

religion. As stated in paragraph 4 of document A/9134/Add.2, religious intolerance was manifested in the denial of the rights associated with religious freedom when by means of force, intimidation, or otherwise people were compelled to profess or to renounce any religion whatever, when people were prevented from practising a religion and entering or leaving a religious community or when a direct campaign was conducted against all religion in general or against a particular religion whether on a global basis, on a regional basis or on a given group. On the other hand, religious discrimination consisted in impairing the legal equality of citizens, overtly or covertly, on religious grounds.

76. Such were the considerations which had guided the Holy See in preparing the comments in document A/9134/Add.2.

77. Mr. BUCHANAN (United States of America) commended the Holy See for the wisdom and spirit of Christian tolerance it had shown by refraining from a polemical reply to the unjust and intemperate attacks on the Catholic Church by the representative of the Byelorussian SSR at an earlier meeting of the Committee. Although it was not possible to defend everything that had happened in the history of religion, the Roman Catholic Church had been a great force for good in the world, as could be shown by listing the outstanding men and women of Catholic faith in world history. He, felt duty bound to draw those points to the Committee's attention, especially after hearing the representative of

the Byelorussian SSR make such a vigorous plea on behalf of atheism, and he urged the Committee to proceed with its task of promoting religious freedom and tolerance, because there were too many places in the world where they still did not exist.

78. Mr. VAN WALSUM (Netherlands) said that the question whether mankind was better served by religion or by atheism was irrelevant to the subject under discussion. He regretted that the debate was being obstructed by such irrelevancies. The purpose of the Declaration was to ensure the protection of all kinds of personal conviction, including both religious and non-religious beliefs.

79. Mr. BAROODY (Saudi Arabia) endorsed the remarks made by the Netherlands representative. He recalled that the United States Constitution separated Church from State. The United States representative should refrain from religious partisanship in what was basically a discussion of social issues, and the observer for the Holy See should not interpret the discussion in the Committee as constituting propaganda against Catholicism. He urged members not to play politics with the item under consideration.

80. Mr. ESSONGUE (Gabon) said that since the dawn of time mankind had always had a thirst for religious principles. A State that feared religious doctrines could not have a firm base, since religion was a factor of social stability.

*The meeting rose at 1.10 p.m.*

## 2014th meeting

Thursday, 1 November 1973, at 3.15 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2014

### AGENDA ITEM 55

**Elimination of all forms of religious intolerance (concluded)** (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027-2029, 2030/Rev.1, 2031-2046):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (concluded)** (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027-2029, 2030/Rev.1, 2031-2046);
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (concluded)** (A/8330)

#### *Additional articles*

1. The CHAIRMAN invited the Committee to continue its examination of article IX of the draft Declaration, as proposed by the Netherlands in document A/C.3/L.2027.

2. Mr. VAN WALSUM (Netherlands) said that the proposed article IX consisted of two statements. The first was an adaptation of article VI, paragraph 3, of the draft submitted by the Sub-Commission on Prevention

of Discrimination and Protection of Minorities (A/8330, annex I),<sup>1</sup> and was self-explanatory. The second was an adaptation of a proposal submitted by the Soviet Union and appearing in the Working Group's report (*ibid.*, annex II).<sup>2</sup> The Netherlands considered the latter excellent and had adopted it with minor amendments.

3. Mr. HAGARD (Sweden) supported the addition to the draft Declaration of articles VII, VIII and IX as proposed by the Netherlands. His delegation attached great importance to the first phrase of article IX, since, as various speakers had pointed out, it was necessary not only to combat intolerance but also actively to promote tolerance. It was simply not enough to fight discrimination and intolerance. Governments and individuals must also actively try to foster, for instance through education in schools and at home, genuine understanding and respect for others and their opinions and beliefs. That idea must provide the basic framework for the work to combat intolerance. That was well taken care of in article IX, the first sentence,

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

<sup>2</sup> *Idem*, para. 296.

in the Netherlands amendment. It might even be considered to include such an idea in the beginning of the Declaration.

