

Cokhale Institute Studies No. 53

HUMAN RIGHTS IN A MULTI-NATIONAL SOCIETY

**HUMAN RIGHTS
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A MULTI-NATIONAL SOCIETY**

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POONA 4

ASIA PUBLISHING HOUSE

**BOMBAY · CALCUTTA · NEW DELHI · MADRAS · LUCKNOW
BANGALORE · LONDON · NEW YORK**

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1968

PRINTED IN INDIA

Printed by M. H. Patwardhan at Sangam Press (Pvt.) Ltd, 383 Narayan P
Poona 2 and published by V. M. Dandekar, at Gokhale Institute of Politics
Economics, Poona 4.

FOREWORD

WE ARE bringing out the present paper on "Human Rights in a Multi-national Society" by Professor Gadgil in a separate publication, because, for obvious reasons, we could not include it appropriately in the collection of his other writings we have earlier brought out, namely, *Planning and Economic Policy in India*. Professor Gadgil has prepared the present paper at the request of the United Nations Secretariat as a background paper for the seminar on the Multi-national Society which the United Nations, in co-operation with the Government of Yugoslavia, organized at Belgrade in June 1965. The paper deals, in the main, with the problem of the protection of minorities in a multi-national or a plural society.

In the first three sections of the paper, Professor Gadgil briefly traces the historical background to this question and, in particular, describes the efforts made by the League of Nations and the position taken to date by the United Nations. The League of Nations, at the end of the First World War, had evolved an elaborate system for the protection of linguistic, racial, or religious minorities, based on a series of treaties. The minorities were regarded as collective groups, and they had the right to make representations to the League of Nations regarding any infraction or danger of infraction to these treaties. However, the League soon found the burden of implementation too heavy. Its experience also emphasized the importance of the attitude of the minorities and that of the concerned neighbouring States to their problems. The League found it necessary to emphasize the duty incumbent upon the minorities to co-operate as loyal fellow-citizens with the nations to which they belonged. It failed essentially because of its inability to control independent action by the Great Powers.

Learning from the experience of the League of Nations, the General Assembly of the United Nations, while adopting the Universal Declaration of Human Rights in December 1948, recognized that the question of minorities was complex and delicate, had special aspects in each State where it arose and therefore was diffi-

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Learning from the experience of the League of Nations, the General Assembly of the United Nations, while adopting the Universal Declaration of Human Rights in December 1948, recognized that the question of minorities was complex and delicate, had special aspects in each State where it arose and therefore was diffi-

cult to be dealt with by means of a uniform solution. Consequently, the Declaration of Human Rights makes no reference to the rights of minorities. Instead it emphasizes universal human rights to be enjoyed by everyone, without distinction as to race, colour, sex, language, education, etc. The complexities of the problem were amply revealed by subsequent work in the United Nations. For instance, in 1954, the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities submitted certain broad principles for consideration of the Commission on Human Rights. However, the Commission requested the Sub-Commission to give further thought to the whole question including the definition of the term "minorities". A satisfactory definition has not been found possible. Agreement has also not been possible on such particular questions as the use of their own language by persons belonging to different linguistic groups.

This historical background should prove adequate to underline the inherent difficulties and complexities of the problem and to caution against the dangers of over simplification and of taking extreme positions. In his analysis of the problem, Professor Gadgil begins by observing that a multi-national or plural society denotes a society in which a number of distinct social groups live together within the territorial boundaries of one State. Where the constituent units are segregated, each within its own separate territory, an obvious solution is the political disintegration of the multi-national State and the establishment of more homogeneous nation-states. For instance this was how new States were formed out of the old Ottoman and Habsburg empires. Professor Gadgil approves of this process generally and notes it as curious that the process should have led to the coining of the term "balkanization" invested with a highly disapproving overtone.

The above solution is, of course, not available, and the problem becomes complicated when the different social groups are intermingled in such a manner that no adjustment of boundaries can create territories with relatively homogeneous social composition. In such a situation, the plural society must remain a plural society and learn to live harmoniously. Thus viewed, Professor Gadgil notes, a plural society describes not so much a desirable situation, a

political goal or objective, but rather a problem that has to be tackled wisely by the nation-state which finds itself confronting it.

Even where the different social groups are segregated, each within its territory, the division of the multi-national State into separate political units is, of course, not inevitable provided wise policies are pursued. Professor Gadgil refers particularly to the policies evolved by the USSR. The Russian Empire was a composite State with many component units and 'peoples belonging to many ethnic stocks and language groups. The revolutionary government of the USSR boldly adopted the basis of nationality for the remodelling of the political structure on federal lines and specifically provided for the development of languages and cultures of the different peoples. Professor Gadgil recognizes that the Government of the USSR could follow this rational liberal policy, because it operated under the influence of a universal and revolutionary political and economic ideology, and because the dominance of the Great Russian group and the Russian language remained assured. Nevertheless, he points out that the main lines of the nationality policy were evolved when strong central government had not yet been fully established and that probably the policy helped in holding together the various territories and strengthening the centre.

Professor Gadgil notes that the main difficulty in adopting policies similar to those evolved by the USSR appears to be lack of confidence and refers to the Indian official attitude towards the reorganization of state boundaries along linguistic lines. The attitude was based on an apprehension that if a basis of political affinity other than the entire nation was admitted, it would hinder the emergence of a national feeling and the smooth and effective operation of a national government. Ultimately it was found necessary to reorganize the states chiefly on the basis of linguistic communities; but because this was done under pressure and without formulating clear principles, it has still left some problems unsolved and rankling. None of these problems are such that, given understanding and patience on all sides, they cannot be solved.

Referring to the international scene, Professor Gadgil emphasizes that the problem of protecting minorities in multi-national societies is related fundamentally to the prospects of international peace or rather those of finding a stable basis for that peace. In a world in

which brinkmanship and escalation are being practised continuously by the strongest, it is natural that all the rest remain apprehensive and seek internal cohesion and strength by all means at their command. Therefore, all measures required to guarantee universal human rights are necessarily measures which will ensure establishment of peaceful human societies. Professor Gadgil pertinently asks whether the attitudes and approaches of the dominant peoples in the world today are compatible with international peace or with continued existence of human societies on the globe.

Gokhale Institute of
Politics & Economics
Poona 4,
January 26, 1968.

V. M. DANDEKAR

HUMAN RIGHTS IN A MULTI-NATIONAL SOCIETY*

I

The memorandum submitted by the Secretary-General of the United Nations in 1949 to the Economic and Social Council on the Main Types and Causes of Discrimination begins discussion of the problem with the following statement:

“Any plan which is aimed at the prevention of discrimination must be based upon (A) certain guiding principles, and (B) actual social conditions.”¹

The discussion in this note is also centred round these two subjects, and attempts an analysis of the relevant guiding principles as expounded in the Universal Declaration of Human Rights and an appreciation of the actual conditions in which measures have to be devised to protect human rights. The memorandum referred to above mentions specifically, in relation to the second aspect, “sociological analyses of the facts involving discrimination, their causes, how they function, and their effects”.² Also, attention is concentrated in the memorandum on prejudice as a source of discrimination. A similarly circumscribed approach is to be observed in most later writings on the subject. It has, however, to be realized that disregard for human rights and the practice of discrimination arise out of the whole set of circumstances—political, economic and social—of individual societies and their Governments, and that they involve a large variety of emotions and aspirations, which cannot all be appropriately covered by the term “prejudice”. Moreover, in so far as the responsibility in relation to both the practice and prevention of discrimination attaches to Governments of States, emphasis has to be placed, in a study of this matter, on the organization of Governments of States and the total socio-economic situation within which they operate.

