution 5 (XXIV) in which the Sub-Commission decided to consider the question of the consequences for the effectiveness of human rights of the aid which in some cases might be given to the racist and colonial régimes of southern Africa,

Having considered this question on a provisional basis at its twenty-fifth session,

1. Requests the Secretary-General, with a view to permitting the consideration of all aspects of the question to prepare, on the basis of United Nations documents, an analytical study presenting factual data on political assistance and support given to the racist and colonial régimes of southern Africa, economic aid, in particular through direct and indirect investments of foreign capital, military aid, and data on other relations which help to strengthen those régimes;

2. Requests that the said report should be submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-sixth session;

3. Decides to retain this item on the agenda of the Sub-Commission.

76. Mr. James orally proposed that the first preambular paragraph of the draft resolution be deleted.

77. With respect to the fifth preambular paragraph, Mr. James suggested that the words "the racist régimes of southern Africa" be replaced by the words "South Africa, Namibia, Mozambique, Angola, Guinea (Bissau) and Southern Rhodesia".

78. Regarding the first operative paragraph, Mr. James made the following three proposals:

(a) After the word "prepare" insert the words "in co-operation with relevant United Nations bodies and other interested organizations, and".

(b) Replace the words "an analytical" by "a".

(c) After the words "military aid" insert the words "details of the labour practices of foreign owned or controlled firms in these countries and territories, trade in arms,".

79. These proposals were accepted by the sponsor.

80. The representative of the Secretary-General pointed out, and Mr. Smirnov agreed, that the term used in the Russian original was more appropriately equivalent to the word "survey" ("aperçu" in French) than "study".

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81. Mr. Carter proposed the deletion of preambular paragraphs 4, 5 and 6 of the original draft resolution. The Sub-Commission, by a vote of 1 in favour and 12 against, with 6 abstentions, rejected this proposal.

82. The Sub-Commission adopted the draft resolution, as orally amended, by a vote of 12 in favour and none against, with 1 abstention.

83. The text of the resolution adopted by the Sub-Commission at its 659th meeting on 30 August 1972 appears in chapter XIV as resolution 6 (XXV).

IV. FURTHER STUDIES ON RACIAL DISCRIMINATION

84. The Sub-Commission considered item 5 of its agenda, "Further studies on racial discrimination", at its 644th to 646th and 660th meetings.

85. The Commission on Human Rights, in resolution 2 (XXVIII), had recommended to the Economic and Social Council that the Council authorize the Sub-Commission to appoint a special rapporteur "to make special studies of policies and practices of discrimination on the basis of colour faced by people of African origin in all countries... in accordance with section III, paragraph 6, of General Assembly resolution 2784 (XXVI)". After considering the recommendation made by the Commission, the Economic and Social Council, in resolution 1697 (LII), entitled "Further studies on racial discrimination", requested the Sub-Commission to continue its studies on racial discrimination and, in particular, to update Mr. Santa Cruz's study, Racial Discrimination (United Nations publication, Sales No.: 71.XIV.2), as appropriate, with special emphasis on discrimination based on colour.

86. Some members of the Sub-Commission considered that only Mr. Santa Cruz could revise his study and, accordingly, that the Sub-Commission should request the Council to authorize it to re-appoint him to update his study, asking him to place special emphasis on discrimination based on colour. Others, noting that his study of racial discrimination had been completed in 1970, doubted whether there was a need to update it. Others drew attention to current problems arising from international migration which might call for updating of the study. In the opinion of some members, discrimination on the basis of colour was such a serious problem that it should be the subject of a new study, and some members considered that the Council resolution envisaged two separate but complementary courses of action: the revision of Mr. Santa Cruz's study; and further studies on discrimination based on colour. It was also argued that Mr. Santa Cruz's study had dealt with discrimination based on colour and that two studies on such discrimination would necessarily overlap. Several members emphasized that further detailed studies on racial discrimination were being envisaged under item 3 of the Sub-Commission's agenda (relating to the Decade for Action to Combat Racism and Racial Discrimination).

87. At the 646th meeting, Mr. Nettel introduced a draft resolution on this item (E/CN.4/Sub.2/L.567). The Sub-Commission had before it a statement by the Secretary-General (E/CN.4/Sub.2/575) on the administrative and financial implications of the draft resolution. Mr. Gros Espiell introduced an amendment (E/CN.4/Sub.2/L.569) to Mr. Nettel's draft resolution, which Mr. Nettel accepted. At the same meeting, Messrs. Bouhdiba, Jankovic, Kettani, Khalifa and Sekyiamah introduced a draft resolution (E/CN.4/Sub.2/L.570 and Corr.1).

88. At its 660th meeting, on 30 August 1972, the Sub-Commission unanimously adopted the draft resolution of Mr. Nettel (E/CN.4/Sub.2/L.567) as amended.

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89. At the same meeting, Mr. Sekyiamah, speaking on behalf of the co-sponsors, withdrew the joint draft resolution E/CN.4/Sub.2/L.570 and Corr.1. He stressed that there was a clear need for an in-depth study on the question of discrimination based on colour, and expressed the hope that the study envisaged in the draft resolution adopted by the Sub-Commission would deal adequately with this question.

90. The text of the resolution adopted by the Sub-Commission appears in chapter XIV as resolution 7 (XXV).

V. 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: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

91. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights requested the Sub-Commission to prepare for the use of the Commission a report containing information on violations of human rights and fundamental freedoms from all available sources.

92. The Sub-Commission considered this item at its 645th, 646th, 649th, 650th and 660th meetings.

93. Some members emphasized that the Sub-Commission should concentrate on serious violations of human rights such as apartheid and racial discrimination. Other members drew attention to the fact that the agenda item related to violations of human rights and fundamental freedoms in all countries.

94. At the 646th meeting on 22 August 1972, Mr. James submitted the text of a telegram which he proposed that the Chairman of the Sub-Commission should send to the President of Uganda. The proposed telegram (E/CN.4/Sub.2/XXV/CRP.3) was worded as follows:

Your Excellency,

The United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, now meeting in New York, has noted with concern the decision of the Ugandan Government to require all Asians - including those holding Ugandan citizenship - to leave your country.

The internal affairs of your distinguished country are not a matter for the Sub-Commission, but it does have a particular responsibility in the field of human rights entrusted to it by the United Nations Commission on Human Rights. The Sub-Commission has asked that I communicate to you its serious concern over this situation, and to ask you to give particular attention to the humanitarian aspects of the situation arising out of the decision affecting those Asians living in Uganda who do not have Ugandan citizenship. The Sub-Commission has also expressed its concern over the decision to require Asians holding Ugandan citizenship to leave your country as well.

The Sub-Commission, fully aware of the magnificent record of your great country in the field of human rights, is convinced that you will give these matters your most careful personal attention.

95. Several members stated that the Sub-Commission had no mandate to send telegrams to heads of State. Its terms of reference were confined to conducting studies and carrying out tasks specifically entrusted to it by its parent bodies.

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96. At the 649th meeting on 23 August 1972, the Sub-Commission by 13 votes to 9 with 1 abstention decided to give precedence to a motion proposed by Mr. Sekyiamah not to send the telegram, over a proposal by Mr. Morga that the Sub-Commission first hear the Observer from Uganda, who had requested a hearing. Mr. Sekyiamah's proposal that the Sub-Commission not send the telegram was adopted by 14 votes to 1 with 6 abstentions.

97. The Observer from Uganda stated, inter alia, that all genuine Ugandan citizens, regardless of race, would be allowed to stay in the country. Moreover, the expulsion of undesirable aliens was not unprecedented. This was particularly true of persons who had forged their citizenship papers and those of double and triple citizenship who had transferred large amounts of foreign exchange to other countries.

98. At the 646th meeting on 24 August 1972, Mr. James submitted a draft resolution (E/CN.4/Sub.2/L.572) as follows:

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the statements in the preamble and text of the Universal Declaration of Human Rights to the effect that all human beings are born free and equal in dignity and rights,

Noting with regret that situations continue to arise in which the human rights of individuals who are not citizens of the nations in which they live are violated,

Recognizing that this matter involves complex questions of international law,

Recommends the Commission on Human Rights to reaffirm the principle that human rights apply to all human beings, and to consider how effective international legal protection for individuals who are not citizens of the country in which they live can be established.

99. Certain members of the Sub-Commission stated that Mr. James' draft resolution did not directly raise human rights questions but rather problems of international law, and that the matter was one not for the Commission on Human Rights but for the International Law Commission. Other members considered that the second preambular paragraph contained an implication concerning certain States.

100. In the light of the discussion, at the 660th meeting on 30 August 1972, Messrs. Gros Espiell, Inglés, James and Nettel submitted a draft resolution (E/CN.4/Sub.2/L.577), replacing the draft resolution earlier submitted by Mr. James. The new draft resolution read as follows:

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The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling and reaffirming the statements in the preamble and text of the Universal Declaration of Human Rights to the effect that all human beings are born free and equal in dignity and rights,

Noting with regret that situations continue to arise in which the human rights of individuals and groups of individuals who are not citizens of the nations in which they live can be jeopardized,

Recognizing that this matter involves complex questions,

1. Recommends that the Commission on Human Rights should review the present provisions for the international protection of the human rights of individuals who are not citizens of the country in which they live, and to consider what action, in the field of human rights, would be desirable;

2. Decides to place the matter of the human rights of individuals who are not citizens of the country in which they live on its agenda for the twenty-sixth session of the Sub-Commission.

101. In the light of the debate, the co-sponsors withdrew the second preambular paragraph and reworded the third preambular paragraph to read as follows:

"Recognizing that the question of the enjoyment of human rights by individuals who are not citizens of the country in which they live gives rise to complex legal and political problems,".

102. A proposal by Mr. Sanchez to delete operative paragraph 2 was approved by 8 votes to 6, with 10 abstentions.

103. Some members said that they had voted under a misapprehension, and asked for the vote to be taken again. After discussion, the Chairman ruled that another vote on operative paragraph 2 be taken.

104. A proposal by Mr. Al-Qaysi to delete operative paragraph 2 was rejected by 9 votes to 7 and 4 abstentions.

105. The sponsors orally revised the first operative paragraph to read as follows:

"Recommends that the Commission on Human Rights should consider the problem of the applicability of the present provisions for the international legal protection of the human rights of individuals who are not citizens of the country in which they live and to consider what measures in the field of human rights would be desirable;".

