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Chairman: Mr. Carlos GIAMBRUNO
(Uruguay).

AGENDA ITEM 52

Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (continued)
(A/8703, chap. XIV, sect.B; A/8823 and Add.1, A/8837, A/C.3/L.1975 and Corr.1)

1. Mr. RAJU (India) pointed out that India was a party to the Convention on the Prevention and Punishment of the Crime of Genocide and had ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Fortunately, no case concerning war crimes or crimes against humanity had been brought before any court in India. Indian courts were, however, competent to try any person alleged to have committed such an offence outside India.
2. Whether or not credence was given to unverified newspaper reports, the fact remained that many persons who could be found guilty of war crimes and genocide were still at large and remained in hiding. It was to be hoped that the day would come when they could be brought to trial. Since the Second World War war crimes and genocide had been committed from time to time at various places. Countries had been devastated and crimes of incredible barbarity had been committed. Ethnic and religious groups had been systematically eliminated in utter disregard of the humanitarian provisions of the Geneva Conventions of 1949 and there had been cases of looting, arson, persecution and rape, which had deeply disturbed the conscience of ordinary men and women and endangered world peace and security.
3. If those guilty of genocide and other crimes against humanity were not brought swiftly to justice, the confidence of States in the various international instruments approved directly or indirectly by the General Assembly would be thoroughly undermined. Those guilty of practising *apartheid* should also be punished if the ideals and principles of the Charter were to be respected. For those reasons, the Indian delegation would support any reasonable proposal for the formulation of a convention or of principles which would be directed to reducing the suffering of victims of *apartheid* and which would at the same time act as a sufficient deterrent.
4. The draft principles contained in document A/C.3/L.1975 and Corr.1 were an attempt to codify the action to be taken to prevent and punish guilty persons wherever they might live after the commission of their offences. Without international co-operation, including bilateral understanding, prevention of such crimes would be impossible. His delegation nevertheless hoped that the sponsors would consider the possibility of amending paragraph 2 by replacing the words "on a bilateral and multilateral basis" by the expression "in accordance with international law". Similarly, it would like the words "co-operate with" to replace the word "assist" in paragraph 3 and, in the same paragraph, the words "and other similar ideologies and practices" to be added after the word "colonialism". The principle of extradition was of paramount importance in regard to the legal processes that had to be set in motion to try persons guilty of war crimes and crimes against humanity. *Prima facie*, those principles should be considered basic to the wider question of war crimes and crimes against humanity. Moreover, as only some 15 States had become parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, it might be desirable to add a paragraph in any enabling resolutions, inviting States which had not yet done so to become parties to that Convention as soon as possible.
5. The Indian delegation thought that the principles should be circulated to all Member States for their comments and that the subject should then be discussed fully at the twenty-ninth session of the Commission on Human Rights, so that steps could be taken to work out an instrument which would command the unqualified support of all.
6. Mrs. GERÉB (Hungary) said that war crimes and crimes against humanity were among the most serious offences that could be committed against human rights. After the Second World War, States had hoped that those horrible crimes, which had taken the lives of millions of innocent persons, would never be repeated and that their perpetrators would be severely punished. Responding to the wishes of the peoples, the United Nations had actively concerned itself with the problem from the very moment of its establishment. The events of subsequent years, however, had shown that the hopes of the peoples had yet to be fully realized. Many fugitive war criminals had been detected and punished but many others had still to be brought to justice. In that respect, co-operation among States and respect for the various pertinent conventions and resolutions had been, and would be, of considerable importance.

7. The population of Hungary had suffered greatly during the Second World War. Many Hungarians had perished in concentration camps; others had been victims of war crimes. The Government of Hungary had done everything in its power, at both the national and the international levels, to detect war criminals and to punish them severely. Through the collection of information and documents, it had facilitated the identification and trial of various war criminals who had been detected. Hungary stood ready to continue co-operating in such matters on a bilateral or multilateral basis. It considered it important to promote international co-operation to ensure that no war criminal remained unpunished. To achieve that aim, a single document reflecting the principles of such co-operation must be prepared and adopted.

8. For those reasons, she supported the draft principles contained in document A/C.3/L.1975 and Corr.1. Her delegation attached particular importance to paragraph 2, whose full application would spare the sufferings of millions of persons or even save their lives, and would be an obstacle to the enactment of legislation and official regulations which would facilitate the perpetration of new crimes. She also drew special attention to paragraph 6, which indicated the importance of the Declaration on Territorial Asylum, whereby States would not grant asylum to those guilty of war crimes and crimes against humanity. To make it effective, however, many countries would have to adopt severer laws. Referring to paragraph 7, she said that the reaffirmation of the purposes and provisions of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity was especially relevant in the current era, when new mass crimes were being committed. The text proposed reflected the interests of the international community and would facilitate the application of the Charter of the United Nations. Its implementation would do much to ensure that fundamental human rights were respected.

