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PROTECTION OF MINORITIES

Mr. E. Schiller: Outline of the possible scope of future studies

With reference to operative paragraph 2 of resolution 9 (XX), which welcomed the willingness of any member or members of the Sub-Commission to outline the possible scope of future studies concerning the protection of minorities, I should like to submit the following proposals for consideration.

1. From the very beginning of its activities the Sub-Commission was much concerned with the problem of the protection of minorities. Its endeavours in this respect culminated in a resolution providing for a "Study of the present position as regards minorities throughout the world" (resolution F in document E/CN.4/703). This resolution failed to get the endorsement of the higher bodies whereupon the Sub-Commission decided in January 1955 inter alia: "to concentrate its attention on the various aspects of the problem of discrimination and defer work on the problem of the special protection of minorities, pending the issue by the Commission on Human Rights of a specific directive on the subject." (E/CN.4/Sub.2/183/Rev.2).

2. Operative paragraph 2 of the above-mentioned resolution F reads as follows:

"2. Decides that for the purpose of such a study, and with no intention of determining which groups should receive special protection, the term minority shall include only those non-dominant groups in a population which possess and wish to preserve ethnic, religious or linguistic traditions or characteristics markedly different from those of the rest of the population; and that no further work on the problem of definition can serve any useful purpose at present."

3. Taking into account the work which was done by the Sub-Commission in the field of the protection of minorities before it decided in 1955 to defer work on this problem and taking further into account other developments relating to the protection of minorities that have taken place to date in the United Nations system, it might be useful to have a comprehensive document prepared outlining the work the United Nations has already done for the protection of minorities.

4. A pragmatic approach would be advisable to keep clear of a snag when dealing with the "concept of minority".

5. Apart from the report of the Seminar on the Multi-National Society which took place in Ljubljana in 1965 (ST/TAO/HR/23), as well as the publication Protection of Minorities mentioned in resolution 9 (XX), there are other United Nations documents which could provide a special rapporteur with guidance, e.g.:

Definition and Classification of Minorities (1949) (E/CN.4/Sub.2/85);

The main types and causes of discrimination (1949) (E/CN.4/Sub.2/40/Rev.1);

Treaties and International Instruments Concerning Minorities 1919-1951 (1951) (E/CN.4/Sub.2/133);

Provisions for the protection of minorities (1953) (E/CN.4/Sub.2/L.45);

Activities of the United Nations relating to the Protection of Minorities (1958) (E/CN.4/Sub.2/194).

6. A legal examination of the problem may take as a starting point the Study of the Legal Validity of the Undertakings Concerning Minorities (E/CN.4/367) of April 1950.