106. After the withdrawal of operative paragraph 2 by the sponsors, the draft resolution as a whole, as orally amended, was adopted by 12 votes to 1 with 10 abstentions. The text of the resolution appears in chapter XIV as resolution 8 (XXIV).

VI. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER RESOLUTION 2 (XXIV) OF THE SUB-COMMISSION IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

107. By resolution 1503 (XLVIII) of 27 May 1970 the Economic and Social Council inter alia authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually and consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, with a view to bringing to the attention of the Sub-Commission those communications together with the replies of Governments, if any, which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

108. The procedures to be followed by the working group for dealing with the question of the admissibility of communications were established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the working group itself was set up in accordance with resolution 2 (XXIV) of 16 August 1971.

109. The working group met from 31 July to 11 August 1972 and, after consideration of over 20,000 individual communications, submitted a confidential report (E/CN.4/Sub.2/R.2 and Add.1-7) to the Sub-Commission. The members of the working group were Mr. Inglés, Mr. Kettani, Mr. Martínez Baez, Mrs. Questiaux and Mr. Smirnov.

110. The Sub-Commission discussed the report and certain communications drawn to its attention at the 652nd to 655th meetings, held in closed session. The report was introduced by the Chairman-Rapporteur of the working group, Mrs. Questiaux.

111. The Sub-Commission unanimously adopted a resolution on the matter, which it decided to include in chapter XIV of the present report as resolution 2 (XXV).

112. At the 663rd meeting, the Chairman stated that the existing composition of the working group, established under Sub-Commission resolution 2 (XXIV), would be maintained for another year. Its members would be Messrs. Inglés, Kettani and Martínez Baez, Mrs. Questiaux and Mr. Smirnov.

VII. STUDY OF THE PROTECTION OF MINORITIES

113. The Sub-Commission considered item 8 of its agenda, "Study of the protection of minorities" at its 647th to 649th meetings.

114. The Sub-Commission had before it the preliminary report, entitled "Study on the rights of persons belonging to ethnic, religious and linguistic minorities" (E/CN.4/Sub.2/L.564), submitted by the Special Rapporteur, Mr. Francesco Capotorti, in accordance with resolution 6 (XXIV) of the Sub-Commission.

115. In introducing his report,^{1/} Mr. Capotorti stated that it consisted mainly of: (a) a description of the historical background of article 27 of the International Covenant on Civil and Political Rights; (b) an analysis of the problems raised by article 27 as regards the interpretation of the concepts of "protection of minorities", and "equality and non-discrimination" and the definition of such terms as "minority", "ethnic minority", "own culture" and "own language"; and (c) a provisional plan for the collection of information on the rights of persons belonging to ethnic, religious and linguistic minorities. With regard to the approach adopted to the study he drew attention to paragraph 12 of the report and noted that the study would be limited to the consideration of three categories of rights: those concerning cultural life, religious freedom and the use of language. With respect to the definition of the term "minorities" the Special Rapporteur emphasized the provisional character of the definition contained in paragraph 64 of the report and pointed out that it would be submitted to Governments for comments. The Special Rapporteur stated that in drawing up the provisional plan for the collection of information contained in annex II of the report he had concentrated on the measures taken by States to enable persons belonging to ethnic, religious or linguistic minorities to take effective advantage of the rights accorded to them in article 27.

116. All speakers warmly congratulated the Special Rapporteur on his work and expressed their satisfaction at the approach adopted for the study, which provided a suitable framework for the final report. Some of the observations made concerning specific aspects of the preliminary report are reviewed below.

117. It was generally agreed that the question of protection of minorities should be examined in conjunction with article 2, paragraph 2 of the International Covenant on Civil and Political Rights, which lays down the principle of equality for all. In this connexion some members observed that the protection of minorities did not imply a special régime, which would violate that principle.

118. Several members felt that the preliminary report should not have been confined to the juridical aspects of the question. They contended that the rights of minorities should be examined, not in the abstract or solely in the context of

^{1/} The introductory statement of the Special Rapporteur is summarized in the record of the 647th meeting.

international law, but within the wider sociological, political and economic context. They stressed that legal measures aimed at the protection of minorities would be ineffective if taken in isolation from the political, economic and social milieu in which they were to be applied. In preparing his study, the Special Rapporteur should endeavour to analyse the dynamic processes involved in the development of national minorities in different countries at various stages of their evolution. In this connexion some members described aspects of the experience gained in their own countries in dealing with the question of minorities.

119. Several speakers, while recognizing that the elaboration of a definition of the term "minority" which would encompass all aspects of the question raised complex and extremely difficult problems, expressed reservations on the definition proposed by the Special Rapporteur in paragraph 64 of the report. Some insisted that any definition of the term "minority" should take into account subjective as well as objective criteria. In this connexion, reference was made to paragraphs 57 and 58 of the report, which contain the criteria proposed by the Sub-Commission for a definition of the term "minority". The view was also held that the interpretation of the term "minority" should be sufficiently flexible to provide for the eventual integration into the larger national society of minorities which so desired. The Special Rapporteur was urged to include, as elements of the definition drawn up for the purposes of the study, the awareness of ethnic, religious or linguistic groups that they constitute a minority, and their desire to preserve their own characteristics. Some members further observed that the numerical size of a minority should be regarded as an important element of the definition. It was also suggested that the protection of the human rights of foreigners residing in a country and minorities formed as a result of immigration should be taken into consideration.

120. It was also said that the words "language" and "religion" should be defined, as in many countries a number of groups spoke dialects and practised customs which should not be regarded as languages or religions, respectively, in the generally accepted sense of the words.

121. In the opinion of some members, it would be useful to establish in the study a distinction between a country where a minority group is easily identifiable and a multinational country where several ethnic groups of considerable size coexisted. The status of the latter groups should be clarified.

122. Referring to paragraphs 53 and 54 of the report, some members maintained that an effective protection of minorities required positive action by the State. They suggested, therefore, that the obligation imposed on States under article 27 of the Covenant should be described in more concrete terms.

123. It was suggested that the provisional plan for the collection of information for the study, contained in annex II of the report, might usefully invite information relating to participation by minorities in the mass communication media, their access to sports activities and the use of their language in the matter of geographical names. Some members also emphasized the importance of the fact that the Special Rapporteur should not confine his sources of information to Governments.

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124. The Special Rapporteur expressed to the members of the Sub-Commission his deep appreciation for their observations and undertook to take them into consideration in the preparation of his study.

125. At the 648th meeting, Mr. Abu Rannat submitted a draft resolution (E/CN.4/Sub.2/L.571) which read as follows:

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having examined the preliminary report submitted by the Special Rapporteur, Mr. Francesco Capotorti, on the study on the rights of persons belonging to ethnic, religious and linguistic minorities (E/CN.4/Sub.2/L.564),

1. Expresses its grateful appreciation to the Special Rapporteur for his valuable work;

2. Requests the Special Rapporteur to continue his study and to present to the Sub-Commission, at its twenty-sixth session, a progress report, taking into account the views expressed in the debate on this question during the twenty-fifth session of the Sub-Commission.

126. An amendment to the draft resolution was submitted by Mr. Martínez Cobo (E/CN.4/Sub.2/L.573), which would add thereto a new paragraph 3, reading as follows:

"3. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the preparation of his report, including the appointment of the staff required for the study."

127. A proposal by Mr. Smirnov to delete the words "including the appointment of the staff required for the study" was accepted by Mr. Martínez Cobo.

128. At the 649th meeting the Sub-Commission unanimously adopted the amendment contained in document E/CN.4/Sub.2/L.573, as revised.

129. The draft resolution, as amended, was adopted unanimously by the Sub-Commission at its 649th meeting. The text of the resolution appears in chapter XIV as resolution 1 (XXV).

VIII. STUDY OF THE QUESTION OF THE PREVENTION AND PUNISHMENT
OF THE CRIME OF GENOCIDE

130. The Sub-Commission considered item 9 of its agenda, "Study of the question of the prevention and punishment of the crime of genocide", at its 658th and 659th meetings.

131. The Sub-Commission had before it the preliminary report (E/CN.4/Sub.2/L.565) submitted by the Special Rapporteur, Mr. Nicodème Ruhashyankiko, in accordance with resolution 7 (XXIV) of the Sub-Commission.

132. In introducing his report,^{2/} Mr. Ruhashyankiko said that it consisted mainly of (a) an historical outline of the origin of the concept of genocide and of United Nations activities for its prevention and punishment; (b) the approach to be adopted in the study; and (c) a provisional plan for the collection of information and views concerning national and international measures for the prevention and punishment of the crime of genocide. He emphasized that in his further studies he would, after a detailed analysis of the subject matters referred to in paragraphs 76 to 85 of the report, explore the possibilities of new measures to be taken by the United Nations and Member States for the eradication of the crime of genocide.

133. All speakers warmly congratulated the Special Rapporteur on his work and considered that the approach which he had adopted constituted a suitable basis for his study. Some of the suggestions and observations made concerning the subject matter of the study are reviewed below.

134. Several members were of the opinion that the Special Rapporteur should study the historical background of genocide in greater depth. While some speakers felt that such a study, based on reliable sources, should describe cases of mass extermination of certain populations which had occurred during various historical periods and which amounted to genocide, such as those mentioned in paragraph 8, others considered that some of the examples given in this paragraph were historically dubious. Some considered that it would not be useful to go deeply into the past in order to present the origins of genocide, and that the essential task was to deal with present and possible future situations.

135. The suggestion was made by some speakers that the Special Rapporteur should in his future studies give a detailed description of the crimes of genocide committed during the Second World War, as a manifestation of the ideology of race superiority and constituting the factual background for the elaboration and adoption of the Genocide Convention of 1948.

^{2/} The introductory statement of the Special Rapporteur is summarized in the report of the 658th meeting.

136. It was generally agreed that allegations of acts of genocide committed in various parts of the world, based on the sources listed in paragraph 7 of the report, provided that the evidence was sufficiently reliable, should be included in the study.

137. Some speakers pointed out the necessity of a more detailed examination of the relations between racial discrimination and apartheid, and the crime of genocide. It was further suggested that the connexion between aggressive wars, colonial domination and suppression of national liberation movements on one hand and genocide on the other, should be examined by the Special Rapporteur.

138. The view was also expressed that the study should not confine itself to the juridical aspects of the prevention and the punishment of the crime of genocide, but should investigate this crime in a broader sociological context, in order better to identify various ways whereby education and information could be employed to assist in the elimination of genocide.