* A background paper prepared at the request of the United Nations Secretariat for the seminar on the multi-national society, organized by the United Nations in co-operation with the Government of Yugoslavia, at Belgrade, 8 to 22 June, 1965.

¹ E/CN.4/Sub.2/40/Rev.1, para. 11.

² *Ibid.*, para. 16.

We may begin by noting that we are dealing with entities that are properly described as nation-states. This follows from the designations adopted by the two modern international organizations—the League of Nations and the United Nations. Article 15 of the Universal Declaration of Human Rights also lays down that “Everyone has the right to a nationality”. Next, and more importantly, these nation-states are all supposed to be capable of maintaining conditions which will ensure the enjoyment by their nationals of the political rights guaranteed by the Universal Declaration, and of fulfilling all the obligations imposed on them by the Universal Declaration in relation to the socio-economic requirements of their nationals. This concept of the order of present-day nation-states is not only fully implied in declarations, as that of Universal human rights, but is also found embodied in the expectations of the vast majority of the politically conscious nationals of all States. An understanding of the functioning of modern Governments as against the background of this concept and this expectation is vital for a proper appreciation of the problems that they face and the manner in which they act and react.

A large majority of the existing nation-states is composed of “new” States. Many are entirely new geographical entities; in others, there have been revolutionary changes in regimes. Most of these have their origin in the break-up of European colonial empires in Asia and Africa or in the advance of communism in parts of Europe and Asia. They are thus new and inexperienced in dealing with the large tasks that confront them, and are not even properly constituted or fully organized for performing the roles which have fallen on them.

A brief look at the manner in which the concept of the nation-state and of its functions grew in Western Europe may help in an understanding of the problem of the new States. The idea of the nation-state preceded that of nationalism, and a large part of the process of the formation of the nations of Western Europe was completed before the French Revolution. This was especially true regarding the breakdown of regional and local loyalties and the development of national feeling, national literature, etc. At this stage the concept of the national state was linked with ideas neither of democracy nor of equality. But even the common people living in stratified, hierarchical societies were supposed to be enthused by the conquests of their kings and interested in the spread abroad of the nation's dominion and trade. The chief characteristics of the nation-state were that the

boundaries of the State were coterminous with territories inhabited by people who considered themselves as members of one nation, and that the rulers pursued political and economic policies to serve supposedly national ends. England and France were the chief examples of this developing concept in the eighteenth century. In the century after the French Revolution, the concept was widened in two directions. The first was the progressive integration of the masses, who had previously been excluded from participation in political governance, in the political process; the second was the gradual increase in importance of socialistic ideas. The two movements were interconnected in so far as the political integration of masses helped the growth of egalitarian and socialistic ideas in the economic field. In external affairs there was no break, and foreign political and economic policies continued to be governed by considerations of national interest similar to those exhibited in earlier times; so that one writer has caustically defined modern nationalism as "the taking over by peoples of ambitions formerly pursued by kings and aristocracies."⁸ Acceptance of ideas of equality and democracy also had effects in the social sphere. These were chiefly in the direction of completing the process of creation of an integrated and cohesive social whole. The earlier process of breaking down the local and regional loyalties was extended to the absorption of other distinct groups such as linguistic, religious or ethnic minorities. This was brought about by two types of measures: measures of liberalization and of suppression. In many cases the legal disabilities, political or other, imposed on such minorities were removed; in others, measures were taken because of which linguistic minorities, for example, had to give up the use of their own languages and adopt the language of the majority. The pressure for the creation of a relatively homogeneous people was continuous.

In recent decades there has been further widening of what are thought to be the proper functions of the nation-state in the economic sphere. The vaguely socialistic trends of the earlier period have been transformed into the more concrete idea of the welfare-state; and, most recent of all, it is considered essential that a modicum of regulation of economic activity and some amount of economic planning be undertaken by the modern nation-state.

This crude summary indicates the complex characteristics and the large and varied functions acquired by nation-states of Western

⁸ Quoted by M. Ginsberg in *Nationalism*, 1963, p. 26.

Europe through many centuries. The new nation-states find themselves compelled to assume the same roles and attempt to perform the same functions. Before considering the circumstances which make this necessary, it is important to look at another characteristic of the history of the Western European nation-states. This is that they have played a consistently aggressive and aggrandizing role in world history. Their emergence coincided with the opening of the colonial era in European history; and the power and prestige of the growing nation-states were closely related to the extent and profitability of their colonial possessions.

Why is it necessary to talk in terms of nation-states? This is because of the universal acceptance of the idea of self-governance. Self-governance has two implications; internally, it denotes the participation of all in the political process; externally, it rules out the inclusion of the territory of one people in the State of another. This leads inevitably to the notion that the territory of a State and the territory inhabited by people who consider themselves as forming one socio-political whole must coincide. It is in this logical sense that all States today are, at least supposedly, nation-states. There might, in fact, be some divergence between boundaries of nations and States. When this happens, there are either irredentist movements or attempts by complex, multi-national States to become more cohesive social wholes.

Governments of all States have thus to take on the role of Governments of nation-states. A number of consequences follow. Politically, structures and forms denoting participation of the masses in the political process have to be evolved and maintained. Every Head of State talks in terms of some variant ("basic", "guided", etc.) of democracy. Socially, attempts are made to attain cohesiveness and integration in an increased measure. Above all, large and complex tasks have to be undertaken in the economic sphere. Internal and external pressures and practical and ideological reasons all drive in these directions. The movements in the political, social and economic sphere are also complementary and mutually support each other. The effort at planned economic developments, which holds the centre of attention in the new developing countries, requires for its successful operation a base of wide political consensus and social cohesiveness.

