

situated close to places where *apartheid* was practised, it had considered that that Convention should be adopted in 1973 and had therefore voted in favour of it, believing that it would constitute a further step towards the elimination of *apartheid*.

58. Mr. CEDE (Austria) said that his delegation had abstained during the voting on the draft Convention and the related draft resolution because it considered that the evolution of international penal law required certain legal preconditions which had not been met in the current case.

59. Mr. DAMMERT (Peru) said that his delegation had voted for the draft Convention because it was certain that as soon as that Convention entered into force it would be an effective instrument in the struggle against the brutal policy of *apartheid* applied by South Africa. The amendment in document A/C.3/L.2026 had in no way been aimed at limiting the efficiency and scope of the Convention. Peru's difficulties had been purely legal, and the Committee's rejection of its amendment had not prevented it from voting for article III, as well as for all the other articles. The position of the Government and people of Peru with regard to racism and colonialism was already well known in international circles. Peru had no relations of any type with South Africa, and since May 1973 it had been an active member of the Special Committee on *Apartheid*.

60. Miss MAIRIE (Cameroon) said that all the achievements of science and technology and international co-operation would be meaningless unless a new humanism was brought into being, and the draft Convention on *apartheid* should be considered in the light of that criterion. A more immediate question was whether a new international legal instrument was really necessary, and whether its adoption would not weaken existing instruments. Similarly, it was necessary to es-

tablish the scope of the instrument, i.e. whether it would be applicable to all States Members of the United Nations or only to States parties to the Convention. Of course, South Africa, which had made *apartheid* its official policy, would never agree to become a party to the Convention, and consequently there was some doubt about the real scope of the text, which would finally be approved and applied only by States which did not practise racial segregation. Furthermore, the Convention provided for legal action against persons guilty of the crime of *apartheid*, but contained no provisions relating to States or Governments which, like South Africa, practised such policies.

61. It was encouraging to note that since the twenty-seventh session of the General Assembly the international community had intensified its efforts to combat *apartheid* and that the great mass of the people oppressed by the Pretoria régime had demonstrated their firm determination to defend their rights and dignity. Parallel with that resistance, international support for the anti-*apartheid* movements had increased. All those actions were valuable, and no step designed to put an end to *apartheid*, no matter how superfluous, inadequate or ineffective it might seem, should be rejected until the final victory over that chronic and multiform evil was won. The draft Convention just adopted by the Third Committee seemed to form part of that multidimensional effort, and that was the reason why her delegation had voted in favour of it.

62. Her delegation had voted in favour of all the amendments submitted, except for the amendment to article III in document A/C.3/L.2026, because it felt that that amendment would weaken the text instead of strengthening it.

The meeting rose at 5.55 p.m.

2009th meeting

Monday, 29 October 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2009

AGENDA ITEM 55

Elimination of all forms of religious intolerance (*continued*)* (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2025);

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General** (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2025);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief** (*continued*) (A/8330)

1. Mr. THOMAS (Liberia) said that his Government was in favour of a declaration on the elimination of all forms of religious intolerance, which should be a statement of important principles that would serve as an

* Resumed from the 2006th meeting.

international standard for the protection of the freedom of religion and the eradication of discrimination based on religion. He hoped that consideration of the item would be concluded in time for the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights.

2. The statements made at the 2006th meeting suggested that the world was still in an age of religious controversy and intolerance. Unfortunately, there were some countries which behaved as though they were in the age of the Inquisition with its dungeons and torture chambers, guarding day and night against the spread of any dangerous doctrines. That point had been made clearly in the Swedish delegation's statement (see A/9134) regarding the alarming reports it had received from different parts of the world concerning the persecution of religious minorities or unjustified restrictions on the practice of religion. Article 1, section 3, of the Liberian Constitution provided that all men had a

natural and inalienable right to worship God according to the dictates of their own consciences without obstruction or molestation from others, that all conducting themselves peaceably were entitled to the protection of the law in the free exercise of their own religion, that no sect should have exclusive privileges, that all sects should be tolerated, and that there should be no religious qualification required for civil offices or the exercise of any civil right. In the 127 years since the Constitution had been drafted, the Liberian Government had never once endeavoured to impose any religion on its citizens, for belief was an act of faith which should never be forced. Liberia had always practised religious tolerance and would whole-heartedly support any declaration or convention designed to reinforce the principle of religious freedom.