139. It was felt by some speakers that a clear definition of the nature and concept of genocide, and of the specific features which differentiate it from crimes against peace, war crimes and crimes against humanity, was required. This definition, some speakers argued, should be as broad as possible, so as to include cultural genocide (or, according to some, cultural ethnocide) and alterations of environment (ecocide), which threaten the existence of entire populations.

140. It was generally agreed that the Genocide Convention of 1948 should be studied in depth, and that the possibility be explored of the adoption of new international instruments to cover aspects which were insufficiently dealt with in the Convention. Some members stressed the importance of the ratification of or accession to the Convention by the States which, though entitled to become parties to the Convention, had not yet done so. Others referred to the necessity of opening the Convention to all States, in order to ensure its universal application.

141. Several members considered that the suggestion to establish an international organ which would endeavour to prevent the crime of genocide ^{3/} was not realistic at the present stage, and that the Special Rapporteur should concentrate on what could be done within the existing international structures.

142. Some speakers were in favour of the study of the possibility of establishing an international penal jurisdiction, as envisaged by the Convention of 1948, while others thought that it would not be useful to deal with this subject.

143. The view was also expressed that the plan for the collection of information and views should be reviewed in order to add new questions and to give a more precise and detailed formulation of some of the existing ones.

144. The Special Rapporteur expressed to the members of the Sub-Commission his deep appreciation for their observations and undertook to take them into consideration in the preparation of his study.

^{3/} Paragraph 81 of the preliminary report.

145. At the 657th meeting, Mr. Acevedo Morga, Mr. Díaz Samayoa, Miss Dubra, Mr. Martínez Cobo and Mr. Sánchez submitted a draft resolution (E/CN.4/Sub.2/L.579) which read as follows:

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having examined the preliminary report submitted by the Special Rapporteur, Mr. Nicodème Ruhashyankiko, on the study of the question of the prevention and punishment of the crime of genocide (E/CN.4/Sub.2/L.565),

1. Expresses its grateful appreciation to the Special Rapporteur for his valuable work;

2. Requests the Special Rapporteur to continue his study and to present to the Sub-Commission, at its twenty-sixth session, a progress report, taking into account the views expressed in the debate on this question during the twenty-fifth session of the Sub-Commission;

3. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the preparation of his report.

146. The draft resolution was adopted unanimously by the Sub-Commission at its 659th meeting. The text of the resolution appears in chapter XIV as resolution 4 (XXV).

IX. STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST INDIGENOUS POPULATIONS

147. The Sub-Commission considered agenda item 10, "Study of the problem of discrimination against indigenous populations", at its 651st and 659th-660th meetings, held on 24 and 30 August 1972.

148. The Sub-Commission had before it the preliminary report (E/CN.4/Sub.2/L.566) submitted by the Special Rapporteur, Mr. José R. Martínez Cobo, in accordance with resolution 8 (XXIV) of the Sub-Commission.

149. In presenting his report Mr. Martínez Cobo stated^{4/} that it consisted of an "introduction" outlining the origin of the decision to undertake the study (paras. 1-11); three chapters and an annex. Chapter I, on the scope of the study, pointed out that the scope must necessarily be determined by the meaning given to the basic concepts of "discrimination" and "indigenous populations", and included some indications of what was to be understood to constitute "discrimination" for the purposes of the study (paras. 12-18). Chapter II, on the definition of "indigenous populations" for the purposes of the study, mentioned some of the basic problems posed by this matter and contained, in paras. 34 and 45, the text of a working definition (paras. 19-45). Chapter III, on the preparation of the study, indicated how he intended to discharge the task entrusted to him, and set out how the general guidelines for the preparation of studies of discrimination would be applied in this case (paras. 46-59). The annex, he added, contained the outline for the collection of information (paras. 1-80), grouped into three parts: A. "General information; B. "Basic principles"; C. "Information on discrimination against indigenous populations and the elimination thereof". The last part gave particular attention to 10 areas, which he briefly outlined.

150. The Special Rapporteur placed emphasis on the following points: (1) his study was different from the studies on genocide and on protection of minorities mainly because it dealt with a subject which was practically untouched by the Sub-Commission and by the United Nations at large, with the exception of the ILO, UNESCO and FAO, whose specialized work in this field would be reflected in his report to be submitted to the Sub-Commission at its twenty-sixth session; (2) in preparing his study, he intended to take into account the specialized work done by the Inter-American Indian Institute and the Inter-American Indian Conferences of the Organization of American States. He was already in contact with the Institute. At a recent international meeting, lawyers of the Americas had been requested to co-operate with their Governments in replying to the outline; (3) in the preparation of the study he proposed, as far as possible, to approach all problems of indigenous populations in the light of these populations' particular conception of the world; (4) the purpose of studies like the one on indigenous populations was not that of affording an opportunity for a scholar to expound, under United Nations

^{4/} This introductory statement is summarized in the record of the 651st meeting.

sponsorship, his ideas on a subject matter in a learned treatise which would find its place on the shelves of reference books for specialists; instead, they were geared to conveying into practice concrete recommendations for action based on the views prevailing in the Sub-Commission on a particular matter; (5) he invited comments and suggestions on his preliminary report, particularly on the working definition (paragraphs 34 and 45, chapter III), and on the outline for the collection of information, which he proposed to adopt for the preparation of the study; (6) he invited members of the Sub-Commission coming from African countries to make suggestions on the countries in that geographical region which should be covered by the study, as he had very little information in this regard.

151. All speakers warmly congratulated the Special Rapporteur on his work and agreed that he had submitted an excellent preliminary report which provided a firm and adequate basis for future work on the subject; that the approach adopted for the study was correct, scholarly and appropriately wide as it did not focus on problems from an exclusively juridical point of view but very correctly had included historical, economic and sociological elements of the utmost importance; and that the working definition contained in the report was clear, objective and comprehensive for its purpose and should be used as submitted in paragraphs 34 and 45 of the preliminary report.

152. Some speakers suggested that it might be better to dispense with the request for information on the definition of indigenous populations under the legal system of each particular country, and to proceed only on the basis of the working definition, which provided an extremely useful and objective basis for research. This would avoid the risk of negative or unhelpful answers, on the basis of legal definitions in particular countries.

153. The question was raised as to whether it would be absolutely indispensable to keep, in the third element of the working definition, both aspects present in it: the "positive aspect" contained in the words "who today live more in conformity with their particular social, economic and cultural customs and traditions" and the "negative aspect", which followed with the words "than with the institutions of the country of which they now form part". It was asked whether the positive aspect alone would not suffice.

154. The following were among the suggestions offered by members of the Sub-Commission to the Special Rapporteur for future phases of his work on the study:

(a) As the preliminary report explicitly and repeatedly stated, there was need for special measures to place indigenous populations on an equal footing with the rest of the population, going beyond mere prevention or elimination of discrimination. On the one hand, those measures closely resembled those required for the protection of minorities but, on the other hand, they exceeded those foreseeable under article 27 of the International Covenant on Civil and Political Rights. It would be necessary, therefore, to determine - as part of the study on indigenous populations - what international legal principles would provide the necessary framework for the special rights of indigenous populations and the correlative legal obligations for States which have such populations;

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(b) A new approach to the problems of indigenous populations was now evolving in the scientific world that favoured the promotion of a continued realization of the potentialities of these populations, which often have an impressive historical record of intellectual, artistical and organizational achievements. This approach, which seemed to be at the very basis of the preliminary report, would prove to be indispensable to surmount an enormous mass of prejudiced literature - the aggregate of centuries of discrimination against indigenous populations - which had called them "primitive", "savage" or "archaic", or "peoples without history";

(c) Important economic aspects, particularly those relating to property rights and conditions of work, should be carefully examined in order to establish whether indigenous groups did not constitute a source of labour for the predominant segments of the populations, under conditions of abuse and exploitation;

(d) Legislative enactments promulgated for the specific task of protecting indigenous populations from colonial times into the present period should be studied, with the purpose of determining their scope and effectiveness;

(e) Particular attention should always be given to examining the de facto situation prevailing in each country, as this was likely to expose conditions which even a very thorough examination of the de jure situation might not reveal;

(f) Further, the study should not be given a static approach, excessively linking it to present problems; it should, rather, consider matters in a dynamic way, researching into the historical and sociological origin of indigenous populations, determining their present status and studying what their future evolution was likely to be;

(g) In this connexion it was pointed out that future action to eliminate discrimination and injustices against indigenous peoples posed a basic alternative consisting in whether: (1) to espouse the economic, social, cultural and political promotion of these communities, committing them to the fundamental changes of what has been called "progress", thus orienting them inevitably towards acculturation and assimilation into the other segments of the population; or (2) to advocate the preservation of indigenous cultures in their fundamental and functional authenticity to afford these populations an effective opportunity to safeguard their identity and to develop in accordance with their sensibility and character. It was stressed, however, that in any case the choice must come from within the indigenous populations themselves and must not be imposed on them from outside;

(h) The wishes and attitudes of indigenous populations should be consulted in all matters affecting them;

(i) The elimination of discrimination against these populations entailed protecting them from the danger of extermination. Some were in danger of total extinction; others were witnessing the extinction of their ancestral culture, which was their only sustenance and which they fervently wished to preserve;

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(j) The protection of indigenous populations would seem to entail at least some measure of protection of the indigenous cultures which, as these populations lacked powerful information media, were in danger of extinction;

(k) Care should be taken not to produce ecological alterations which, without justification, would adversely affect indigenous populations when embarking upon schemes for the development of areas occupied by them;

(l) The prevention and elimination of discrimination against indigenous populations meant, of course, that they should not continue to be forced into isolation and neglect; it was also necessary to find appropriate ways to persuade them to take an active part, on their own terms if they wished, in the life of the country in which they found themselves;

(m) Country monographs prepared in connexion with and in support of the study should be made available to the members of the Sub-Commission in order to enable them to properly appreciate the study and, whenever possible, to make better contributions;

(n) Information from non-governmental sources should be used extensively to give adequate consideration to prevailing de facto situations.

155. Certain members made reference to specific countries in relation to the problem of whether these included indigenous populations.

156. The Special Rapporteur expressed his deep appreciation for the comments and suggestions made in connexion with the study entrusted to him, and declared that he would take them into consideration when preparing his study. ^{5/}

157. In response to a question, the Special Rapporteur stated that the outline for the collection of information would be sent to the Governments of all member States, regardless of information now available on the existence or non-existence of indigenous populations in countries or territories under their jurisdiction.