Some comments on nationalism are appropriate at this stage. A

number of western writers write as if nationalism is on the wane in the West, and that its intensity in the new States is responsible for a large number of their problems. It is true that national ideology performed an especially important binding function during the struggle for independence in many of these societies, and consequently it is valued highly in them. Further, the national effort of emergent States to establish themselves in their own and other peoples' eyes leads sometimes to revivalist movements or other exhibitions of intense nationalist feeling. This has, however, nothing to do with the roles they have to assume and the work that they have to attempt to perform. These arise out of the total world situation, ideological and practical, in which these States find themselves and exist irrespective of the strength of the national sentiment. All States, however rich, find themselves caught in the race of rates of economic growth, and the compulsions in this regard are especially evident in the poorer "new" States. Any intense effort at economic direction and planning presupposes fairly wide political support and a cohesive society. A consensus and a feeling of oneness are associated with these, and the growth of such consensus and feeling is helped by national sentiment. Nationalism is, therefore, to be considered not as a pre-existing fact which shapes the problems faced by the new States but as a phenomenon which, if not present, must necessarily emerge to help the new States to fulfil the role and functions expected of them. The international order itself is based on this concept of the working of the nation-state; it is in this sense that Dr. Romulo sees contemporary nationalism "as a political movement towards universal solidarity."⁴

The position becomes clear if we examine the contention that national sentiment is waning in the West. There is no evidence that pursuit of power by all means, and constant and meticulous attention to national prestige and interest, are less regarded today by, for example, the United States, the United Kingdom or France than before. If some of these powers are less aggressive in their policies than before, that is the result of the changed world situation and not of any internal transformation. Professor Seton-Watson⁵ argues that the formation of the European Common Market is evidence of decline of national feeling. Obviously, however, the formation of this organi-

⁴ ROMULO, CARLOS P., *Contemporary Nationalism and World Order*, p. 37, 1964.

⁵ SETON-WATSON, *Nationalism and Communism*, 1964.

zation is due to the realization by the concerned countries that in the new world situation they could serve their national interests best by coming together in this manner. The debate that preceded the move by the United Kingdom to join the Common Market and the manner in which the issue was decided made clear the paramountcy of individual national interest. Even if one concedes that the west European group may ultimately become something more than a *union des patries*, this would not prove a decline of nationalism. For the group will create a new entity very like a multi-national State with sub-nationalities. It will still have the characteristics of relative homogeneity of culture and interest and will, no doubt, as jealously and zealously guard its interests as any other nation-state. In fact, the west European entity will be no more mixed than Yugoslavia and infinitely less so than India. A sentiment binding the nationals together within the modern nation-state is a pre-condition of its proper functioning, and this will continue to be the case in the foreseeable future. We may conclude this discussion with the statement that, in relation to the measures for protection of human rights, especially in the new States, it is not some isolated phenomenon—such as nationalism—but the total circumstances in which these States emerged and the role and functions that they have to perform which must be regarded as the conditioning factors.

II

The other aspect of the preliminary discussion relates to the guiding principles to be adopted in devising the measures. Discussion of this aspect must begin by noting the characteristics of the human rights that are sought to be protected. It would appear that the concept of human rights is not fashionable among social scientists⁶ and there is little direct discussion of the matter available outside the United Nations. The Universal Declaration of Human Rights owes its origin to the peculiar conditions obtaining at the end of the Second World War. The rights enunciated in the Declaration are somewhat mixed, in the sense that they do not derive from a uniform concept of the State and society. In relation to the rights of individuals, at least two

⁶ No article on Human Rights or on Rights is included in the *Encyclopedia of Social Sciences* (1934) or even in Gould and Kold: *A Dictionary of the Social Sciences* (1964) published under the auspices of the UNESCO.

different concepts are clearly evident. These may be designated by the terms the "Liberal state" and the "Welfare state".

In this paper we deal, in the main, with the problem of the protection of minorities. Ideas in respect of the protection of minorities cannot be related to either of the two concepts of the functioning of States named above. The need for such protection was felt keenly—not because of any ideological considerations or debates—but because of the manner in which many States, particularly Germany under Hitler, had treated linguistic, ethnic and religious minorities, above all the Jews, in the previous decade. It was revulsion against these happenings and the keen desire to prevent their recurrence, if possible, that were responsible for this aspect of the Universal Declaration.

Consequently, we cannot readily identify the concept from which the minority rights required to be protected are supposed to stem. It is, at the same time, necessary for clarifying ideas and facilitating discussions that the generalized situation with which we have to deal in this context is appropriately described or characterized. We propose to designate it as that of a "plural society", and to explore implications with the help of this term.

There is, unfortunately, no established usage in relation to technical terms in this field, and this makes necessary some preliminary elucidation. The term "plural society" is derived ultimately from the earlier discussion in political theory regarding pluralism. However, it is distinct from it. Pluralism was concerned with the position of the political state vis-a-vis other functional organizations, such as the religious or economic organizations; "plural society", on the other hand, denotes a society in which a number of distinct social groups live together within the territorial boundaries of one State. The distinct groups may consider themselves as members of one complex society, or they may recognize no such mutual relation, in which case the only binding factor would be their common membership of a territorial State. The organic relation which is implied in the discussions of political pluralism may thus not subsist within members of "plural society".⁷

The political reorganization of a State containing a plural society

⁷ It may be noted that Shils in his *Torment of Secrecy* uses the term "pluralistic society" to denote a society having the characteristics of political pluralism as defined above.

may result in the division of the State into homogeneous political units, in case the constituent elements are segregated each within its own separate territory. This happened, for example, with the partition of Ireland into two distinct political units. However, the problem is complicated when the different social groups are intermingled in such manner that no adjustment of boundaries can create territories with relatively homogeneous social composition. Problems of this nature were faced on the disruption of the Ottoman and Habsburg Empires and desperate remedies, such as that of exchanges of populations, were adopted to solve them.

Can the term "plural society" be used with a connotation wider than that of a descriptive label? Pluralism maintained that, as against the concept of the absolute sovereignty of the political State, an arrangement in which the State shared power with other autonomous functional organizations was socially and morally superior. Can one, by a transfer of ideas, claim equal superiority for the "plural society".

Lord Acton, in his essay on Nationality written in 1862, long before the rise of pluralism, in fact argues on these lines. He writes:

"The presence of different nations under the same sovereignty is similar in its effect to the independence of the Church in the State. It provides against the servility which flourishes under the shadow of a single authority, by balancing interests, multiplying associations and giving to the subject restraint and support of a combined opinion."

He says this even though he recognizes that unity and nationality are essential to the notion of the sovereignty of the people, and that "a nation inspired by the democratic idea cannot with consistency allow a part of itself to belong to a foreign power, or the whole to be divided into several native states." He argues against the principle of nationality, because, according to him, "By making the state and the nation commensurate with each other in theory, it reduces practically to a subject condition all other nationalities that may be within the boundary." From this reasoning springs his judgement that, "If we take the establishment of liberty for the realization of moral duties to be the end of civil society, we must conclude that those States are substantially the most perfect which, like the British or Austrian

Empires, include various distinct nationalities without oppressing them." Obviously Acton valued "liberty" as defined by himself much higher than "self-governance". The century since Acton wrote has witnessed a continuously wider acceptance and application of the ideas of "nationality", "self-governance" and "self-determination". It has also emphasized the dangers to which he drew attention. As a result, the boundaries of States are now deliberately drawn as far as possible to coincide with the boundaries of nationalities.

In spite of much nostalgic writing regarding the benefits of the old composite empires (even Pandit Nehru's views on Hyderabad were often expressed in this strain), the idea of the nation-state rules the field completely today. "Plural society" thus arises or remains where either the various groups are so intermingled in a territory that no adjustment of boundaries can separate them adequately or where, for some reason, it is not possible to undertake the appropriate readjustment of boundaries. It thus describes not so much a desirable situation, a political goal or objective such as Shils' 'pluralistic society' but rather a problem that has to be tackled carefully by the nation-state which finds itself confronting it.