9. Mr. NETTEL (Austria) said that Austria had always attached the greatest importance to its moral and legal obligations to detect, prosecute and bring to trial persons suspected of having committed war crimes during the Second World War and to punish those found guilty of such acts. Austria was a party to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and to the Geneva Conventions of 1949. It had recently acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. Adequate steps to detect, arrest, bring to trial, punish and, where possible, extradite persons suspected of having committed such crimes were still being taken by the Austrian authorities. In 1970, 800 proceedings concerning war crimes committed in the Second World War had been pending before Austrian courts. The judicial authorities were making every conceivable effort to bring them to a conclusion within the shortest possible time. Owing to the lapse of time, however, it was difficult to collect evidence in many cases and proceedings before the courts were usually delayed or jeopardized by the fact that witnesses summoned failed to appear, or gave con-

tradictory or even incorrect testimony. On the principle *in dubio pro reo* some accused had had to be acquitted for lack of proof.

10. Referring to comments made by the USSR representative at the previous meeting, he said that his delegation had been unable to obtain further information on the case in question in the short time available. He assumed, however, that the judgement referred to by that representative was not yet final and that no definitive verdict had been handed down.

11. The necessity of international co-operation in combating war crimes and crimes against humanity was recognized by the Republic of Austria. The internationally recognized principle whereby assistance was excluded in the case of political offences was applied in a restricted manner by the Austrian authorities where serious war crimes were concerned. The extradition of war criminals was governed by provisions embodied in agreements and was also based on the factor of reciprocity applicable to all offences. Neither war crimes nor crimes against humanity were being committed in Austria. Everyone was guaranteed equality before the law, regardless of race or colour, and severe racial discrimination was an offence punishable by law.

12. The considerations which he had outlined would determine the Austrian Government's position with regard to the draft principles in document A/C.3/L.1975 and Corr.1.

13. Mr. MOUSSA (Egypt) said that the draft principles set out in document A/C.3/L.1975 and Corr.1 were unquestionably of cardinal importance if human rights and fundamental freedoms were to be respected. The United Nations had been considering the matter ever since its inception, but the problem still remained. The Charter of the International Military Tribunal, Nuremberg, had defined war crimes and determined the punishments to be inflicted on the guilty, in order that such crimes should cease to be committed when it became apparent that the international community was ready to prosecute those responsible. The General Assembly had endorsed the Nuremberg principles and their application not only to past but also to future crimes. In the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (resolution 2391 (XXIII)), the General Assembly had defined war crimes and also crimes against Humanity (resolution 2391 (XXIII)), the General the Nuremberg Tribunal. Subsequently, the Commission on Human Rights in its resolution 5 B (XXVI)¹ had referred to grave breaches of the Geneva Conventions of 1949 as war crimes. In its resolution 3 (XXVIII),² concerning Israel's actions in the Middle East, the Commission had declared that grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, committed by Israel in the occupied Arab territories constituted war crimes and an affront to humanity.

¹ See *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 5*, chap. XXIII.

² *Ibid.*, *Fifty-second Session, Supplement No. 7*, chap. XIII.

Israel was guilty of crimes of annexation, forcible transfer of population, evacuation and deportation, destruction and demolition of villages and houses, denial of the right of the refugees to return to their homes, collective punishment and ill-treatment of prisoners and detainees, and holding prisoners incommunicado. The world community could not allow such crimes to be committed in the latter half of the twentieth century, nor could it tolerate Israel's defiance of the principles of article 147 of the Geneva Convention, and, as the resolution he had just quoted showed, it was reacting against the actions of the Israelis. He hoped that the members of the Committee would realize that Israel, in its defiance of that Geneva Convention and the relevant resolutions of the United Nations, was committing a war crime. Again, under the Geneva Conventions and the Charter of the Nuremberg Tribunal, refusal to grant peoples their rights was a crime against humanity. Israel was therefore committing a crime against humanity by depriving the population of the occupied territories of its right to self-determination. Nor must it be forgotten that South Africa and other colonial Powers were also following that dangerous course.

14. In view of the fundamental importance of the question, his delegation would give careful consideration to the draft principles contained in document A/C.3/L.1975 and Corr.1 and endeavour to expedite their study and adoption. It was intolerable that war crimes and crimes against humanity should continue to be committed in the teeth of resolutions by the General Assembly and the Commission on Human Rights and of international instruments designed to halt and prevent them.