158. At the 659th meeting the Chairman invited the Sub-Commission to consider two documents which had been submitted in connexion with this study: (a) a draft resolution submitted by Messrs. Carter and Gros Espiell (E/CN.4/Sub.2/L.576); and (b) a statement by the Secretary-General on the administrative and financial implications of that draft resolution (E/CN.4/Sub.2/L.576/Add.1).

159. The draft resolution contained three operative paragraphs: (1) expressing grateful appreciation to the Special Rapporteur for his valuable work, (2) requesting the Special Rapporteur to continue his study and to present to the Sub-Commission

^{5/} The Special Rapporteur's statement in this regard is summarized in the record of the 659th meeting.

at its twenty-sixth session, a progress report, taking into account the views expressed in the debate on this question at the twenty-fifth session and (3) requesting the Secretary-General to provide the Special Rapporteur with all necessary assistance for the preparation of his report.

160. The representative of the Secretary-General made a statement, explaining that the administrative and financial implications stemmed from the Special Rapporteur's intended travel to countries having large indigenous populations, as announced in paragraph 52, chapter III of the preliminary report, which under operative paragraph 3 of the draft resolution entailed expenditures that had not been contemplated in the 1973 budgetary estimates.

161. The suggestion was made that these visits might be made during more advanced stages of the preparation of the study, when the information on legislation and practices had been gathered. Other speakers said that the Special Rapporteur should be granted every opportunity to carry out his study in the best possible form, and that since he considered that his needs of research and study demanded visits to these countries, the Sub-Commission, which had entrusted this task to him, should enable him to discharge his responsibilities adequately.

162. At the request of one member of the Sub-Commission, the administrative and financial implications contained in document E/CN.4/Sub.2/L.576/Add.1 were submitted to a vote and adopted by 19 votes in favour to none against, with 4 abstentions.

163. At the 659th meeting, the representative of the Secretary-General made a further statement announcing that, in consultation with the Special Rapporteur, these administrative and financial implications had been revised in the manner, and for the reasons, which he outlined.

164. The revised administrative and financial implications were approved, without objections, by the Sub-Commission.

165. The draft resolution was adopted without objection. For the text of this resolution, see chapter XIV, resolution 5 (XXV).

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X. QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES AND
MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES OF APARTHEID
AND COLONIALISM

166. The Sub-Commission considered item 11 of its agenda, "Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism", at its 660th and 661st meetings. It had before it a report by the Secretary-General (E/CN.4/Sub.2/326) prepared in accordance with paragraph 6 of Economic and Social Council resolution 1593 (L) of 21 May 1971, which authorized the Secretary-General to supplement the information received from States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 by information which might be available from other official sources, including States that had not yet adhered to the Convention and the appropriate international organizations, and to present such information to the Sub-Commission. The Sub-Commission had also before it a report by the Secretary-General (E/CN.4/Sub.2/XXV/CRP.1 and Add.1) containing information received from the International Criminal Police Organization (INTERPOL) and a statement submitted by a number of non-governmental organizations in consultative status with the Economic and Social Council (E/CN.4/Sub.2/NGO.47 and Corr.1 (English only)). In paragraph 12 of resolution 1695 (LII) of 6 June 1972, the Economic and Social Council had directed the Sub-Commission to examine the possibility of the establishment of some form of permanent machinery to give advice on the elimination of slavery and on the suppression of traffic in persons and exploitation of the prostitution of others, and to make recommendations with a view to seeking the better implementation of the United Nations instruments concerned.

167. The consideration of this item focused on the draft resolution (E/CN.4/Sub.2/L.578/Rev.1) submitted by Mr. Abu Rannat, which contained a draft resolution recommended for adoption by the Commission on Human Rights; and the amendments thereto (E/CN.4/Sub.2/L.580) submitted by Messrs. Sánchez and Sekyiamah.

168. The operative paragraphs of the revised draft resolution read as follows:

Recommends that the Commission on Human Rights propose to the Economic and Social Council the following resolution:

The Economic and Social Council,

Recalling that implicit throughout the report of the Special Rapporteur on slavery is a recognition that the incidence collectively of slavery, slavery-like practices, the traffic in persons and the exploitation of the prostitution of others is both considerable and widespread,

Bearing in mind the opinion of the Special Rapporteur on slavery that the absence of implementation machinery in the Supplementary Convention is a grave defect,

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Recognizing that effective international machinery for implementing these Conventions should use techniques which will facilitate and encourage the voluntary co-operation of Governments,

1. Authorizes the Sub-Commission to appoint an Adviser on Progress in the Abolition of Slavery and Other Forms of Servitude, to report annually to the Sub-Commission on the elimination of slavery, slavery-like practices, the traffic in persons and the exploitation of the prostitution of others as they are defined in the Convention on Slavery of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;

2. Authorizes the Adviser, who shall serve for a term of five years, to consult with Governments on their progress in eliminating the institutions and practices within his terms of reference, to give advice on the elimination of those institutions and practices, and to make recommendations to the Sub-Commission with a view to seeking the better implementation of the United Nations instruments concerned;

3. Requests the Secretary-General to make available to the Adviser the information received under the terms of the Supplementary Convention of 1956 and Council resolution 1695 (LII), and the survey of national legislation to be prepared in accordance with operative paragraph 13 (a) of Council resolution 1695 (LII);

4. Further requests the Secretary-General to provide the Adviser with such facilities as may be necessary to carry out his mandate.

169. In introducing the draft resolution, Mr. Abu Rannat stated that despite the efforts undertaken by all Governments concerned, slavery-like practices still persisted in many parts of the world. He drew attention to the recently discovered illicit traffic of persons from Africa to Europe and to the problems raised by the resettlement of emancipated slaves in some areas. Referring to the report (E/CN.4/Sub.2/322) submitted by the Sub-Commission's Special Rapporteur, Mr. Mohammed Awad, to the Sub-Commission at its twenty-fifth session, and to resolution 1695 (LII) of the Economic and Social Council, he emphasized that there was an urgent need for establishing efficient machinery to implement the relevant international instruments on the question of slavery and slavery-like practices. The appointment of an adviser on progress in the abolition of slavery and other forms of servitude, to assist interested Governments in the elimination of these institutions, would serve that purpose.

170. The amendments to the draft resolution (E/CN.4/Sub.2/L.580) submitted by Messrs. Sánchez and Sekyiamah, would place before operative paragraphs 1 to 4 of the draft resolution proposed for adoption by the Council the following heading, "Alternative I", and would add after operative paragraph 4 the following text:

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Alternative II:

1. Authorizes the Sub-Commission to appoint a group of five from among its membership to meet for not more than seven working days, prior to each session of the Sub-Commission, to review developments in the field of slavery and slavery-like practices, the traffic in persons and the exploitation of the prostitution of others as they are defined in the Convention on Slavery of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;
2. Requests the Secretary-General to bring to the attention of the Group any developments in the field in question, especially information received under the terms of the Supplementary Convention of 1956 and Council resolution 1695 (LII), and the survey of national legislation to be prepared in accordance with operative paragraph 13 (a) of Council resolution 1695 (LII);
3. Further requests the Group to consider and examine any information from credible sources on the subject of slavery and slavery-like practices with a view to recommending remedial action;
4. Authorizes the Sub-Commission, when necessary, to appoint a member of the Group to consult with Governments on their progress in eliminating institutions and practices of slavery and slavery-like practices.

171. In introducing the amendments, Mr. Sekyiamah said that, while the sponsors agreed with the objectives of the draft resolution, they also felt that alternative proposals should be submitted to the Commission on Human Rights, particularly in view of the fact that the Sub-Commission lacked sufficient time for a thorough discussion of the question. He further stated that the Sub-Commission should indicate in its report to the Commission on Human Rights its preference for alternative II, contained in the amendments. In this connexion, reference was made to the difficulties encountered in the United Nations concerning the creation of one-man institutions and to the financial implications of the appointment of an adviser on progress in the abolition of slavery and other forms of servitude.

172. Several speakers, stressing that the persistence of slavery and slavery-like practices in many parts of the world was deplorable, expressed support for the draft resolution submitted by Mr. Abu Rannat. While they recognized that the creation of the post of adviser would involve many problems, they considered that it was imperative to create permanent machinery both to encourage Governments to implement the relevant international instruments and to assist the Sub-Commission and the Commission on Human Rights. They contended that the proposals contained in the amendments did not meet this objective, since the proposed group would meet only once a year and would have a membership continually subject to change.

173. The view was, however, also expressed that the full implementation of the international instruments on slavery and slavery-like practices by States Parties,

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and adherence to these instruments by States which have not yet done so, was sufficient to put an end to such shameful practices. It was further pointed out that the question of slavery was under consideration in several organs in the United Nations system, including the International Labour Organisation. The establishment of a new machinery which would function outside the framework of the relevant international instruments on slavery and slavery-like practices might thus be of little practical value. Reference was also made to the financial implications of the proposals contained in the draft resolution and in the amendment. It was suggested that, owing to lack of time, the Sub-Commission should decide to examine the question in greater detail at its twenty-sixth session and not to vote on the texts before it at the present session.

174. At the 661st meeting, the representative of the Secretary-General presented a statement on the financial implications of the draft resolution contained in document E/CN.4/Sub.2/L.578/Rev.1 and of the amendment thereto (E/CN.4/Sub.2/L.580).

175. Mr. Sekyiamah announced that the sponsors of the amendments contained in document E/CN.4/Sub.2/L.580 would not press their amendments to a vote.

176. On the proposal of Mr. Smirnov the Sub-Commission decided, by 9 votes to 7 with 3 abstentions, not to vote on the draft resolution contained in document E/CN.4/Sub.2/L.578/Rev.1 and to examine the question further at its twenty-sixth session.

XI. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH
WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

177. At its 661st meeting, the Sub-Commission considered item 12 of its agenda, "Review of further developments in the fields with which the Sub-Commission has been concerned". In connexion with the item, the Sub-Commission had before it (a) a note by the Secretary-General relating to developments between 16 June 1971 and 15 June 1972 in fields with which the Sub-Commission had been concerned (E/CN.4/Sub.2/327); (b) a note summarizing the recent activities of the International Labour Organisation in combating discrimination in respect of employment and occupation (E/CN.4/Sub.2/328); (c) a note summarizing the recent activities of UNESCO in combating discrimination in education and in the field of race relations (E/CN.4/Sub.2/329); (d) a résumé of those parts of periodic reports on human rights which relate to matters falling within the terms of reference of the Sub-Commission and particularly to matters with which the Sub-Commission has been concerned (E/CN.4/Sub.2/330); and (e) a preliminary report on the implementation of resolution VII of the International Conference on Human Rights (Teheran, 1968), entitled "Establishment of a new, additional United Nations programme on racial discrimination" (E/CN.4/Sub.2/331 and Add.1).