III

At the end of the First World War, the League of Nations evolved a system for the protection of linguistic, racial or religious minorities, which was founded on a series of treaties. These treaties and the explicit international protection of rights of minorities given by them were confined to a number of States in Europe established or reformed during the course of the settlement of peace. There were instances of minorities being sought to be protected by provisions in treaties in the century preceding the Treaty of Versailles. This, however, happened only on certain occasions

"as that of the incorporation of the territory of one State with that of another, or that of territorial reconstructions resulting from a war or that of the constitution of new States or that which resulted from that of the struggle of certain States against the oppression of other States".⁸

⁸ League of Nations : *Protection of Linguistic, Racial or Religious minorities by the League of Nations*, (Geneva, 1929). Declaration of M. De Mello-Franco, p. 32.

The wholesale reorganization of States in Central and Eastern Europe at the end of the war created immediately a large number of such problems, and the newly-created League of Nations decided to undertake the responsibility of protection of minorities and had suitable provisions in this regard incorporated in the treaties. There were a number of special features associated with the system evolved by the League. In the first instance, whereas in the earlier treaties the protection afforded was by the Great Powers and was to individuals considered separately, the provisions under the League treaties granted protection to minorities, regarding them as collective groups. Secondly, elaborate arrangements for implementation of the provisions regarding protection of minorities were evolved by the League. The protected minorities had the right to make representations to the League of Nations regarding any infraction or danger of infraction of the provisions of the treaties. The right was also possessed by representatives of States not represented on the Council. However, the right of calling attention to any infraction etc. was reserved to members of the Council, and only when this was done had it the legal effect of putting the matter before the Council and asking it to intervene. With a view to assisting members of the Council in the exercise of their rights and duties as regards the protection of minorities, it was decided that the President and two members appointed by him should immediately proceed to consider any communication in this regard addressed to the League. It was also recognized that the League should keep the Government concerned fully informed of all communications and actions and that direct settlement of disputes should be encouraged.

Representatives of many States affected by the minority treaties early complained regarding the implied differentiation between States. It was suggested that the system of protection of minority rights should be generalized, and that a general convention be prepared which would include all States and set forth their common rights and duties in regard to minorities. The proposal was opposed, chiefly, on two grounds. Firstly, that most of the other older countries had no minority problems and, secondly, that this would place too large a burden on the League. In relation to the first, the claims made by the older countries may be illustrated by the following statement by the representative of Brazil:

"Uniformity of language throughout the territory of each American State, complete religious tolerance, combined with a completely natural assimilation of the immigrants by the principal mass of the population of each of these states have produced in them national organizations of which the collective unity is complete."⁹

In retrospect the contention regarding the burden of responsibility appears valid. The burden of administering the provisions of the treaties was itself found heavy enough by the League.

Another point emphasized by experience of the League of Nations was the danger implied in the system of protection of minorities in relation to the attitude of the minorities and of that of the concerned neighbouring States. The League found it necessary to emphasize the duty incumbent upon persons belonging to the minorities to "co-operate as loyal fellow-citizens with the nations to which they now belong." Regarding the attitude of neighbouring States, the following statement in the report of the rapporteur on the question relating to Albanian minorities in Greece and the Greek minorities in Albania is of significance.

"The protection of minorities is an international affair, but one of the essential objects of the system established by the treaties and of the procedure laid down by the Council is that, whilst bearing this international character, a case of the protection of minorities should not become a dispute between neighbouring States. Once the matter is before the Council, it becomes an affair between the Council and the State to which the minority belongs nationally, not a question between that State and the State with which the minority is racially connected."¹⁰

The League failed essentially because of its inability to control independent action by the Great Powers. One of the major occasions of these related to cases of minorities such as that of Sudeten Germans and of Germans in Poland.

The settlements at the end of the Second World War were made on the basis of an even greater emphasis on the formation of nation-states, i.e. of States whose populations were relatively homogeneous

⁹ League of Nations, *op. cit.*, p. 32.

¹⁰ League of Nations, *op. cit.*, p. 68.

and the peoples in whose territories considered themselves as belonging to one nationality. These were attained not only through considerable redrawing of boundaries but also through transfers of large numbers of peoples considered as minorities. Many of these transfers were forcible or under pressure and entailed great hardship. All the experience of the inter-war and war years influenced greatly the provisions relating to discrimination in the Universal Declaration of Human Rights. At the same time, it should be noted that the term "minority" is not used in the Universal Declaration;¹¹ the emphasis instead is on specification of particular rights to be enjoyed by everyone, without distinction as to race, colour, sex, language, education, etc. In fact, the Universal Declaration in its final form carefully eliminated all specific mention of protection of rights of minorities. For example, an article included in the draft, in two alternative forms, regarding rights of substantial ethnic, linguistic or religious minorities in relation to establishment etc. of schools and cultural and religious institutions found no place in the actual Declaration.¹² The group concept was, however, embodied in the text, adopted by the Commission at its meeting in December 1947 relating to prevention of discrimination. This reads as follows: "The prevention of discrimination is the prevention of any action which denies to individuals or groups of people equality of treatment which they may wish." The representative of Lebanon noted that a correct formulation would require the insertion of "reasonable" before "equality" and of "jointly" before "wish" in the above.

The complexities of the problem were amply revealed by later work. An attempt was made in 1954 by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to set these out in the form of considerations to be borne in mind when carrying out a study of the problem. These were as follows :

¹¹ Note by the Secretariat—"When the General Assembly adopted the Universal Declaration of Human Rights on 10 December 1948 it decided [resolution 217 C (III)] in view of the universal character of the Declaration, not to deal in a specific provision with the question of minorities in the text of the Declaration. In this connexion it stated "that it is difficult to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises."

¹² See Report of the seventh session of the United Nations Commission on Human Rights (1948), Economic and Social Council, Official Records, Supplement No. 2, pp. 18-19.