15. Mr. BOURGOIN (France) emphasized the great importance his Government attached to the question of the punishment of war criminals, a question that was of concern to the highest authorities in France, as had been demonstrated recently by their request for the extradition of a war criminal. His delegation endorsed the general concept of the draft principles contained in document A/C.3/L.1975 and Corr.1, believing that bilateral and international co-operation should be instituted in connexion with the trial, extradition and punishment of war criminals. The French Government had long been applying certain of those principles and had co-operated in the detection, extradition and punishment of those responsible for war crimes defined by the Nuremberg Tribunal—a course of action which did not, however, imply a change in its attitude towards the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Similarly, his delegation had reservations regarding paragraphs 3 and 7 of the draft principles, since it linked other acts with the concept of war crimes and crimes against humanity, and involved doctrinal and political judgements that were too imprecise to be acceptable in a penal text and that were, moreover, incompatible with the principles of French domestic law.

16. Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) observed that the item under consideration

was one of great relevance and urgency. In its statements in previous years, his delegation had already given its views on the subject of Nazi and other war criminals and supplied detailed information on the measures adopted with respect to them by the Ukrainian State authorities and courts. The Ukrainian population had suffered terrible losses at the hands of the Nazis, who had sown horror and destruction in their wake and committed appalling crimes in every single town and village. However, people often asked why the criminals in question were still being hunted so many years later. The answer was simple: the Ukrainian people could not and must not forget the millions who had died or the villages and towns that had been destroyed in the Nazi invasion. In the view of his delegation, the punishment of war crimes and crimes against humanity prevented such crimes from being committed in the future. War criminals the world over had to be sought out relentlessly and given the punishment they deserved. Such a course was also necessary in order to safeguard peace and the development of peaceful co-operation among States.

17. In speaking of the punishment of the war criminals of the Second World War, it was also essential to consider the crimes being committed in Southern Rhodesia, South Africa and the Portuguese colonies, where patriots were suffering appalling cruelties in their struggle for freedom and independence. The bloody acts of the racists and colonizers must be punished and the régimes of Pretoria, Salisbury and Lisbon called to account for the perpetration of those acts in the Territories under their domination. In that connexion, it was also necessary to point to the responsibility of the member countries of the North Atlantic Treaty Organization. Moreover, his delegation fully shared the Egyptian representative's indignation at the crimes being committed by Israel in the occupied Arab territories and believed that the guilty must be appropriately punished.

18. His country had been one of the first to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the Convention on the Prevention and Punishment of the Crime of Genocide. It had also supported all United Nations endeavours relating to the trial and punishment, without statutory limitations, of those guilty of war crimes and crimes against humanity, so as to avoid a repetition of such crimes. In that respect, he wished to emphasize the importance of the provisions of General Assembly resolution 2840 (XXVI) and Economic and Social Council resolution 1691 (LII), which referred to the elaboration of principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. His delegation was pleased to note that the draft principles contained in document A/C.3/L.1975 and Corr.1 fully met the urgent needs of the international community in that field. They were an expansion of the principles of international law pertaining to the obligation of all States to investigate and inflict due punishment on war criminals, regardless of when the crimes in question had been committed. The draft principles formed an appropriate

basis for international co-operation, setting out the main guidelines for the extradition of war criminals. Particularly important was the fact that the sponsors had been mindful of the current international situation, the principal objective of the principles being that punishment should be meted out both to the persons guilty of war crimes and crimes against humanity committed during the Second World War and also to those guilty at the present time of racism, colonialism and aggression. The draft principle defined those responsible for war crimes and crimes against humanity. They also envisaged individual collective measures to prevent a recurrence of such crimes and to establish suitable conditions for combined efforts by States. They regarded war crimes and crimes against humanity not as an internal matter but as a serious international problem which required the adoption of measures not only at the national level but also internationally, through the United Nations and other organizations. Accordingly, his delegation firmly endorsed the draft principles and urged the members of the Committee to vote in favour of them.

19. Mr. PAPADEMAS (Cyprus) said that the need to try war criminals had not arisen in his country and, consequently, his Government had not been in any special hurry to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. However, the competent authorities were considering the Convention to determine which provisions might be incompatible with the domestic law and the Constitution of Cyprus.

20. There were three separate aspects to the general concept of a war criminal, namely, the philosophical, the political and the juridical. At the philosophical level, it should be remembered that the United Nations was endeavouring to secure the abolition of capital punishment. Moreover, efforts were being made to arrive at an international situation in which wars would not exist; without wars, there would be no war criminals. At the same time, punishment of war criminals signified in some sense a kind of vengeance for crimes committed in the past. The political and juridical aspects of the matter were interrelated. If the world community had an international instrument covering war crimes and crimes against humanity, it would be able to punish any crime of that type—such as *apartheid* or colonialism—and it could at a later stage extend the instrument to take account of the areas in which the crimes were committed—although that would involve political considerations. As to the juridical aspect, the United Nations had sought to establish a general code concerning punishable offences. Hitherto, however, it had not been able to do so, just as it had been unable to define aggression and war. His delegation attached great importance to such a code, believing that it would mark an important development in international law.