4. Mrs. WARZAZI (Morocco) said that in the Netherlands amendment to article I (see A/C.3/L.2027) the words "religious or non-religious" in square brackets were to be deleted; but the same did not apply to the second sentence in article IX. The wording there might be: "religion, convictions or religious beliefs shall not be used . . .".

5. Mr. VAN WALSUM (Netherlands) said that his delegation was prepared to consider a different final version of article IX, and would have no difficulty with the Moroccan proposal, although the formulation in question might not perhaps be the one it preferred.

6. The CHAIRMAN said that the examination of article IX and the pertinent subamendments had thus been concluded.

#### CONSIDERATION OF A DRAFT RESOLUTION (concluded)\* (A/C.3/L.2030/Rev.1)

7. Mr. KARASSIMEONOV (Bulgaria), submitting draft resolution A/C.3/L.2030/Rev.1, sponsored by his own delegation and those of Brazil, Guinea and Trinidad and Tobago, said that the consultations held with various delegations in connexion with that text had ended in agreement. An effort had been made to take into account a considerable number of suggestions, so that the draft was a compromise text which it had not been easy to put into shape. The sponsors hoped that they had achieved a balance between extreme views and considered that the revised draft adequately reflected the spirit of co-operation of the entire Committee, and especially of the delegations which had taken part in the drafting of the resolution, together with the Chairman's concern that the various views represented in the Committee should be crystallized. An effort had also been made to avoid substantive questions in regard to the draft Declaration itself.

8. The revised draft included a new preambular paragraph recalling article 18 of the Universal Declaration of Human Rights. Some delegations, including his own, had urged that the article in question should not be quoted, so as not to create the impression that the proposed Declaration would be based exclusively on it. The second preambular paragraph was the same as in the initial draft, and the third and fourth quoted important decisions by the General Assembly and the Third Committee. Further on it was stated that the Economic and Social Council and the Commission on Human Rights had had no opportunity to consider the draft Declaration properly or to present their recommendations, and that the draft articles prepared by the Working Group and suggestions, comments and amendments thereto presented by Member States constituted a suitable orientation for the preparation of a draft Declaration. The seventh preambular paragraph referred to the need for additional study on the draft Declaration.

9. Turning to the operative part, he said that in paragraph 1 a slight change had been made in the original wording so as to clarify more precisely the future work of the Committee. His delegation had urged the

inclusion in the passage of the expression "if possible", and appreciated the co-operative attitude of the delegations of Brazil and Trinidad and Tobago on that point. Paragraph 2 was completely new, and it should not present difficulties for any delegation. It spoke of "additional" comments and suggestions, thus making it possible for comments and suggestions to be made not only by the countries which had not made them so far but also by those which had. Paragraph 3 had been changed at the request of the Director of the Division of Human Rights, with a view to simplifying the Committee's technical work. In paragraph 4 an attempt had been made to strike a balance between the extreme positions represented in the Committee—on the one hand the desire to adopt the Declaration at the current session, and on the other the argument that it was necessary to take account of all comments without prejudging the work of the Committee.

10. His delegation considered that the revised draft resolution faithfully reflected the Committee's ideas, and hoped it would be adopted unanimously. On the other hand, it was prepared to consider any oral amendments likely to make the draft clearer and more balanced.

11. The CHAIRMAN said that he was most gratified at the spirit of understanding and co-operation shown by the delegations of Brazil, Bulgaria, Guinea and Trinidad and Tobago and hoped that the draft resolution would be adopted without objection.

12. Mrs. DIALLO (Guinea) said that her delegation was one of the sponsors of draft resolution A/C.3/L.2030/Rev.1, which strengthened and safeguarded human rights. All Governments should recognize and practise freedom of conscience, whatever their political régime. Guinea, as a democratic, lay, social republic granted freedom of worship to all citizens, and its Constitution condemned all acts of racial discrimination and every form of racist or regionalist propaganda. She urged all countries which loved peace and justice to support the draft resolution.