"3. *Decides further* that in carrying out the study the following considerations shall be borne in mind :

"(i) there are among the nationals of many States distinctive population groups possessing ethnic, religious, or linguistic traditions or characteristics different from those of the rest of the population, and among these are groups that need to be protected by special measures, national and international, so that they can preserve and develop their traditions or characteristics;

"(ii) among minority groups not requiring protection are those seeking complete identity of treatment with the rest of the population, in which case their problems are covered by those articles of the Charter of the United Nations, the Universal Declaration of Human Rights and the draft international covenants on human rights that are directed towards the prevention of discrimination;

"(iii) it is most undesirable to hinder by any action spontaneous development of minority groups towards integration with the rest of the population of the country in which they live, which takes place when impacts such as those of a new environment, or that of modern civilization, produce a state of rapid racial, social, cultural, or linguistic evolution;

"(iv) it is highly desirable that minorities should settle down happily as citizens of the country in which they live, and therefore in any measures that may be taken for the protection of their special traditions and characteristics, including the study, nothing should be done that is likely to stimulate their consciousness of difference from the rest of the population;

"(v) minorities must include a sufficient number of persons to preserve by themselves their traditions and characteristics;

"(vi) account should be taken of the circumstances under which each minority group has come into existence, for example whether it owes its existence to a peace treaty or to voluntary immigration;"

This was part of a draft resolution submitted by the Sub-Commission for consideration of the Commission on Human Rights. The draft resolution was noted by the Commission on Human Rights, which requested the Sub-Commission to give further study to the whole question, including the definition of the term "minorities", and to report thereon, together with any recommendations which it may be in a position to make concerning the application of special mea-

tures for the protection of minorities, to the eleventh (1955) session of the Commission on Human Rights.¹⁸ Subsequently the Sub-Commission arranged for studies in relation to particular aspects of discrimination—such as that in relation to education, religion, political rights, etc., without attempting any overall definition of minorities. While these studies have led to clarification of ideas and to some redefinitions, a satisfactory definition of the term “minorities” has not been found possible. Also on particular questions agreement has been difficult to obtain as was shown by the discussion on a proposal for a study at the eighteenth session of the Commission on Human Rights concerning the use of their own language by persons belonging to linguistic groups.

The studies referred to above have been the most substantial results of the efforts of the Sub-Commission on minorities. The Sub-Commission has gone on with this work of particular studies, although it has not yet found it possible to frame a definition of the term “minority” satisfactory to itself and to the Commission on Human Rights. Moreover, it has not been possible to take any steps in relation to implementation. Initially, the view was taken that the first step was to adopt a Universal Declaration which would have great moral force but could not, as representatives of many States emphasized, be considered to have any legal authority. It was decided that covenants on civil and political rights and on economic, social and cultural rights should be drafted later and that measures for implementation could be devised in relation to such covenants. It is clear, however, that there is little likelihood of any early action in regard to the acceptance and implementation of the covenants. Thus, as distinguished from the League of Nations system, the Universal Declaration of Human Rights defines a wide variety of human rights and this is subscribed to by all the nations. On the other hand, it has none

¹⁸ The Sub-Commission at its seventh (1955) session reviewed its past work on the problem of minorities and noted that the Commission on Human Rights had not approved the definition of minorities, which it had prepared or its proposal for a thorough study of the position of minorities throughout the world. It decided, therefore, to concentrate its attention on the various aspects of the problem of discrimination and to defer work on a further study of the whole problem of the special protection of minorities pending the issue by the Commission on Human Rights of a specific directive on the subject. In subsequent years, the Sub-Commission has considered facts relevant to the problem of the protection of minorities that were brought to its attention in connexion with its work on discrimination.

of the operational features of the much more circumscribed League of Nations system.

IV

Against the background of the discussion so far, the special problems of the multi-national States may be set out. The definition of the term "nation" in this context is not easy or obvious. Difficulties arise in a number of directions. In what respect and to what degree must differentiation between groups of peoples exist in order to justify use of the term "multi-national"? Are historical associations, some segregation in a territory and a given size required? Would a colonial country inhabited by immigrants of different ethnic strains who have not commingled to a sufficient extent be called multi-national? The object of this paper is not to describe the world situation fully, but to discuss salient problems. Therefore, no attempt is being made to define the scope of the term "multi-national", although the meaning attached to it will appear indirectly through the illustrations used.

It might be useful to begin with discussion of the situation in older multi-national States in which relatively stable and satisfactory arrangements in regard to different groups are reported to have been reached. The Roman Empire evolved a pattern of political governance in which considerable room was left for the application of local or community laws and for autonomy of local communities. The *millet* system of the Ottoman Empire achieved similar results within a more limited frame. This was also the approach adopted by the British in India and other parts of their Empire; with the adoption of the concept of "indirect rule", the degree of local autonomy and the continued maintenance of communal laws and customs became very large indeed. One may also refer in this context to the structure of a caste society as exemplified, for example, in Hindu society. In such a society, the ranking and separation of individual groups is fairly rigid, but the greatest latitude is afforded to individual groups for differences in respect of modes of living and cultural expression, and the groups are, for the larger part, self-governing. The society thus exhibits in full the co-existence, within defined limits, of a wide spectrum of communities and groups. Such a society can also easily accommodate outsiders, i.e. groups not belonging to the original so-

ciety or religion or groups formed of people changing their religion or other important attributes, so long as they accept the hierarchical system and the compartmentalization. The experience of these multi-national States or diversified societies is not directly applicable to the problems under consideration, because they all exhibit features which are incompatible with the working of a modern State. In all of these, there was a sharp difference between the governing peoples and classes and the governed, with no possibility of thinking in terms of participation of all. Although a measure of protection of minorities was assured, discrimination was not avoided; indeed, it was inherent in the structure. There was stratification and a rigid separation of groups with little possibility or arrangement for fusion or the emergence of the concept of commonness or of a community. The sense of belonging to a society, such as in Hindu society, was vague and remote and depended entirely on the maintenance of the broad hierarchical pattern or frame. It is interesting to observe that the task of maintaining this frame devolved on political authority, whether controlled by internal or external elements; and it has been suggested that the refusal of the British to perform this task led to a loosening of the frame and the intensification of individual group feelings and loyalty. The new national States profess belief in egalitarianism and self-governance. Also, they have to aim at creation of an integrated and cohesive society. They cannot then follow the general "live and let live" formula adopted with relative success in some of the older multi-national States or hierarchical societies.

In west and north Europe, the process of the formation of nation-states, in the full sense of the term, has extended over centuries. In south and central Europe, the continuous redrawing of boundaries and shifting of people has led to an approximation of the boundaries of States to territories of relatively homogeneous populations. The new States in Asia and Africa have undergone neither of these processes. Their boundaries have, for the most part, been determined by accidents of the history of European expansion during preceding centuries; and, to the extent that they were subject to colonial rule, their societies have been exposed to disintegrating influences. The present boundaries of, say, the Philippines, Indonesia, Malaysia, Burma are all the result of extension and limitation by mutual action of empire-building by individual European powers. The colonial territorial units have, on the attainment of independence, retained

their old boundaries and become the new States. This has happened for the most part also in Africa. The partition of India has been the exception to this rule. The exception occurred because the colonial rulers had allowed limited political activity to emerge for some decades before leaving the country, and this enabled the basic incompatibility of the two main elements in the sub-continent to come to the surface. It was feared by Indonesians that the Dutch federal plan for Indonesia at the end of the war would similarly lead to an ultimate break-up of their unit.