178. The Sub-Commission unanimously decided to take note of the documents submitted by the Secretary-General, mentioned in paragraph 177 above.

179. One member spoke on the question of the right of an individual to leave any country, including his own, and to return to his country. But it was stated by other speakers that the item before the Sub-Commission, specifically relating to further developments in fields with which the Sub-Commission has been concerned, was not susceptible of debate or suitable for the type of debate that would ensue during the discussion of this question. A motion for a closure of the debate was made under rule 48 of the rules of procedure. By a vote of 6 in favour, 7 against and 5 abstentions, the Sub-Commission rejected the motion.

180. The Sub-Commission, by a vote of 8 in favour, 4 against and 6 abstentions, invited the Observer from Israel to speak. The Observer made a statement at the 662nd meeting. Statements were also made by several members of the Sub-Commission.

XII. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION

181. At its 662nd meeting, the Sub-Commission considered item 13 of its agenda, "Consideration of the future work of the Sub-Commission".

182. A draft resolution (E/CN.4/Sub.2/L.581) was submitted by Mr. Al-Qaysi, Miss Dubra, Mr. Khalifa, Mr. Sánchez and Mr. Voicu and introduced by Mr. Voicu. The draft resolution read as follows:

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that in its resolution 9 (XXIV) of 18 August 1971 it recommended the Commission on Human Rights to request the Sub-Commission to place on its agenda the item "The historical and current development of the right of peoples to self-determination on the basis of the Charter of the United Nations and other instruments adopted by the United Nations organs",

Taking note of the fact that the Commission on Human Rights at its twenty-eighth session has not yet taken a decision on the recommendation made to it by the Sub-Commission,

Noting that a study of the concept of the right to self-determination would be most useful for the development of friendly relations among nations and for the achievement of international co-operation in the promotion and encouragement of respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Again recommends that the Commission on Human Rights should request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to place the following item on the agenda of its twenty-sixth session:

"The historical and current development of the right of peoples to self-determination on the basis of the Charter of the United Nations and other instruments adopted by the United Nations organs."

183. During the discussion of the draft resolution it was suggested that any study undertaken on the basis of the aforementioned draft resolution should be guided, inter alia, by the relevant provisions 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. It was also suggested that reference should be made to the above-mentioned Declaration in the title of the proposed agenda item. The view was expressed that this instrument would have particular relevance to any study of the principle of equal rights and self-determination of peoples. While the suggestion was accepted in principle by some of the sponsors, they preferred not to include a specific reference to the Declaration in the proposed agenda item because of the length of its title.

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184. At the 662nd meeting, Mrs. Daes and Mr. Carter requested that their names be added to those of the co-sponsors of the resolution.

185. At the same meeting the Sub-Commission unanimously adopted the draft resolution contained in document E/CN.4/Sub.2/L.581. For the text of the resolution, see chapter XIV, resolution 9 (XXV).

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XIII. ADOPTION OF THE REPORT

186. The Sub-Commission considered the draft report on its twenty-fifth session (E/CN.4/Sub.2(XIV)/CRP.4 and Add.1-11) at its 663rd meeting on 1 September 1972, and unanimously adopted the report, as amended.

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XIV. RESOLUTIONS ADOPTED BY THE SUB-COMMISSION AT
ITS TWENTY-FIFTH SESSION

1 (XXV). STUDY OF THE PROTECTION OF MINORITIES^{6/}

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Having examined the preliminary report submitted by the Special Rapporteur, Mr. Francesco Capotorti, on the study on the rights of persons belonging to ethnic, religious and linguistic minorities (E/CN.4/Sub.2/L.564),

1. Expresses its grateful appreciation to the Special Rapporteur for his valuable work;
2. Requests the Special Rapporteur to continue his study and to present to the Sub-Commission, at its twenty-sixth session, a progress report, taking into account the views expressed in the debate on this question during the twenty-fifth session of the Sub-Commission;
3. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the preparation of his report.

2 (XXV). COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF
THE WORKING GROUP ESTABLISHED UNDER RESOLUTION
2 (XXIV) OF THE SUB-COMMISSION IN ACCORDANCE WITH
ECONOMIC AND SOCIAL COUNCIL RESOLUTION
1503 (XLVIII) ^{7/}

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Having considered the report of the Working Group established under Sub-Commission resolution 2 (XXIV), in accordance with Economic and Social Council resolution 1503 (XLVIII),

Recalling Council resolution 1503 (XLVIII), which, in particular, provides that the Working Group shall consider all communications, together with replies of Governments, if any, received by the Secretary-General, with a view to bringing to the attention of the Sub-Commission those communications which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms,

^{6/} Adopted at the 649th meeting, on 23 August 1972. See chap. VII, para. 129.

^{7/} Adopted at the 655th meeting, on 28 August 1972. See chap. VI, para. 111.

Realizing the importance of the work accomplished by the Working Group in considering, in accordance with the criteria for admissibility specified in Sub-Commission resolution 1 (XXIV), a great majority of communications received by the Secretary-General under Council resolutions 728 F (XXVIII) of 30 July 1959, and 1235 (XLII) of 6 June 1967,

Realizing the need for the Sub-Commission to verify carefully the fulfilment of the requirements set forth in Sub-Commission resolution 1 (XXIV) and in Council resolution 1503 (XLVIII),

Bearing in mind that replies of Governments would clearly be useful for the verification of fulfilment of the requirements set forth in Sub-Commission resolution 1 (XXIV),

Convinced of the importance of continued work by the Working Group, as a necessary means of enabling the Sub-Commission and the Commission on Human Rights to perform the functions assigned to them under Council resolution 1503 (XLVIII),

1. Expresses appreciation to the Working Group for the valuable work it has accomplished;
2. Takes note of the report submitted to the Sub-Commission;
3. Requests the Secretary-General to inform Governments of the importance the Sub-Commission attaches to such replies as Governments may wish to submit to communications transmitted to them, in accordance with Council's resolution 728 F (XXVIII);
4. Decides that the Working Group shall consider at its next session those communications it was not able to examine at its last session, as well as communications received thereafter, and that it may re-examine the communications singled out in its report, in the light of replies of Governments, if any.

3 (XXV). SUGGESTIONS AND DRAFT PROGRAMME FOR A DECADE FOR ACTION
TO COMBAT RACISM AND RACIAL DISCRIMINATION 8/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Firmly convinced that racial discrimination in all its forms and manifestations is a total negation of the purposes and principles of the Charter of the United Nations and that it militates against human progress, peace and justice,

8/ Adopted at the 658th meeting held on 29 August 1972, see chapter II, para. 67.

Convinced further that the continuation of national and international action against racial discrimination in all its forms, clear or concealed, is a matter of cardinal importance if the world is to live in peace and justice.

Noting General Assembly resolution 2784 (XXVI), which envisages continued international action to combat racism on the basis of a Decade for vigorous and continued mobilization against racism and racial discrimination in all its forms,

Bearing in mind resolution 1 (XXVIII) of the Commission on Human Rights, which requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its present session and as its first priority urgently to prepare suggestions and draw up a draft programme to be followed during the envisaged "Decade for action to combat racism and racial discrimination",

Having considered the item entitled "Suggestions and draft programme for the Decade" (E/CN.4/Sub.2/325 and Add.1) as its first item of the agenda in response to the request of the Commission on Human Rights and out of its belief in the importance of the Decade,

Submits to the Commission on Human Rights the annexed draft programme for a "Decade for action to combat racism and racial discrimination".

Annex

Draft programme for a "Decade for action to combat
racism and racial discrimination"

1. The General Assembly is determined, as solemnly proclaimed in the preamble of the Charter, to:

(a) Reaffirm 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;

(b) Establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained; and

(c) Promote social progress and better standards of life in larger freedom.

2. The United Nations has opposed all manifestations of racial discrimination and has in particular condemned the policy of apartheid and similar policies based on racial theories, and consequently, its competent organs have:

(a) Declared that discrimination between human beings on the ground of race, colour or ethnic origin is an affront to humanity and shall be condemned as a violation of the principles of the Charter of the United Nations and of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights; as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples;

(b) Declared that any Government or régime whose official policy or actual practice is based on racial discrimination contravenes the purposes and principles of the United Nations Charter, and called upon them to desist forthwith from pursuing such policies;

(c) Condemned all military, economic or political collaboration with the racist régimes that enables and encourages these régimes to enforce and perpetuate their racist policies, and called for an immediate end to such collaboration;

(d) Reaffirmed time and again the legitimacy of the struggle of all oppressed peoples, in particular, in the Territories under colonial, racial or alien domination, to obtain racial equality and freedom, and called for increased and continued moral and material support to those peoples.

3. Action has been taken by a number of countries and both international and national institutions to oppose racial discrimination and pursue racial harmony, including:

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(a) The ratification, accession and implementation of the widely accepted International Convention on the Elimination of All Forms of Racial Discrimination and other international agreements with similar objectives;

(b) The continuing efforts of specialized agencies, such as the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization and United Nations bodies such as the United Nations Institute for Training and Research;

(c) Programmes instituted by regional organizations;

(d) Governmental procedures put into effect to combat racism both nationally and locally, as well as legislation designed to improve relations among racial groups;

(e) Activities carried on internationally or within a particular country to reduce racial hostility, protect persons and groups from discrimination, and promote respect for all people regardless of race, colour, descent or national or ethnic origin or other status.

4. The actions referred to in paragraphs 2 and 3 have been successful in promoting a greater understanding of the fallacy and injustice of racist dogmas and practices but have been disregarded by a number of Governments and racist régimes and in particular in southern Africa.

5. The resulting current frustrations and disappointments must not be allowed to discourage the continued efforts of the world Organization and other bodies to eradicate the evil of racial discrimination in all its forms.

6. The ultimate success of the efforts of the United Nations and other bodies in combating racial discrimination will depend upon:

(a) Full adherence to the purposes and principles of the Charter in creating conditions of universal respect for and observance of human rights and fundamental freedoms for all without distinction on the basis of race, colour, descent or national or ethnic origin or other status;

(b) The vigour with which action is taken by individual Governments and the degree of co-operation between them, inside and outside the United Nations, to fulfil the purposes and principles of the Charter and to implement the relevant resolutions relating to the eradication of racist policies and practices.