13. Mr. THOMAS (Liberia) recalled that the main statement by his delegation (2009th meeting) in connexion with the draft Declaration had indicated its strong desire to see the draft approved during the current session. While recognizing the efforts made in the course of the debate, the submission of suggestions and amendments and the preparation of draft resolution A/C.3/L.2030/Rev.1, it felt that it was not impossible to complete the draft Declaration on the present occasion. He therefore wished formally to submit the following motion: that a drafting committee be appointed by the Chair to work on an agreed draft that could be submitted to the Committee later in the session for consideration and adoption and referral to the General Assembly at the current session.

14. Mr. ALFONSO (Cuba) said that the Liberian position represented one of the extreme views referred to by the Bulgarian representative, in other words the view that the draft Declaration should be completed during the current session. The only practical effect of the Liberian motion would be to destroy the compromise solution reached in draft resolution A/C.3/L.2030/Rev.1. Furthermore, his delegation did not consider it advisable at the current juncture to set up a working group and begin the debate all over again. He therefore appealed to the Liberian representative

\* Resumed from the 2012th meeting.

not to insist on his motion and to allow the topic to mature further.

15. Mr. COSTA COUTO (Brazil) recalled that his delegation had voted for General Assembly resolution 3027 (XXVII) at the previous session, and that at the outset of the current discussion he had stated that he would prefer the draft Declaration to be adopted during the current session. Nevertheless, after listening to the Committee's deliberations, he had reached the conclusion that it would be very difficult to elaborate a draft declaration which would be acceptable to everyone. On such a subject as religious intolerance, it was essential to do everything possible to draft a declaration that would be universally acceptable and would receive strong support. Besides, many amendments and suggestions had been put forward which deserved to be studied, and in the circumstances it would be difficult to examine them, arrive at an agreed text and consult Governments. For that reason, although in principle the position of the Brazilian delegation was the same as that of the Liberian delegation, he requested the Liberian representative to reconsider his motion. Even the draft resolution did not constitute an ideal solution in the opinion of the Brazilian delegation, but it reflected the general view and was balanced.

16. The CHAIRMAN said that he had decided that the Liberian motion was a substantive and not a procedural motion, which had been submitted after the expiry of the time-limit for the submission of proposals and was consequently not acceptable. He urged the Liberian representative not to press his proposal.

17. Mr. THOMAS (Liberia) yielded to the Chairman's decision and withdrew his motion.

18. The CHAIRMAN thanked the Liberian representative for his constructive attitude.

19. Mr. BUCHANAN (United States of America) said he would not appeal against the Chairman's decision. Nevertheless he wished to point out that when the prescribed time-limit for the submission of proposals had expired, there had still been no draft resolution before the Committee, so that it had not been possible for the Liberian representative to take action earlier. His delegation's position accorded with that of the Liberian representative, since the atmosphere which had prevailed in the Committee during the discussion and the progress made had indicated that it might be possible to carry out the General Assembly's mandate during the current session. For the same reason, his delegation did not agree that the fifth preambular paragraph of the draft resolution should say "it has been impossible to complete the final draft of a declaration during the twenty-eighth session of the General Assembly".

20. Mrs. WARZAZI (Morocco) pointed out that the operative part of General Assembly resolution 3027 (XXVII) referred to the adoption of the Declaration, "if possible", as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Draft resolution A/C.3/L.2030/Rev.1, therefore, did not conflict with the General Assembly's decision. The Moroccan delegation agreed with the draft resolution, but requested that in operative paragraph 1 of the provisional text the phrase "the suggestions put forward" should be replaced by the phrase "the suggestions put forward and the amendments submitted".

21. Mr. COSTA COUTO (Brazil) said that his delegation and the Bulgarian delegation were prepared to accept the amendment submitted by the Moroccan representative.