Apprehensions regarding what has been termed "balkanization" are an important source of problems relating to minorities in the new States. It is curious that the process of the formation of new States out of the old Ottoman and Habsburg empires should have led to the coining of this term invested with a highly disapproving overtone. Present arrangements regarding the boundaries of political States in the Balkans are much more meaningful and deserving of approbation than those obtaining, say, at the beginning of the twentieth century. It is therefore curious that the process which led to this transformation should be feared and shunned. In retrospect, unbiased observers are likely to agree that the partition of India, although not the manner in which it came about, has been a good thing. Even though it still leaves Hindu minorities in Pakistan and Muslim minorities in India, the major problem of Hindu-Muslim relations within the sub-continent has become manageable because of the partition. Without it, a stable government capable of dealing reasonably with any problem could not have been formed for any part of the country. Partitions have also come about because of the conflict between political ideologies. These, however, have had the effect not of making boundaries of States conform to national territory but of artificially splitting a national whole.

It is not contended that partitioning or a redrawing of boundaries is immediately required on any large scale. It is, however, true that arrangements which make it possible to deal with problems of such redrawing of boundaries, without any of the concerned parties losing face, will not only ease international tensions but also make problems of minorities less acute. For example, it is felt by some that if Kashmir had been a part of British India at the time of the partition, the present running sore would never have come into existence. Happenings in States like the Congo indicate the existence

of difficult mixed situations on the African continent. If these are unresolved for any length of time, emergence of new problems relating to protection of minorities appears to be unavoidable.

The policies evolved in the USSR for dealing with the problems of nationalities and minorities appear to be in sharp contrast with many attitudes of political leaders of new States. The Russian Empire was a composite State, with many component units and peoples belonging to many ethnic stocks and language groups. The revolutionary government boldly adopted the basis of nationality for the remodelling of the political structure on federal lines. The results of the process appeared most striking in Central Asia. The hitherto scattered elements of peoples, like the Uzbek, Tadjik, Kirghiz and Kazakh, were brought together almost for the first time in history within the framework of national soviet republics. This process was a precondition of the rapid development of the languages and cultures of these people. Apart from the major distinct nationalities, a pattern of organization appropriate to smaller groups and minorities was also evolved. A tier of subordinate authorities, such as autonomous republics and national areas, was established. The latter were meant especially for tribal people and in them also a policy of "indigenization" was followed; i.e. of encouraging participation by representatives of the local population in government and administration, as well as using local languages in administration and public institutions. Theoretically, each Soviet socialist republic had the constitutional right even to secede. A number of factors contributed to the success of the Soviet approach.

The USSR became a successor State to the Russian Empire and was able to hold together the territory and to form a strong central government at an early stage. It operated under the influence of a universal and revolutionary political and economic ideology. Also the dominance of the Great Russian group and of the Russian language in the Government of the USSR remained assured. Given these circumstances, it became possible for the Russian Government to follow a rational liberal policy in socio-cultural-linguistic matters in relation to the smaller groups living at various stages of development. It must at the same time be recognized that the main lines of the nationality policy of Revolutionary Russia were evolved when a strong central Government had not been fully established and that,

most probably, the policy helped in holding together the various territories and strengthening the centre.

The experience of India also negatively emphasizes the importance of a proper approach to the problem of sub-nationalities. India as a unified single political unit was the creation of British rule. The administrative units, viz., the provinces, formed by the British in this large country, embodied the history of acquisition by them of successive tracts. During the twentieth century, some reformation of these was attempted which resulted partly in establishing conformity of boundaries of territories of linguistic groups with those of the provincial units. However, this was not complete at the time of India's attainment of independence, and the logical approach was obviously to form initially and on a uniform basis the primary federating units.¹⁴ For a variety of reasons, this was not undertaken at the time of the formation of the Constitution. Unfortunately, the attitude adopted by the ruling group at this time appeared also to deny the need for the reorganization of the units on a uniform basis. This attitude was based on the apprehension that, if a basis of political affinity other than the entire nation was admitted, it would hinder the emergence of a national feeling and the smooth operation of a national Government. This obscurantist attitude and the failure to recognize political realities and deal boldly and firmly with them have been the main cause of many of India's troubles during the last fifteen years. Ultimately, it was found necessary to reorganize the states on the basis, chiefly, of linguistic communities; but because this was done under pressure and without formulating clear principles, it has still left some problems unsolved and rankling.

A number of difficulties appear in the way of most of the composite new nation-states in adopting policies similar to those evolved in the USSR. All these flow from what appears to be feelings of uncertainty, of lack of confidence. The new forms of government have not had a long life in these countries, and the lineaments of a stable social pattern have still to emerge. There is not necessarily in all of them a clearly dominant group, capable of exercising vigorous leadership, whose position is recognized and acquiesced in by others. A similar fluid situation may also exist, particularly in relation to languages. At the same time the tasks thrust on the Governments of these States are very complex and onerous.

¹⁴ GADGIL, D. R., *Federating India*, 1945, Chap. II.

They have to assume the role of a modern State attempting rapid economic development. It is this great gulf between their actual situation and their responsibilities that produces the strains. The fears they entertain on regarding divisive or weakening forces and of even the ultimate break-up of their States.

Economic considerations aggravate the situation. Myrdal has shown how, in the richer countries, the growth of the Welfare State has led to an intensification of economic nationalism. Requirements of the under-developed countries lead even more strongly in this direction, and state economic planning is an invitation to economic nationalism. Myrdal writes :

“A heavy dose of nationalism is needed to transform the amorphous, dispersed and divided mass of people, isolated in villages and there living under the spell of traditional mores and split in castes and classes, into national communities where people can experience that cohesion and that common national purpose which must be present as a basis for policy.”¹⁵

Consequently, political leaders in an under-developed country feel the need to foster nationalistic feelings in order to weld the nation into an effective political unit, and to begin the process of national integration which is a precondition for any successful economic development.

It is necessary to emphasize in this context that political leaders of these new States are themselves drawn from the traditional and split society. They, therefore, exhibit many characteristics attributable to the common people, and are apt to carry within them the attitudes and the prejudices of the particular group or stratum from which they are drawn. Their reactions and policies are thus likely to be shaped not only by the total politico-economic situation but also by the particular objective they cherish and the fears they entertain.

The manner in which the problems of prevention of discrimination and protection of minorities are related to the quest for national security and cohesiveness by leaders and dominant groups in the new States may be illustrated by some representative examples. A large number of these countries are ex-colonies. A natural tendency

¹⁵ MYRDAL : *Economic Nationalism and Internationalism*, 1957, p. 26.

of colonial rulers was to favour minorities as against the major community or communities. The communities favoured would be chosen because they were in some way closer to the rulers; e.g., they were of mixed parentage or Christians or were inclined towards westernization. As a result, these minority communities came to occupy entrenched positions in administrative and economic activity during the period of colonial rule. Inevitably, the majority community acquiring political power at the end of colonial rule would attempt to redress the balance; the minority communities might then complain that they were discriminated against. Assertion by the Buddhist Sinhalese of their naturally dominant position in Ceylon after independence particularly illustrates this phenomenon. However, similar situations arose in many other ex-colonial countries.