7. To this end, the General Assembly proclaims the years ____ to ____ to be the Decade for Action to Combat Racism and Racial Discrimination in All its Forms and Manifestations.

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Goals and objectives

8. The ultimate goals of the Decade are to promote human rights and fundamental freedoms for all without distinction of any kind such as race, colour, descent or national or ethnic origin, or other status, especially by eradicating racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist régimes and contribute to the sustenance of racism and racial discrimination; to isolate and dispel the fallacious and mythical beliefs that contribute to racism and racial discrimination; and to put an end to racist régimes.

9. To this end, appropriate measures should be taken for the full implementation of United Nations instruments and decisions concerning the elimination of racial discrimination and for obtaining support for all peoples striving for racial equality, and the eradication of all forms of racial discrimination, emphasizing, inter alia, the education of youth in the spirit of human rights and fundamental freedoms and the dignity and worth of the human person and, particularly, against theories of racism and racial discrimination; and to pursue a vigorous world-wide campaign of information to enlighten and involve world public opinion in the struggle against racism and racial discrimination.

Policy measures and target dates

10. The above goals and objectives call for a continuing effort by all peoples, Governments and institutions to eradicate racial discrimination and to promote racial harmony within their national jurisdiction and universality.

11. To this end, the following actions need to be taken at the national, international and regional, and United Nations levels:

National

(a) The preparation and implementation of measures in the economic, social, cultural and political fields that would ensure the full equality of all peoples and individuals without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. This would necessitate:

- (i) No support should be given to Governments or régimes which practise racial discrimination that will enable them to perpetuate racist policies or practices.

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- (ii) The consideration of enacting appropriate legislation and other measures to prevent racial discrimination and to prosecute or outlaw organizations which promote or incite to racial discrimination, or incite to the use of violence for purposes of such discrimination, and also of abrogating those laws and ordinances promoting the maintenance and extension of racial discrimination.
 - (iii) The consideration by every national and local Government of recourse procedures to be invoked against any acts of racial discrimination which may be suffered by an individual and which violate his human rights and fundamental freedoms. It is necessary that there should be adequate machinery and procedures for handling such complaints, with easy access thereto, facilitated by all appropriate encouragement and support to persons in the protection of their rights.
 - (iv) Arrangements for granting scholarships by the competent authorities and institutions to the youth of the Territories where racial discrimination prevails and in particular by greater contributions to the United Nations Education and Training Programme for southern Africa.
 - (v) The encouragement of the preparation and publication of studies based in particular on the provisions of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and International Convention on the Elimination of All Forms of Racial Discrimination.
 - (vi) Governments and all institutions concerned should publicize the contents of this programme as widely as possible, using every means at their disposal, including all the appropriate media of communication.
 - (vii) The ratification and accession, on as wide a basis as possible, of the International Convention on the Elimination of All Forms of Racial Discrimination.
 - (viii) Non-discrimination for any reason or on any basis whatsoever in education and school systems. This should be implemented as rapidly as possible during the first half of the Decade and in any event not later than _____.
 - (ix) Non-discrimination on any of the grounds mentioned above, in the laws and policies of immigration. This should be attained as soon as possible and in any event not later than _____.
- (b) The inclusion in the curricula of education of children and youth of the subject of human rights with special emphasis, in the primary stages of education, on the equality of all human beings and the evils of racial discrimination. This should be attained during the first one third of the Decade and in any case not later than _____.

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(c) The use of available media of information to continuously and systematically educate the public in the spirit of respect for human rights and in particular against all policies, practices and manifestations of racism and racial discrimination. This should be embarked upon as from the first year of the Decade.

International and regional

(a) A world conference on combating racism and racial discrimination should be convened as a major feature of the Decade. It should be convened by the General Assembly on the recommendation of the Economic and Social Council which shall contain suggestions on the date, place, duration, agenda and participation of the conference. This should be envisaged as a mid-term feature and the preparation thereof should start as from the second year of the Decade.

(b) The convening of international and regional seminars, conferences and other similar activities in line with the goals and objectives of this programme should be undertaken. The Secretary-General should be informed of all of the activities undertaken in this connexion.

(c) The consideration of the ways and means to prepare concrete proposals in support of the efforts of all oppressed peoples suffering from racism and racial discrimination, including the establishment of regional funds on a voluntary basis to support the efforts of those peoples should be considered; reports on the subject would be forwarded to the Secretary-General every three years.

(d) The denial to racist régimes of any support or assistance which will enable them to perpetuate racist policies or practices.

(e) The implementation of United Nations resolutions on the question of the elimination of racial discrimination is imperative. The regional organizations should be invited by the United Nations to address themselves to this question in order that the total eradication of all forms of racial discrimination be attained within the shortest possible time.

(f) The adoption of new international instruments regarding the elimination of racial discrimination in all its forms and on the crime of apartheid should be considered.

(g) The co-ordination between all Governments of their activities in the field of information is advisable. Such co-ordination should be achieved through the United Nations, the regional organizations or through bilateral or multilateral agreements.

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United Nations system

In addition to the role referred to above, the following activities should be undertaken by organizations within the United Nations system:

- (a) Research and study
 - (i) The existing studies and research in the field of apartheid and racial discrimination should be updated and developed.
 - (ii) Student workshops should be organized for the teaching of international law with particular reference to topics related to the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations which, inter alia, refers to the principle of equal rights and self-determination of peoples.
 - (iii) Further research and publications should be envisaged dealing with racial discrimination in regard, inter alia, to:
 - a. The right to security of persons and protection by the State against violence or maltreatment whether inflicted by government officials or by any individual, group or institution;
 - b. The right of access to any place or service, intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.
 - (iv) Pilot studies on racism and racial discrimination in the economic, political, social, cultural, sociological and other fields should be undertaken, continued and co-ordinated. Special attention should be given to:
 - a. Charting the spread or decline of racism or racial discrimination, diagnosing and detecting the introduction of racism or racial discrimination into any area early enough to permit effective preventive action;
 - b. The propagation, consciously or otherwise, of racial prejudice clichés by the press, cinema and television;
 - c. The role of science, especially social science, in combating racism and racial discrimination and in solving racial problems;

- d. The preparation and implementation of economic, social and political measures that would ensure the real equality of all peoples and individuals without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;
 - e. Problems of discrimination arising in connexion with immigration and foreign workers;
 - f. The crime of apartheid under international penal law with particular reference to the responsibility of individuals;
 - g. Problems of racial discrimination arising in connexion with housing, sport activities, etc.;
 - h. The role of private group action in combating racism and racial discrimination, consistent with the objectives of this programme.
- (v) Seminars on both the international and regional levels on special aspects of combating racism and racial discrimination should be organized.
- (vi) The United Nations should address an appeal to various scientific international organizations (for example, associations of jurists, sociologists, anthropologists, historians, economists) to devote special efforts during the Decade to the analysis and study of aspects of racial discrimination within their competence.
- (b) Education, training and information
- (i) The need for interagency co-ordination and co-operation in the field of education and training on problems and activities concerning the elimination of racial discrimination undertaken in the implementation of the present programme should be identified.
 - (ii) The procedures and types of action used by various agencies in the field of education and training related to racial discrimination with a view to any necessary harmonization should be examined, in the light of the experience acquired.
 - (iii) New education and information materials should be prepared to combat racism and racial discrimination, such as teaching materials for use in every type of institution of learning, at the elementary, secondary and higher levels of education.
 - (iv) Popular publications, films, radio and television programmes should be produced for distribution to the general public.

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- (c) International funds
- (i) The General Assembly should establish an international fund on a voluntary basis to help the peoples struggling against racial discrimination and apartheid.
- (d) Co-ordination, review and appraisal, and reporting
- (i) The Economic and Social Council and the Secretary-General should assume responsibility for co-ordinating programmes and activities connected with the Decade for Action to Combat Racism and Racial Discrimination. The Council should also consider an annual item concerning this question on the basis of the information and reports available which should review the implementation of this programme including the activities of:
- a. Governments;
 - b. The United Nations;
 - c. The specialized agencies; and
 - d. Other international organizations.
- (ii) The Secretary-General should submit an annual report during the Decade to the Economic and Social Council containing:
- a. A summary of actions, suggestions, trends, etc. that emerges from the deliberations of the United Nations organs and bodies, including those of the specialized agencies seized of the question of racial discrimination and apartheid;
 - b. A summary of the reports received by the United Nations under the system of periodic reports on human rights.
- (iii) Governments should forward a report every two years on the actions taken under the programme of the Decade on the basis of a questionnaire circulated by the Secretary-General.
- (iv) The Economic and Social Council should submit an annual report to the General Assembly during the Decade to enumerate activities undertaken in this respect.
- (v) The Economic and Social Council should submit to the General Assembly every three years an analytical report containing:
- a. A review and appraisal of the activities undertaken in connexion with the Decade;

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b. Suggestions and recommendations.

- (vi) The General Assembly should address itself _____ on the basis of the first analytical report, to the question of the ways and means to ensure the implementation of United Nations resolutions on apartheid, racial discrimination and related matters.
- (vii) The Economic and Social Council would have before it in the first year of the Decade:
- a. A report from the United Nations Institute for Training and Research on the role it can play in the Decade;
 - b. A report by the Secretary-General concerning the activities to be carried out under the advisory services programme in the field of human rights during the Decade in regard to the question of racial discrimination;
 - c. A report on the role of the Office of Public Information in this respect;
 - d. A report from the Economic and Social Council's Committee on Non-Governmental Organizations on the activities that could be carried out by non-governmental organizations in consultative status with the Council.
- (viii) The Economic and Social Council should include in its first report to the General Assembly on the above-mentioned questions appropriate recommendations thereon.

4 (XXV). STUDY OF THE QUESTION OF THE PREVENTION AND
PUNISHMENT OF THE CRIME OF GENOCIDE 9/

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Having examined the preliminary report submitted by the Special Rapporteur, Mr. Nicodème Ruhashyankiko, on the study of the question of the prevention and punishment of the crime of genocide (E/CN.4/Sub.2/L.565),

1. Expresses its grateful appreciation to the Special Rapporteur for his valuable work;
2. Requests the Special Rapporteur to continue his study and to present to the Sub-Commission, at its twenty-sixth session, a progress report, taking into account the views expressed in the debate on this question during the twenty-fifth session of the Sub-Commission;
3. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the preparation of his report.