22. Mr. SHAFQAT (Pakistan) said he welcomed the submission of draft resolution A/C.3/L.2030/Rev.1, which suggested the most desirable procedure for dealing with the draft Declaration. He also wished to point out that while continuing discussions were being held on the question to avoid wasting time, it was already known that a proposal of that kind might be submitted. Lastly, he asked the Chairman if delegations could continue to submit amendments and proposals regarding the draft Declaration for transmittal to the Economic and Social Council, even though the Committee was confining its discussion to the draft resolution.

23. The CHAIRMAN replied that all amendments and suggestions submitted before consideration of the agenda item was concluded would be referred to the Economic and Social Council.

24. Mrs. HEANEY (Ireland) also wished to express appreciation to the delegations which had collaborated in drawing up draft resolution A/C.3/L.2030/Rev.1, and to ask for some clarifications. With regard to operative paragraph 1, the Irish delegation was uncertain how practicable it was to expect to have a single draft declaration ready for the twenty-ninth session, in view of the calendar of meetings of the subsidiary bodies of the Economic and Social Council. She also pointed out that one factor that had made consideration of the draft Declaration by the Third Committee so difficult was the volume of documentation. The Commission on Human Rights would be in the same position, and she accordingly asked the Secretariat if the documentation could be presented in some form that might facilitate the proceedings.

25. The CHAIRMAN assured the Irish delegation that the Secretariat would do everything possible to facilitate the work of the Commission on Human Rights.

26. Mrs. RAKOTOFIRINGA (Madagascar) considered that the future instrument should contain a reference to article 18 of the Universal Declaration of Human Rights, as was the case with draft resolution A/C.3/L.2030/Rev.1, and also approved of the idea expressed in operative paragraph 2 of that text. Many delegations had not stated their views during the discussion, not for lack of interest, but because they realized that the subject under discussion was very complex and needed to be approached with great prudence. For that reason, she considered that time should be allowed for reflection, but she hoped that that would not mean abandoning the idea of adopting the Declaration.

27. Mrs. DE CUADROS (Colombia) said she understood that, in spite of the good intentions manifested by all delegations, it had not been possible to reconcile divergent views, and the Colombian delegation therefore welcomed the compromise suggested in draft resolution A/C.3/L.2030/Rev.1. That draft resolution bore witness to the goodwill of delegations, which would be needed when the draft Declaration was discussed at the next session, on the basis of truly comprehensive study. She supported the draft resolution, but proposed that the opening sentence of operative

paragraph 1 should make provision for the Economic and Social Council to request the Commission on Human Rights to give the highest priority at its next session to the preparation of the draft Declaration, and that the beginning of operative paragraph 4 should state that the General Assembly decided to inscribe that item in the agenda of its twenty-ninth session, giving it high priority. That proposal did not alter the substance of the draft resolution and her delegation hoped that the Committee would support it.

28. Mr. ABSOLUM (New Zealand) said the New Zealand delegation attached particular importance to the sixth preambular paragraph of draft resolution A/C.3/L.2030/Rev.1 and hoped that the Secretariat would prepare a document containing the text of the draft Declaration, the amendments and observations made, and an analytical study of the latter.

29. Miss SHAHKAR (Iran) pointed out that the last preambular paragraph of the French version of the provisional text of the draft resolution mentioned "*une étude supplémentaire approfondie*"; that last word did not appear in the English text. Although it was desirable that the additional study should be thorough, the French version seemed not to reflect the original text faithfully.

30. Mr. LÖFGREN (Sweden) said that he realized that draft resolution A/C.3/L.2030/Rev.1 was the outcome of serious efforts and considered that it afforded a helpful compromise. Nevertheless, he supported the proposal of the Colombian delegation that high priority should be given to the elaboration of the draft Declaration.

31. Mr. NENEMAN (Poland) said that although his delegation was not entirely satisfied with the revised text of the draft resolution it was prepared to accept it in a spirit of co-operation. He requested the Colombian representative to withdraw her proposal in order to avoid the submission of further suggestions that would prolong the discussion.