Another feature of colonial rule was the introduction of foreign immigrant communities in the role of secondary exploiters. The primary exploitation was that by members of the ruling race itself. However, in a number of lower-level activities which this group did not find profitable enough and in which the native population did not readily enter, immigrant groups were found to serve a useful purpose. They were thus encouraged or tolerated by the colonial rulers and the situation developed in a way in which, most probably, it would not have been allowed to develop, if political power had remained in the hands of the indigenous population. The situation changed radically on the withdrawal of colonial rulers. Although in many cases they were able to protect their own direct major interests, they could not and were not interested in the protection of the infrastructure of their system of exploitation. In course of time, the new rulers would attempt to destroy and replace this structure and in the process the foreign communities involved were bound to suffer. The Indian moneylender-trader communities in Burma or the Chinese trading communities in Indonesia and the Philippines exemplify this situation. The adjustments required in the near future on the part of Indian and other Asiatic trading communities or official personnel in the new African States also arise out of a similar position.

The trading communities or administrative personnel represented groups which, although vital to the operation of the old system, were numerically small in the majority of instances and also quasi-permanent. Immigrant labour communities, which were moved in chiefly as a result of the development of a colonial plantation economy

were, on the other hand, relatively numerous and soon became permanently settled in the new countries. These have created difficult problems of absorption and of internal balance of power. Various facets of these are exemplified by problems relating to Indian labour in Ceylon, in Malaysia, and in Fiji.

West Indies and a few States in Central and South America have populations composed almost entirely of immigrant strains, such as the Negro and the Indian. The economies of these States were developed under the dominance of numerically small white groups. With the elimination or eclipse of these, political power has passed in the hands of the descendants of immigrant groups, which still retain their separate ethnic identities to a large extent. In these new States the process of the creation of a cohesive society is beginning. The attention of the external world is sharply drawn to it by revelation of a specially strained situation, as in the case of British Guiana with its balance of Indian and Negro populations and the lack of accord between them.

Problems of minorities could be the result of other aspects of the historical situation than the colonial past. One aspect that affects the position of some immigrant communities is their connexion with other large countries in the area. In South Asia, this happens to both the Chinese and the Indian groups. The problems arise out of suspicions regarding their ability and readiness to be absorbed and the related possibility of divided loyalties. In a more acute form, similar problems may arise, where the new States have come into being as result of the partitioning of an old entity. Hindus in all parts of India, before the partition, opposed the creation of Pakistan; equally Muslims, even in the Hindu majority States, voted for the Muslim League and partition. In the post-partition period, with relations highly strained between the two new States, it would not be surprising if suspicions were entertained regarding members of minority communities in both of them.

A series of problems confronted by the new States arise out of the imperfect assimilation of various groups and strata composing them. In the past, these elements lived side by side and there did not necessarily exist any pressure for fusion or any movement towards absorption. Where there was such a trend, as in Hindu society, its action was very slow.¹⁶ On the intervention of colonial rule, the old forces

¹⁶ GHURYE, G. S., *The Aborigines So-called*, 1943.

or arrangements were disturbed and further disintegration set in. At least three sets of these problems may be distinguished. The first is the problem of cohesion of distinct societies inhabiting separate territories. This is the strictly multi-national aspect and has been referred to above. The second is that of groups at similar levels of socio-cultural development which inhabit the same territory; in this case, the territory may belong to one dominant group, or such dominant group may be absent. Thirdly, there may be groups which may be termed backward, which inhabit either separate territories of their own, or live side by side with peoples of more advanced groups.

The last set of problems is in some ways the most important, as it raises in an acute form many issues regarding the maintenance of separate cultural identities. There are many possible alternatives. In the past, complete extermination has been the fate of many backward peoples when they came across the path of the progress or colonization of the advanced. The two extremes of possibilities that can be envisaged today are : (1) complete absorption and loss of identity by the backward; or (2) the creation of something like a "national park" where they may live for ever an idyllic simple life. The idea of the national park was seriously put forward by notable British anthropologists and influenced not only British policy towards tribals in India but also to some extent policy in post-independence India. However, adoption of this militates against both objectives set before modern nation-states, that of creating a cohesive social whole and that of bringing into the stream of economic development all peoples and all regions. Therefore, whatever the concern with the cultural identity of the backward groups, it would be difficult in a modern State to keep them isolated or insulated from the general social, political or economic forces operating in society as a whole. It is in such a context that the concept of the wishes of the people concerned, referred to in the definition of prevention of discrimination adopted by the Commission on Human Rights in 1947, becomes relevant. To what extent is it practicable or desirable that the "wishes" of a group which desires to stay out of the main stream of national development be respected? The USSR approach has proved practicable only because, in the matter of all major social, political and economic policies, no deviation from the overall policy of the State has emerged as possible. In India also, the policy which led to all tribal areas not sharing fully in national economic and

political developments has been subjected to criticism in recent years.

Problems of the mutual relations of distinct groups of a multi-national State and of minority groups in a majority area may be discussed in relation to the problem of language. A large number of new States have many languages, and these may be at different stages of development. Also, in most of these areas minority linguistic groups would be interspersed. Democratic forms require that the language of at least local administration and primary education should be the language of the local group; on the other hand, national integration makes it necessary to attempt at acceptance of a common language for national intercourse and administration. In this context also, the pre-existence of colonial rule is an adverse factor; it retards the development of native languages and induces an inferiority complex relating to their use. Inevitably, the whole process of development in this regard involves some difficult choices. A number of dialects spoken by substantial compact groups, such as Kutchi, Konkani, Kodagu, were passed over when the choice of the fourteen languages named in the Indian Constitution was made. The diversity of problems faced is illustrated by the major countries of South Asia. Philippines and Indonesia have the problem of development of the chosen national language—tagalog and bahasa Indonesia—as against, on the one hand, the European languages already in use, and without encroaching, on the other, on the proper domain of the other local languages. Malaysia has to accommodate the languages of the large immigrant groups—Chinese and Tamil—while developing the national language—Malay. India aims to develop fully all the state languages for all levels of education and administration within each state, and also to develop one of them, Hindi, as a national language. A lurking fear of the neighbour India and of the plantation labour drawn from it bedevils the language problem of Ceylon. The complexity of the language problems of African States has yet to emerge in full. It is in the context of situations such as these that the practical operation of a right—such as the right to use one's own language in everyday life, in courts of law and in public or assembly—has to be judged.

V

None of these problems are such that, given understanding and patience on all sides, they cannot be solved. However, in the present

situation of the new State, it is these qualities that are very often found lacking. Concern with economic development makes Governments of these States impatient and prone to impose severe restraints; experience of colonial rule has made their political leaders highly sensitive and the total world situation renders them apprehensive. Fear, above all, breeds intolerance; this has been experienced during the last decade in even the strongest country in today's world, the United States of America. Fear in the new States takes many forms. It may be fear regarding possible moves of the ex-colonial powers and of internal groups favoured by them, fear of the activities of Christian missionaries among backward peoples coming in the way of national integration, fear of the Catholic Church, where there are substantial Catholic minorities, fear of big neighbours like China and India or of agents of capitalist and communist powers. Developments in world politics during the last two decades have done nothing to allay these fears. The United Nations has built up an impressive administrative and technical apparatus, and the continued operations of international organizations and authorities over two decades are themselves unprecedented achievements. Some striking successes have, no doubt, been attained in cases of grave international disputes. However, none of these have been in instances where the Big Powers were themselves vitally involved. In relation to these latter, Suez and Hungary, Cuba and the Gulf of Tonkin have furnished continuous reminders of the powerlessness of international authority. In a world in which brinkmanship and escalation are being practised continuously by the strongest, it is natural that all the rest remain apprehensive and seek internal cohesion and strength by all means at their command.