5 (XXV). STUDY OF THE PROBLEM OF DISCRIMINATION
AGAINST INDIGENOUS POPULATIONS 10/

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Having examined the preliminary report submitted by the Special Rapporteur, Mr. José R. Martínez Cobo, on the study of the problem of discrimination against indigenous populations (E/CN.4/Sub.2/L.566),

1. Expresses its grateful appreciation to the Special Rapporteur for his valuable work;
2. Requests the Special Rapporteur to continue his study and to present to the Sub-Commission, at its twenty-sixth session, a progress report, taking into account the views expressed in the debate on this question during the twenty-fifth session of the Sub-Commission;
3. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the preparation of his report.

9/ Adopted at the 659th meeting, on 30 August 1972. See chap. VIII, para. 146.

10/ Adopted at the 659th meeting, on 30 August 1972, See chap. IX, para. 165.

6 (XXV). THE CONSEQUENCES FOR THE EFFECTIVENESS OF
HUMAN RIGHTS OF THE AID WHICH IN SOME
CASES MIGHT BE GIVEN TO THE RACIST AND
COLONIAL REGIMES IN SOUTHERN AFRICA 11/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Aware that racism and apartheid are instruments of colonialism, imperialism and economic expansion and that they are a total negation of the purposes and principles of the Charter of the United Nations,

Concerned that the numerous resolutions that have been adopted by the organs of the United Nations have not yet had the effect required in order to eradicate the hateful policy of apartheid and racism which is being applied in southern Africa,

Noting with regret that the Security Council's mandatory sanctions against the illegal minority régime of Southern Rhodesia have failed owing mainly to the obstinate non-compliance of certain countries,

Recalling resolution 2646 (XXV) in which the General Assembly condemned, in particular, the activities of those States which, by political, economic and military collaboration with South Africa, Namibia, Mozambique, Angola, Guinea (Bissau) and Southern Rhodesia, enable and encourage the régimes prevailing therein in the enforcement and perpetuation of their policy of apartheid and other forms of racial discrimination,

Recalling resolution 2784 (XXVI), in which the General Assembly recognized that the position of the racist régimes of southern African continues to be strengthened through the maintenance by many States of political, commercial, military, economic, social and other relations with the racist Governments in southern Africa and through the unceasing contribution from certain States in the form of political, economic and military assistance,

Recalling resolution 5 (XXIV), in which the Sub-Commission decided to consider the question of the consequences for the effectiveness of human rights of the aid which in some cases might be given to the racist and colonial régimes of southern Africa,

Having considered this question on a provisional basis at its twenty-fifth session,

11/ Adopted at the 659th meeting, on 30 August, 1972. See chap. III, para. 83.

1. Requests the Secretary-General, with a view to permitting the consideration of all aspects of the question, to prepare, in co-operation with relevant United Nations bodies and other interested organizations, and on the basis of United Nations documents, a survey presenting factual data on political assistance and support given to the racist and colonial régimes of southern Africa, economic aid, in particular through direct and indirect investments of foreign capital, military aid, details of the labour practices of foreign-owned or controlled firms in these countries and territories, trade in arms and data on other relations which help to strengthen those régimes;
2. Requests that the said report should be submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-sixth session;
3. Decides to retain this item on the agenda of the Sub-Commission.

7 (XXV). FURTHER STUDIES ON RACIAL DISCRIMINATION 12/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Economic and Social Council resolution 1697 (LII) of 2 June 1972, entitled "Further studies on racial discrimination", in which the Sub-Commission was requested to continue its studies on racial discrimination and, in particular, to update the study, Racial Discrimination (United Nations publication, Sales No. 71.XIV.2) as appropriate, with special emphasis on discrimination based on colour,

Bearing in mind the much admired contribution by the Special Rapporteur, Ambassador Hernán Santa Cruz, to the fight against racial discrimination in carrying out that study,

Requests the Commission on Human Rights to recommend to the Economic and Social Council the adoption of the following draft resolution:

"The Economic and Social Council,

"Recalling its resolution 1697 (LII) entitled 'Further studies on racial discrimination',

"Noting the recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 7 (XXV) and the Commission on Human Rights in its resolution (XXIX), on the subject of 'Further studies on racial discrimination',

12/ Adopted at the 660th meeting, on 30 August, 1972. See chap. IV, para. 90.

"Authorizes the Sub-Commission to entrust the Special Rapporteur of the study on Racial Discrimination (United Nations publication, Sales No. 71.XIV.2), Ambassador Hernán Santa Cruz, with the task of updating his study, with special emphasis on discrimination based on colour and taking into account the opinions and views expressed in the Sub-Commission at its twenty-fifth session."

8 (XXV). 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: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION

8 (XXIII) 13/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling and reaffirming the statements in the Preamble and text of the Universal Declaration of Human Rights to the effect that all human beings are born free and equal in dignity and rights,

Recognizing that the question of the enjoyment of human rights by individuals who are not citizens of the country in which they live gives rise to complex legal and political problems,

Recommends that the Commission on Human Rights should consider the problem of the applicability of the present provisions for the international legal protection of the human rights of individuals who are not citizens of the country in which they live and to consider what measures in the field of human rights would be desirable.

9 (XXV). CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION^{14/}

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that in its resolution 9 (XXIV) of 18 August 1971 it recommended the Commission on Human Rights to request the Sub-Commission to place on its agenda the item "The historical and current development of the right of peoples to self-determination on the basis of the Charter of the United Nations and other instruments adopted by the United Nations organs",

13/ Adopted at the 660th meeting, on 30 August 1972. See chap. V, para. 106.

14/ Adopted at the 662nd meeting, on 31 August 1972. See chap. XII, para. 185.

Taking note of the fact that the Commission on Human Rights at its twenty-eighth session has not yet taken a decision on the recommendation made to it by the Sub-Commission,

Noting that a study of the concept of the right to self-determination would be most useful for the development of friendly relations among nations and for the achievement of international co-operation in the promotion and encouragement of respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Again recommends that the Commission on Human Rights should request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to place the following item on the agenda of its twenty-sixth session:

"The historical and current development of the right of peoples to self-determination on the basis of the Charter of the United Nations and other instruments adopted by the United Nations organs."

Annex I

ATTENDANCE

MEMBERS AND ALTERNATES

Mr. Mohamed Ahmed Abu Rannat	(Sudan)
Mr. Hasham Al-Shawi, ^{a/} Mr. Riyadh Al-Qaysi*	(Iraq)
Mr. Bali Ram Bhagat	(India)
Mr. Abdelwahab Bouhdiba	(Tunisia)
Mr. W. Beverly Carter, Jr., Mr. John Carey, Mr. George Gowen*	(United States of America)
Mr. Francesco Capotorti, Mr. Franco Guariglia*	(Italy)
Mrs. Erica-Irene A. Daes	(Greece)
Mr. Vincente Diaz Samayoa	(Guatemala)
Mr. I. J. D. Durlong, Mr. A. A. Mohammed*	(Nigeria)
Mr. A. G. R. Farhadi, Mr. Yahya P. Maroofi*	(Afghanistan)
Mr. Héctor Gros Espiell, Miss Graziella Dubra*	(Uruguay)
Mr. José D. Ingles, Mr. Iluminado G. Torres*	(Philippines)
Mr. Robert Rhodes James	(United Kingdom of Great Britain and Northern Ireland)
Mr. Branimir M. Jankovic	(Yugoslavia)
Mr. Ahmed Kettani	(Morocco)
Mr. Ahmed M. Khalifa, Mr. Amre Moussa*	(Egypt)
Mrs. Kezia Njeri Egeria Kinyanjui	(Kenya)
Mr. Antonio Martínez Báez, ^{a/} Mr. Francisco Acevedo Morga*	(Mexico)
Mr. José R. Martínez Cobo	(Ecuador)
Mr. Erik Nettel	(Austria)
Mr. Syed Sharifuddin Pirzada, ^{a/} Mr. Munir Akram*	(Pakistan)

* Alternate.

^{a/} Did not attend the session.

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Mrs. Nicole Questiaux	(France)
Mr. Hernán Santa Cruz, ^{a/} Mr. Vincente Sánchez*	(Chile)
Mr. E. Kofi Sekyiamah	(Ghana)
Mr. Sergey N. Smirnov, Mr. N. I. Yevdokeyev*	(Union of Soviet Socialist Republics)
Mr. Ioan Voicu	(Romania)

SPECIAL RAPPORTEUR ON GENOCIDE

Mr. Nicodeme Ruhashyankiko	(Rwanda)
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OBSERVERS FROM MEMBER STATES

The following States Members of the United Nations were represented by observers: Algeria, Belgium, Burundi, Byelorussian SSR, Canada, Egypt, Fiji, France, India, Indonesia, Iran, Israel, Netherlands, Syrian Arab Republic, Trinidad and Tobago, Uganda, United Kingdom and United States.

COMMISSION ON THE STATUS OF WOMEN

The Commission on the Status of Women was represented by Mrs. Eugenia A. Stevenson.

SPECIALIZED AGENCIES

The following specialized agencies were represented: International Labour Organisation, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, World Health Organization.

REGIONAL INTERGOVERNMENTAL ORGANIZATIONS

The following regional intergovernmental organization was represented: Organization of American States.

NON-GOVERNMENTAL ORGANIZATIONS

The following non-governmental organizations sent observers to the session:

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Category I

International Confederation of Free Trade Unions, International Council of Women, International Council on Social Welfare.

Category II

Agudas Israel World Organization, the Anti-Slavery Society, Bahá'i International Community, Consultative Council of Jewish Organizations, Co-ordinating Board of Jewish Organizations, Friends World Committee for Consultation, International Commission of Jurists, International Committee of the Red Cross, International Conference of Catholic Charities, International Council of Jewish Women, International Federation of Business and Professional Women, International Federation of University Women, International Federation of Women Lawyers, International League for the Rights of Man, International Organization of Consumer's Unions, International Social Service, Pax Romana, St. Joan's International Alliance, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Jewish Congress, World Union of Catholic Women's Organizations, World Young Women's Christian Association.

Roster

International Association for Religious Freedom, International Humanistic and Ethical Union.