3. Mr. BAROODY (Saudi Arabia) said the Committee was discussing an extremely delicate subject. The intent of the draft Declaration submitted by the Netherlands (A/C.3/L.2025) was laudable but the results of such a declaration might be religious conflict rather than harmony throughout the world. Western Europeans, who were predominantly monotheistic, tended to forget that there were many other non-theistic and atheistic beliefs. The three major monotheistic religions—Judaism, Christianity and Islam—accounted for less than half of the population of the world. The representatives of the Western European countries should bear that in mind. Christianity and Islam had more specific eschatologies than did Judaism, and Buddhism, by contrast, was based on a belief in reincarnation. A distinctive feature of Shinto was respect for one's ancestors. The different principles of different religions could not be disregarded.

4. Although there was no doubt that the Netherlands in preparing its draft had been inspired by the highest motives, there was a danger that excessive zeal would lead not to religious tolerance, but to intolerance, subversion and even war. History provided an insight into the kind of dangers inherent in such texts. In the eighteenth century, a pattern had been established in which trade was followed by the Bible and the flag. Men of religion were not in themselves imperialists, but they had, unwittingly, supported colonial power. The origins of colonialism were to be found in the protection demanded by traders from their own States. The final outcome was that merchants, missionaries and the flag had co-operated for survival. The dangers of religious tolerance linked with colonial power were obvious.

5. It would be wrong to lay too much stress on religious tolerance, which could hardly be achieved as long as ministers of religion sided with Governments. At the time of the Russian revolution, the clergy, who wished to maintain the *status quo*, had opposed the revolution. In the same way, the French clergy had sided with the Bourbon régime, in which they saw a guarantee that their own power would be maintained. The results of emphasizing religious tolerance or intolerance could be seen throughout history. The best course was to leave things alone to work themselves out against a background of purely human tolerance.

6. Judaism was a very exclusive religion that did not encourage missionary work, unlike Christianity, for which missionary work was so important that clashes had frequently occurred between Catholics and Protestants in their efforts to gain converts. Although some

zealots preached Islam, there was no organized missionary work in Islam. It might therefore be said that religions without missionaries were at a disadvantage vis-à-vis religions with missionaries. According to the Koran, there should be no compulsion in religion: the word "propaganda" was originally a Christian concept connected with the propagation of the faith.

7. Article 18 of the Universal Declaration of Human Rights dealt with the right to freedom of thought, conscience and religion. In 1948, during the elaboration of that Declaration, he had been of the opinion that it would be adequate for article 18 to state that "Everyone has the right to freedom of thought, conscience and religion" so that a balance might be maintained between religions which had missionaries and those which did not. However, Mrs. Roosevelt, as the United States representative, had stated that she was under great pressure from missionaries to ensure that the words "this right includes freedom to change his religion or belief" would be incorporated in article 18. Thus, because politics had entered into the question, his delegation had had to abstain in the vote on the Universal Declaration of Human Rights. Fortunately, the same wording had not been included in article 18 of the International Covenant on Civil and Political Rights, which stated that the right to freedom of thought, conscience and religion included "freedom to have or to adopt a religion or belief". He was of the opinion that the wording of article 18 of the Universal Declaration of Human Rights should be amended so that it would not reflect the difference between religions which had missionaries and those which did not.

8. The Netherlands delegation was proposing a draft declaration on the elimination of all forms of religious intolerance but was forgetting the manifold problems raised by religion and leaving aside other equally important human rights questions. As another example of how religious tolerance could sometimes be dangerous, he said that a revivalist movement under one of the monotheistic religions might lead to self-righteousness and an excess of zeal on the part of the people to whom it was preached, as well as to conflicts with peoples of other religious beliefs. Religion could make people sanctimonious and jealous of others and even lead to wars. A further example of the dangers of religious tolerance was that politicians might become involved in religious matters. Thus, the United States senators who were currently exerting pressure on the USSR to allow Jewish citizens to leave that country were interfering in its domestic affairs.

9. He was of the opinion that the draft Declaration proposed by the Netherlands delegation was dangerous and should be withdrawn.

10. Mr. OVSYUK (Ukrainian Soviet Socialist Republic) said that he agreed with many of the conclusions of the representative of Saudi Arabia and, in particular, with the warning that a declaration might lead to religious intolerance.