32. Mrs. ESHEL (Israel) said that the third preambular paragraph of the provisional text of the draft resolution referred to the draft International Convention without giving its full title, which had been approved by the Third Committee at the twenty-second session and which was: "Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief". She thought it might be advisable to give the full title of the draft Convention, as approved by the Third Committee, as it might be included in the future title of the draft Declaration.

33. Mr. COSTA COUTO (Brazil), replying to the representative of Iran, said that the original English text contained no word corresponding to the French word "*approfondie*", which should therefore be deleted. With regard to the Colombian suggestion, his delegation had wished to give the draft Declaration the highest priority, but the draft resolution was the result of a compromise, and it had therefore been obliged to cede on some points as other delegations had ceded on others. He had consulted the other sponsors of the draft resolution in that connexion, and the Colombian amendment had not been accepted. The comment by the representative of Israel was in principle valid, but although he had not had time to consult the other spon-

sors he wondered whether it would not be better to leave the change of name to the Commission on Human Rights, since an amendment on that point had been submitted by the delegation of Morocco.

34. Mrs. DE CUADROS (Colombia) said that, in a constructive and co-operative spirit, she would withdraw her proposals without further ado and hoped that the Committee would adopt draft resolution A/C.3/L.2030/Rev.1.

35. Mrs. ESHEL (Israel) pointed out to the Brazilian representative that the aim was not to change the name of the draft Declaration but to give the draft Convention the name adopted in General Assembly resolution 2295 (XXII).

36. Mr. COSTA COUTO (Brazil) agreed with the representative of Israel and said he was prepared to accept the inclusion of the complete name of the draft International Convention if the other sponsors of the draft resolution agreed.

37. The CHAIRMAN said that, if there were no objections, he would take it that the Third Committee adopted the revised draft resolution (A/C.3/L.2030/Rev.1), with the proposed amendment that would include the complete name of the draft Convention in the third preambular paragraph.

*Draft resolution A/C.3/L.2030/Rev.1 was adopted.*

38. Mr. COSTA COUTO (Brazil) welcomed the unanimous adoption of the draft resolution, which was the result of intensive consultations. His delegation considered the first preambular paragraph of the draft resolution to be very important, since the Commission on Human Rights and the Third Committee should base their work on article 18 of the Universal Declaration of Human Rights, especially with regard to freedom of thought, conscience and religion. He was gratified by the progress made, since a general study had been carried out, followed by an article-by-article review, based on the articles proposed by the Working Group of the Commission on Human Rights (see A/8330, annex II) and the amendments submitted during the debate. His delegation had sought to act with the greatest tolerance and understanding, but felt that everything possible should be done to adopt the draft Declaration at the next session, and consequently would even request a vote if unanimity could not be achieved.

39. Mr. SCHREIBER (Director, Division of Human Rights), replying to the question put by the representative of Ireland, explained that the usual procedure was for the Economic and Social Council to hold organizational meetings at the beginning of each year and to refer to the Commission on Human Rights the human rights questions which the General Assembly had requested it to study; consequently, there was no problem with regard to the Commission responding to the General Assembly's request.

40. Operative paragraph 2 of draft resolution A/C.3/L.2030/Rev.1 posed a time problem, since the draft would have to be submitted to the General Assembly and after that the Secretariat would have only a brief period of time in which to contact Governments and receive their comments. Consequently, it would be advisable for the Governments represented in the Committee to begin preparing their comments with a



view to transmitting them to the Secretariat as soon as possible.

41. With regard to the nature of the documentation that the Secretariat was to submit to the Commission on Human Rights to facilitate its work, the Secretariat would do all it could to ensure that the Commission would be able to study that documentation. A basic text would be prepared, including the amendments which various delegations had submitted in writing, and attention might be drawn to certain parts of the corresponding summary records.

42. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that during the debate various views had been expressed concerning the substance and form of the Declaration, and for that reason he attached particular importance to the last preambular paragraph of the draft resolution, because he believed that the preparation of the draft Declaration required additional study. Although the draft articles prepared by the Working Group of the Commission on Human Rights could be used as a basis, the numerous oral and written amendments should also be used in preparing the draft. In his view, the future Declaration should be based not only on article 18 of the Universal Declaration of Human Rights but also on article 18 of the International Covenant on Civil and Political Rights, which had been ratified by the Soviet Union and 21 other States, including the Ukrainian Soviet Socialist Republic.

43. He stressed the importance of operative paragraph 2, which invited Governments to transmit to the Secretary-General their additional comments and suggestions on the articles and amendments, and said he agreed with the Director of the Division of Human Rights that the time factor was very important, since the Commission on Human Rights would meet in February. It would therefore be advisable for the members of the Third Committee to contact their respective Governments with a view to ensuring that the latter transmitted their comments and suggestions in time for the Commission to consider them.

44. Paragraph 3, too, was important, since it was desirable to take into account both the written and the oral amendments, and he hoped that the latter would be duly reflected in the summary records. He would also like the Secretariat to transmit the oral suggestions made during the debate.

45. Mr. PAPADEMAS (Cyprus) recalled that at the twenty-seventh session his delegation had sponsored the text adopted as General Assembly resolution 3027 (XXVII), in which it had been decided to give priority to the elaboration of a Declaration on the Elimination of All Forms of Religious Intolerance with a view to the adoption, if possible, of such a Declaration as part of the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Although it had not been possible to adopt the Declaration at the current session, constructive work had been done and real progress made. Another important point was that the Committee had finally agreed that the Declaration should be completed before the Convention, and he hoped that that consensus would be maintained in the following year.

46. There had been some controversy within the Committee regarding the concept of religion and belief.

He believed that religions were theistic in the sense that their context was spiritually metaphysical. Although there might be theories, including political theories, which sought to explain the origin or end of human life and might take the place of a religion, they could not be considered religions in themselves.

47. Finally, he expressed the hope that the Commission on Human Rights would accord high priority to the preparation of the Convention, so that it could be adopted at the next session.

48. Mr. VAN WALSUM (Netherlands) said his delegation welcomed the adoption of the revised draft resolution. He supported the USSR representative's view that the oral suggestions were very important and, taking into account the explanation given by the Director of the Division of Human Rights, he wondered whether it would be possible to speed up the distribution of the provisional summary records. Since delegations might submit corrections to the provisional records and the final records appeared after a long delay, it would seem preferable to transmit to the Commission on Human Rights the provisional summary records with any corrections that delegations might submit.

49. Mr. KARASSIMEONOV (Bulgaria) thanked all the members of the Committee for their unanimous support of draft resolution A/C.3/L.2030/Rev.1, and expressed the hope that that spirit of co-operation would also be reflected in the rest of the Committee's work.

50. Miss CAO PINNA (Italy) said that her delegation interpreted the words "it has been impossible to complete the final draft of a Declaration", in the fifth preambular paragraph of the draft resolution, as meaning that the Committee had not had time to reach agreement on a single text. If that were not so, it would seem that the Committee had not been prepared to adopt the Declaration, and her delegation hoped that that was not the meaning of the phrase.

51. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) said that the Committee had shown a great spirit of conciliation in accepting a compromise solution. He was grateful for the co-operation of all delegations, especially those of the Netherlands and the United States.

52. The CHAIRMAN thanked all members of the Committee for their co-operation, particularly those who had taken part in preparing the draft resolution as well as the delegations of Liberia, the United States and Colombia.

53. He drew attention to the fact that at its forty-ninth session the Economic and Social Council, in adopting measures to improve the organization of its work, had decided "to request the General Assembly whenever possible to allow the Council and its subsidiary organs at least two years to consider questions and prepare reports, rather than asking for a report to be made to it in the following year". He stressed the words "whenever possible", and said that in the current case the Committee had considered that it was not possible to comply with that request. With that clarification, he said that the Committee had completed its consideration of the item.

*The meeting rose at 5.15 p.m.*