The special studies regarding discrimination which have been caused to be made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities record some progress on all fronts in recent years. The success, over the years, of the International Labour Organization in securing the adoption of conventions dealing successively with a number of important matters concerning the rights and welfare of labour and obtaining the adherence to them of a large number of nations has been remarkable. The United Nations itself has succeeded in the formulation of conventions relating to such isolated subjects as the abolition of slavery and the status of stateless persons. However, the draft International

Covenants on Civil and Political rights and Economic, Social and Cultural rights have not yet been completed. The only important step forward in this area has been the adoption by the members of the Council of Europe of the European Convention on the Protection of Human Rights and Fundamental Freedoms. On the other hand, the Commission on Human Rights finds it difficult to proceed with any speed on problems connected, for example, with the protection of minorities. An Austrian proposal that the Sub-Commission should undertake a study concerning the use of their own language by persons belonging to linguistic groups placed before the Commission in 1962 was rejected by it. During the course of the discussion, it was contended that such a study was unlikely to yield useful results, and indeed might only serve to encourage linguistic separatist movements.

The United Nations study of discrimination in the matter of religion points out that a major factor in the existing trend towards equality of treatment of religions has been a change in the attitude of a number of religions which formerly considered themselves the sole repository of truth. Sceptics have described the same phenomenon as due to the diminishing importance of religion in the modern world. There has, however, been no corresponding diminution of sensitivity in political matters. Indeed, as indicated above, the special circumstances of the new States and the world situation make them highly sensitive at the present. They are all concerned with showing externally a brave and united front; at the same time, internally they are unsure because of their diverse, imperfectly integrated and politically inexperienced societies.

Therefore, the problem of discrimination of the protection of minorities in the new multi-national States (many of them will even resent being labelled multi-national) is not a matter of studying and dealing with mere prejudice. It involves a study of the total political, social and economic situation of those States and acquiring a sympathetic understanding of their hopes and fears; it also involves a clearer definition of the position envisaged for the protected minorities in the future social set-up of the new and developing societies.

What of the future? A piecemeal approach to effective international action for the guarantee of human rights does not appear practicable. If the total situation improves sufficiently, there could be rapid progress on all fronts; if not, the progress made today will,

in retrospect, appear to have been illusory. Experience of the last few decades emphasizes the impermanence of all supposed achievements in this field. The problem is related fundamentally to prospects of international peace or rather those of finding a stable basis for that peace.

In this connexion, we may conclude with brief remarks on education. All writing on this subject lays emphasis, in the ultimate analysis, on the supreme importance of education. This cannot be denied. It is, at the same time, disappointing to find little discussion in depth regarding the objectives and methods of the needed educative effort. The matter requires thought, because it is concerned not with dissemination of information or formation of opinion, but with basic attitudes and approaches of human societies. Tolerance, it is agreed, is a fundamental requirement for the maintenance of peace; but tolerance cannot be easily acquired, it has to be ingrained in the culture of a society. The Hindu society has a good record in relation to tolerance in the matter of religious belief. This has, however, nothing to do with the quality of the individual Hindu, but arises out of the historical development of the Hindu approach towards religious belief and worship.

In a world of many local deities and natural spirits, belief in monotheism or an all-pervading presence may arise in two alternative ways: either through gradual acceptance of the myriad forms as varying manifestation of one or through raising one's own local deity to the supreme position and designating others as forces of evil. With similar beliefs, the attitudes reached at the end of the two routes would thus be widely different. The very approach would foster tolerance in one and fanaticism in the other; and while the first would tend to co-exist peacefully with others in a world of diverse beliefs, the second would feel called upon to proselytise and convert.

Much thought has been given in recent years to sociological and psychological pre-conditions of economic development. Achievement orientation has been emphasized, and attention has been drawn to the fundamental importance of the content of the stories for children. Traditional societies are being taught now to get out of their torpor, and the obstructive influence of qualities formerly associated with them—such as tolerance, detachment and contentment—is being demonstrated. The earlier impact on these societies of aggressive European powers in various forms has made them receptive to the

new teaching, and they are in various stages of acceptance of changed attitudes and approaches. The acceptance of "nationalism" by them has been a part of the process. This is not the place to discuss whether modern technology is compatible only with certain mental moulds and whether industrial society imposes a philosophy of its own. It is, however, relevant and necessary to ask whether the attitudes and approaches of the dominant peoples in the world today are compatible with international peace or with continued existence of human societies on the globe.

History of the past few centuries shows great progress in all directions made particularly by European peoples. The remarkable progress made by them in science and technology has, however, brought to the fore the problem of the relation between destructive forces commanded by man and his technique of social control. The disparity between the two has grown very rapidly during the last few decades, and the prospects of international peace are vitally linked with possible correction of this disparity. This is not a problem of large groupings or even of an understanding between the nuclear powers. Larger groupings are no more tolerant or less aggressive than individual States, and an understanding between rival powers merely reflects a temporary situation. There is no reason to believe that a balance of terror will prove a more durable condition than the balance of power in the past. It is in the dispositions of men and the sociological and psychological bases of their fundamental attitudes and approaches that the key to the problem must be sought. Ginsberg's revised version of the idea of progress reads as follows: If we had deeper insight into the fundamental principles of morals and a better grasp of the forces at work in society, advancing knowledge would necessarily be turned to greater social good.¹⁷ None of these conditions appear to be satisfied in the world of today. All measures required to guarantee universal human rights are measures which will ensure establishment of peaceful human societies. This is a strangely neglected subject; it is at the same time the most urgent and important and appears to require the heaviest inputs in research, education and propaganda that the international community can muster.

¹⁷ GINSBERG, M., *Evolution and Progress*, 1961, p. 51.

THE PRESENT paper was prepared by Professor D. R. Gadgil at the request of the United Nations Secretariat as a background paper for the seminar on the Multi-national Society which the United Nations, in co-operation with the Government of Yugoslavia, organized at Belgrade in June 1965. The paper deals, in the main, with the problem of the protection of minorities in a multi-national or a plural society.

In the first three sections of the paper, Professor Gadgil briefly traces the historical background to this question and, in particular, describes the efforts made by the League of Nations and the position taken to date by the United Nations.

Referring to the international scene, Professor Gadgil emphasizes that the problem of protecting minorities in multi-national societies is related fundamentally to the prospects of international peace or rather those of finding a stable basis for that peace, and that therefore all measures required to guarantee universal human rights are necessarily measures which will ensure establishment of peaceful human societies. Professor Gadgil pertinently asks whether the attitudes and approaches of the dominant peoples in the world today are compatible with international peace or with continued existence of human societies on the globe.