11. The question of the elimination of all forms of religious intolerance had been on the agenda of a number of United Nations bodies for many years. The list of documents pertaining to it might give the impression that thorough preparation had been made for the discussion of it in the Committee, but that was not the case. It was first of all necessary to co-ordinate the texts prepared by the Sub-Commission on Prevention of Dis-

crimination and Protection of Minorities (A/8330, annex I)¹ and the Working Group set up by the Commission on Human Rights (*ibid.*, annex II).² The replies of Governments (A/9134 and Add.1 and 2) concerning the preliminary draft Declaration contained mainly statements of principle rather than suggestions or criticisms concerning the text in question. Those replies should also be given further consideration. The preparation of a draft declaration which would be acceptable to all would therefore require much more work than had been done so far and his delegation was of the opinion that that work should not be done by the Committee because the documents before it did not contain sufficient material for a thorough discussion of the question.

12. With regard to the draft submitted by the Netherlands (A/C.3/L.2025), which was a compilation of earlier suggestions, his delegation doubted that such a compilation could serve as a basis for serious consideration. Experience in drafting similar documents had shown that the preparation of draft declarations on the basis of compilations of suggestions required a great deal of time.

13. Recalling that in resolution 1781 (XVII) the General Assembly had called for the preparation of both a draft declaration and a draft international convention, he noted that the preamble and article I of a draft convention (see A/8330, paras. 19 and 20)³ had been adopted by the Committee in 1967. Logically, work on the draft Convention should have been completed, but a decision had then been taken to adopt the draft Declaration first. As shown by the documents before the Committee and the introductory statement by the Director of the Division of Human Rights, however, neither the Commission on Human Rights nor the Economic and Social Council had considered or prepared a draft declaration based on the documents of the Sub-Commission and the Working Group and taking into account the views of Governments. The Committee was therefore in a difficult position because it had to consider documents which had not yet been approved by the Commission or the Council. His delegation considered that the draft Declaration should therefore be referred to the Commission on Human Rights for further consideration.

14. Mr. PETROPOULOS (Greece) said that although the Committee had before it a number of draft texts on the elimination of all forms of religious intolerance, the Commission on Human Rights had made little progress in its work on those texts. The Committee therefore did not have a sufficient basis for its consideration of the draft Declaration; it should not be called upon to finish the work of the Commission on Human Rights and the Working Group. It was not advisable for the Committee to discuss the draft Declaration until a complete text had been prepared and a decision had been taken on the principles on which it should be based.

15. Mr. GOŁEBIOWSKI (Poland), referring in particular to the analytical presentation in document A/9135 of observations received from Governments

¹ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, para. 294.

² *Idem*, para. 296.

³ For the printed text, see *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 54, document A/6934, paras. 72 and 90.

concerning the draft Declaration, said that the progress of civilization entailed quite contradictory tendencies in the general approach to matters of religion and belief in the modern world. The growing emancipation of the individual was tantamount to a growing freedom of choice of principles to guide individual behaviour. Every country had to pursue a policy that would recognize the intimate, private nature of the individual attitude to religious belief. That, in turn, called for respect and protection on an equal footing with that accorded fundamental human rights. At the same time, religious principles were ceasing to be the main regulator of social life and, particularly in the case of the younger generation, rules of individual behaviour and collective conduct were based on rational considerations, which also deserved respect. Thus, the problem was one of the elimination of all forms of intolerance whether it infringed upon the right of the individual to religious belief or involved discrimination against non-believers. His delegation shared the views to that effect expressed in document A/9135.

16. A second issue raised in that analysis concerned the role of the State in eliminating all forms of religious intolerance. Profound transformations in the contemporary world had led to an expansion of the sphere of State activity, which extended to science, education and learning. A democratic State should aim at the elimination of all forms of religious intolerance in all spheres of life. Unfortunately, however, there were cases of discrimination in certain countries against those who did not profess the religion officially proclaimed by the State. It was exemplified by obligatory school instruction in one particular religion, exclusively religious forms for marriage, funerals and military or court oaths, and the exclusion of non-believers from public office. Such practices were obviously incompatible with the spirit of the instrument which the United Nations was striving to formulate. His delegation considered that the fundamental principles should be that none should suffer discrimination on account of religion or of being a non-believer and that no person might refuse to fulfil civic duties on the grounds of a religious belief. Hence, full freedom of conscience presupposed that the Church must be separate from the State and the school from the Church. At the same time, the State was obliged to protect religion against any persecution or discrimination.

17. Thirdly, the emancipation and development of the peoples of the contemporary world was also relevant to the social conscience, the sum total of the spiritual life of individuals. In view of that process, a search for some religious principles to serve as a basis for bringing the peoples of the world together was at least as anachronistic as it had been at the time of the religious wars centuries earlier.