Annex II

FINANCIAL IMPLICATIONS OF RESOLUTIONS ADOPTED BY THE
SUB-COMMISSION AT ITS TWENTY-FIFTH SESSION

1. In the course of its twenty-fifth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted nine resolutions, two of which have financial implications. Prior to the adoption of these resolutions, the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements of the administrative and financial implications of the proposals.
2. Should the action to be taken by the Commission on Human Rights and the Economic and Social Council in respect of the proposals of the Sub-Commission require the Secretary-General to enter into commitments in 1973, the Secretary-General would include requests for additional credits, as appropriate, in the supplementary estimates for 1973 which the Secretary-General will submit to the General Assembly at its twenty-eighth session.
3. In addition, it will be noted that resolution 3 (XXV) of the Sub-Commission, setting forth in its annex the draft programme for "a Decade for action to combat racism and racial discrimination" for submission to the Commission on Human Rights, would, if adopted by the Commission in its present form, involve certain financial implications. As indicated at the time of adoption of this resolution by the Sub-Commission, ^{a/} it is not possible for the Secretary-General to formulate precise estimates of the costs involved as none of the activities outlined in the draft programme has been clearly defined. For example, no indication has been given as to the date, place, duration, agenda and participation of the proposed world conference on combating racism and racial discrimination. Similarly, decisions as to what studies are to be undertaken, and when, will depend on the approval of the competent United Nations organs. Before the financial implications of the draft programme can be prepared, consultations will be necessary to ascertain how the responsibilities for various activities would be apportioned among the United Nations, the specialized agencies and other international organizations. The Secretary-General is prepared to submit statements of financial implications when and if the activities are defined and considered by the appropriate United Nations organs.

Resolution 5 (XXV). Study of the problem of discrimination against indigenous populations

4. In operative paragraph 2 of this resolution, the Sub-Commission requests the Special Rapporteur, Mr. José R. Martínez Cobo, to continue his study and to

^{a/} E/CN.4/Sub.2/SR.658, p. 6.

present to the Sub-Commission at its twenty-sixth (1973) session, a progress report, taking into account the views expressed in the debate on this question at the twenty-fifth session of the Sub-Commission. In operative paragraph 3 the Secretary-General is requested to provide the Special Rapporteur with all necessary assistance for the preparation of his report.

5. In order to continue his study, the Special Rapporteur has indicated that it would be necessary for him to make one trip in 1973 to Australia, New Zealand and Malaysia and that he would require the assistance of one member of the Secretariat on this trip.

6. As the Special Rapporteur is resident in Ecuador, and as two visits to Headquarters in 1973 had already been foreseen in the financial implications of Sub-Commission resolution 8 (XXIV) (Ref: E/CN.4/1070, E/CN.4/Sub.2/323, annex II) in connexion with the preparation of his report and the submission of the report to the Sub-Commission, the additional costs of travel and subsistence of the itinerary outlined above for the Special Rapporteur, as well as for one Secretariat staff member, are estimated as follows:

	<u>1973</u> \$US
<u>Travel and subsistence for approximately three weeks for:</u>	
(a) Special Rapporteur (first-class travel and subsistence at \$34 per day)	3,200
(b) One Secretariat staff member (economy travel and subsistence at \$24 per day)	<u>2,000</u>
	5,200

Thus the total cost is estimated at \$5,200 for 1973.

Resolution 7 (XXV). Further studies on racial discrimination

7. Under the terms of operative paragraph 1 of this resolution, the Sub-Commission requests the Commission on Human Rights to recommend to the Economic and Social Council that the Council authorize the Sub-Commission to entrust the Special Rapporteur of the study, Racial Discrimination (United Nations publication, Sales No.: 71.XIV.2), Ambassador Hernán Santa Cruz, with the task of updating his study, with special emphasis on discrimination based on colour and taking into account the opinions and views expressed in the Sub-Commission at its twenty-fifth session.

8. For the purpose of estimating the costs, the following assumptions were made: (a) in 1973, it would be necessary for the Special Rapporteur, who is now stationed in Geneva, to make one visit of approximately two weeks to United Nations Headquarters in order to initiate the work required to update his study, including collection of additional information on discrimination based on colour. During 1974 it would also be necessary for him to make one trip to United Nations Headquarters of approximately three weeks to complete the updating of the study; (b) during 1973 and 1974, the Special Rapporteur may be required to travel to New York to present reports to the Sub-Commission. This travel would not involve additional expense as long as he remains a member of the Sub-Commission; (c) his study, to be submitted to the Sub-Commission, would consist of approximately 100 pages in the form of mimeographed documents.

9. Based on the foregoing assumptions, the financial implications of the resolution are estimated as follows:

	<u>1973</u> \$US	<u>1974</u> \$US
(a) Travel and subsistence of the Special Rapporteur (from Geneva to New York) in connexion with the updating of his study	1,600	1,900
(b) Typing and contractual translation (English, French, Russian and Spanish) and reproduction	5,300	5,300
	<u>6,900</u>	<u>7,200</u>

10. Accordingly, should the recommendation contained in operative paragraph 1 be endorsed by the Council and implemented in accordance with the assumptions set forth above, it would entail additional expenditure in the amount of \$6,900 in 1973 and \$7,200 in 1974.

Annex III

LIST OF DOCUMENTS BEFORE THE SUB-COMMISSION
AT ITS TWENTY-FIFTH SESSION

1. Documents issued in the general series

- E/CN.4/Sub.2/324 Provisional agenda and annotations to the provisional agenda
- E/CN.4/Sub.2/325 Suggestions and draft programme for a Decade for Action to Combat Racism and Racial Discrimination: note by the Secretary-General
- E/CN.4/Sub.2/325/Add.1 Suggestions and draft programme for a Decade for Action to Combat Racism and Racial Discrimination - Substantive suggestions for a decade for action against racism and racial discrimination: Memorandum submitted by the United Nations Educational, Scientific and Cultural Organization
- E/CN.4/Sub.2/326 Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism: note by the Secretary-General
- E/CN.4/Sub.2/327 Review of further developments in fields with which the Sub-Commission has been concerned: note of the Secretary-General
- E/CN.4/Sub.2/328 Review of further developments in fields with which the Sub-Commission has been concerned: Memorandum submitted by the International Labour Office
- E/CN.4/Sub.2/329 Review of further developments in fields with which the Sub-Commission has been concerned: Memorandum submitted by the United Nations Educational, Scientific and Cultural Organization
- E/CN.4/Sub.2/330 Review of further developments in fields with which the Sub-Commission has been concerned - Résumé of those parts of the periodic reports on human rights which relate to matters falling within the terms of reference of the Sub-Commission: Note by the Secretary-General

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- E/CN.4/Sub.2/331 Preliminary report on the implementation of resolution VII of the International Conference on Human Rights, entitled "Establishment of a new, additional United Nations programme on racial discrimination": Report of the Secretary-General
- E/CN.4/Sub.2/331/Add.1 Preliminary report on the implementation of resolution VII of the International Conference on Human Rights, entitled "Establishment of a new, additional United Nations programme on racial discrimination": Report of the Secretary-General
- E/CN.4/Sub.2/NGO.47 and Corr.1 (English only) Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism: statement submitted by non-governmental organizations in consultative status with the Economic and Social Council, category II
- E/CN.4/Sub.2/CR.17 Non-confidential list of communications concerning human rights

2. Documents issued in the limited series

- E/CN.4/Sub.2/L.564 Study on the rights of persons belonging to ethnic, religious and linguistic minorities: preliminary report by Mr. Francesco Capotorti, Special Rapporteur
- E/CN.4/Sub.2/L.565 Study of the question of the prevention and punishment of the crime of genocide: preliminary report by Mr. Nicodeme Ruhashyankiko, Special Rapporteur
- E/CN.4/Sub.2/L.566 Study of the problem of discrimination against indigenous populations: preliminary report by Mr. José R. Martínez Cobo, Special Rapporteur
- E/CN.4/Sub.2/L.567 Further studies on racial discrimination: draft resolution submitted by Mr. Nettel
- E/CN.4/Sub.2/L.568 and Corr.1 Consequences for the effectiveness of human rights of the aid which, in some cases, might be given to the racist and colonial régimes of southern Africa: draft resolution submitted by Mr. Smirnov

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- E/CN.4/Sub.2/L.569 Further studies on racial discrimination: amendment by Mr. Gros Espiell to para. 1 (1) of the draft resolution submitted by Mr. Nettel (E/CN.4/Sub.2/L.567)
- E/CN.4/Sub.2/L.570 and Corr.1 Further studies on racial discrimination: draft resolution submitted by Messrs. Bouhdiba, James, Kettani, Khalifa and Sekyiamah
- E/CN.4/Sub.2/L.571 Study of the protection of minorities: draft resolution submitted by Mr. Abu Rannat
- E/CN.4/Sub.2/L.572 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: draft resolution submitted by Mr. James
- E/CN.4/Sub.2/L.573 Study of the protection of minorities: amendment by Mr. Martínez Cobo to the operative part of the draft resolution submitted by Mr. Abu Rannat (E/CN.4/Sub.2/L.571)
- E/CN.4/Sub.2/L.574 Suggestions and draft programme for a Decade for Action to Combat Racism and Racial Discrimination: draft resolution submitted by the working group
- E/CN.4/Sub.2/L.575 Further studies on racial discrimination - administrative and financial implications of the draft resolution contained in document E/CN.4/Sub.2/L.567
- E/CN.4/Sub.2/L.567 Study of the problem of discrimination against indigenous populations: draft resolution submitted by Messrs. Carter and Gros Espiell
- E/CN.4/Sub.2/L.576/Add.1 Study of the problem of discrimination against indigenous populations: administrative and financial implications of the draft resolution contained in document E/CN.4/Sub.2/L.576
- E/CN.4/Sub.2/L.577 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: draft resolution submitted by Messrs. Gros Espiell, Inglés, James and Nettel

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Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism: draft resolution and revised draft resolution submitted by Mr. Abu Rannat

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Study of the question of the prevention and punishment of the crime of genocide: draft resolution submitted by Messrs. Acevedo Morga, Diaz Samayoa, Miss Dubra, Messrs. Martínez-Cobo and Sánchez

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Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism: amendment by Messrs. Sánchez and Sekyiamah to the revised draft resolution submitted by Mr. Abu Rannat (E/CN.4/Sub.2/L.578/Rev.1)

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Consideration of the future work of the Sub-Commission: draft resolution submitted by Mr. Al-Qaysi, Miss Dubra, Messrs. Khalifa, Sánchez and Voicu