18. Recognizing the supra-national character of many religions, his delegation believed that all forms of religious intolerance should be eliminated at the international level. It was gratified that that view was not alien to the views expressed by Governments as discussed in the analytical presentation or to the view that the rights and duties of persons of different beliefs should not be used to kindle hostility and hatred. People of all beliefs should work for the strengthening of universal peace and security. The Committee was at a very important stage of its debate but his delegation considered that

any effective endeavour to strengthen human rights and fundamental freedoms should be directed first towards encouraging the greatest possible number of States to accede to the most important international instruments concerning human rights, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In the existing circumstances, that should be a paramount task for the immediate future. As to procedure, the only practical course would be for the Committee to have an exchange of views on the drafts before it and then request one of its subsidiary bodies to try to elaborate a common text for discussion at a future session.

19. Mr. BADAWI (Egypt) said that his Government would support any United Nations effort to promote religious tolerance and eliminate all religious intolerance. Consequently, it regarded work on a draft declaration and a draft convention as of equal importance and seriousness. In that connexion, he drew attention to his Government's position as set forth in document A/9134, to the effect that the Egyptian Constitution guaranteed freedom of belief, of religious worship, of movement and of residence for all citizens without exception on any grounds and that, as a concomitant of that freedom of religious belief, everyone had the right to change his religion, denomination or sect. In confirmation of those principles, legislation had been enacted to preserve the sacrosanct character of religion and to prevent any violation or diminution of its dignity.

20. As to the draft Declaration submitted by the Netherlands, he felt that the Committee's concern should be to develop further the work already done by the United Nations. Accordingly, he thought that the Netherlands draft and the related proposals should be examined by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, so that the Committee would eventually be able to proceed on the basis of a single working document. As the representative of Saudi Arabia had pointed out, the Committee must be very careful to ensure that, in seeking to elaborate a document that would eliminate all religious intolerance, it did not in fact undermine the very purposes which it was seeking to achieve.

21. Lord GAINFORD (United Kingdom) welcomed the priority given by the Committee to the item under consideration. The elimination of religious intolerance and the promotion of mutual understanding and tolerance between those of different religious beliefs and between the religious and the non-religious was a valid subject for discussion at the United Nations and one which had been too long neglected. Religious intolerance was a world-wide and general problem amenable to at least partial solution through the elaboration and acceptance by Governments of international standards and values. His delegation too hoped that the General Assembly might be able to adopt a declaration at its current session. It was appropriate that the Organization should concentrate first on the elaboration and adoption of a declaration rather than a convention. It had been normal United Nations practice to develop conventions out of declarations. It was more realistic to aim first at setting out general principles in a declaration and subsequently, if it was thought desirable, to embody them in a legally binding convention. The United Kingdom's attitude to the proposals before the Committee was indicated in document A/9134/Add.1.

22. Mrs. BERTRAND DE BROMLEY (Honduras) supported the statements of delegations which were in favour of the adoption during the current session of a declaration on the elimination of all forms of religious intolerance. She could not understand the attitude of delegations which had expressed misgivings regarding the adoption of such an instrument at that juncture. The United Nations had adopted similar declarations in the fields of discrimination against women and racial discrimination and she failed to see why it should not direct its energies to the important task of combating religious intolerance. The General Assembly had decided that the subject should be given priority at its current session and it was to be hoped that a draft declaration would be concluded in time for the twenty-fifth anniversary of the Universal Declaration of Human Rights. The Committee had a clear mandate to act on the issue.

The meeting rose at 12.35 p.m.

2010th meeting

Tuesday, 30 October 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2010

AGENDA ITEM 55

Elimination of all forms of religious intolerance (continued) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2025, A/C.3/L.2027):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (continued)** (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2025, A/C.3/L.2027);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (continued)** (A/8330)

1. Mr. KORPÅS (Sweden) said that, according to General Assembly resolution 3027 (XXVII), the Com-

mittee had to carry out the task of elaborating a declaration on the elimination of all forms of religious intolerance at the current session. The situation was somewhat confusing because of the various drafts, amendments and suggestions under consideration, but the picture would become clearer if the Committee limited its consideration to the Declaration and focused its attention on the articles prepared by the Working Group established by the Commission on Human Rights at its twentieth session (see A/8330, annex II)¹ and on the articles submitted by the Netherlands

¹ For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8, para. 296.*