21. His delegation considered that the progress made to date on the question of the punishment of war criminals was insufficient for the drafting of a convention. Although a commendable effort had been made by

Czechoslovakia, the Byelorussian SSR and Democratic Yemen in preparing the draft principles in document A/C.3/L.1975 and Corr.1, the Committee would unfortunately not have sufficient time to examine the text carefully and then proceed to the second step of preparing a draft convention. Nevertheless, the draft principles constituted a modest initial step towards supplementing international law. His delegation accordingly supported the basic idea of the draft principles and the preparation of an instrument of that kind.

22. Mr. BEASSOUM (Chad) said that his delegation attached great importance to the item under consideration. It commended the sponsors of the draft principles for their efforts in preparing the text. However, his delegation had certain reservations regarding paragraph 3, which included among war crimes and crimes against humanity, crimes resulting from implementation of policies of racism, *apartheid* and colonialism; it also had reservations about paragraph 4, which provided that persons guilty of war crimes and crimes against humanity should be subject to trial and punishment, as a general rule, in the countries in which they had committed those crimes. Although that principle was valid with respect to the detection, arrest, extradition and punishment of persons guilty of Nazi crimes, he doubted whether it was applicable to crimes resulting from policies of racism, *apartheid* and colonialism, especially in view of the fact that the principles of the draft should meet immediate needs, as the representative of the Ukrainian SSR had pointed out. Consequently, his delegation would abstain in the voting on the draft principles.

23. Mr. EILAN (Israel), exercising his right of reply, said that in listening to the Arab representatives on the subject of the alleged malpractices committed by Israel in the administered territories he could not help being reminded of the phenomenon called automorphism, in which people accused their opponents of misdeeds they themselves secretly longed to perpetrate. Not wishing to go into the substance of the matter, he merely recalled that paragraph 7 of Commission on Human Rights resolution 3 (XXVIII), had been adopted by a minority vote. Moreover, that resolution had been based on the findings of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, the impartiality of which could best be judged by its composition: none of the three members of the Special Committee had diplomatic relations with Israel. One of them was Somalia, and it would be recalled that the Middle East News Agency had reported on 3 May 1970 that the Foreign Minister of Somalia, Mr. Omar Ghalib, had declared that "his country considers itself in a state of war with Israel" and "in the frontline with regard to whatever concerns the Arab cause".³ That served to demonstrate the political bias of the representative of Somalia in judging the evidence submitted. It was sad that the important item under consideration could not escape the usual procedural misuse by the representative of Egypt, who paid pious lip-service to whatever item appeared on the agenda of

³ See *Official Records of the Security Council, Twenty-fifth Year, Supplement for April, May and June 1970*, document S/9832.

the Committee only to exploit it for propaganda purposes. However, the reality of the situation in the territories administered by Israel was well known and had been witnessed by both international organizations and hundreds of thousands of Arabs who had streamed to Israel seemingly undeterred by the horror stories published by the Special Committee. The positive realities of growing Israeli-Arab day-to-day co-operation were happily not going to be affected by the information issued by the Special Committee. It was the United Nations itself, in its role of effective guardian of human rights, that was going to be negatively affected if year in and year out it closed its eyes to progress in intergroup relations and continued to serve as a forum for the propagation of scurrilous falsehoods.

24. Mr. BADAWI (Egypt), exercising his right of reply, said that Israel was questioning the impartiality of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, which had been established in accordance with General Assembly resolution 2443 (XXIII), merely because the latter had spoken the truth. Furthermore, Israel considered that the many United Nations resolutions in which Israel stood condemned were partial to the Arabs and that the only impartial approach was the one which accepted Israeli demands. But the facts of the situation spoke for themselves in the occupied Arab territories, where Israel's attitude towards the rights of the inhabitants was not consistent with the resolutions of the Commission on Human Rights, the General Assembly or the Security Council, nor with the provisions of the Charter. In that connexion, it was fitting to quote from an article by Professor Toynbee published in *The New York Times* of 1 February 1961, in which the writer stated that the treatment of Palestine Arabs in 1947 and 1948 was as morally indefensible as the slaughter of 6 million Jews by the Nazis.

AGENDA ITEM 59

Elimination of all forms of religious intolerance (continued) (A/8649, A/C.3/L.1980):

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance;**
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**

25. Mr. VAN WALSUM (Netherlands), speaking on behalf of his delegation and the delegations of Cyprus, Sweden and Uruguay, which had sponsored draft resolution A/C.3/L.1980, referred to the statement made at the 1966th meeting by the representative of the Byelorussian SSR, in which he had made specific proposals for amendments to that draft resolution. The Byelorussian representative's arguments were well taken and, indeed, the representative of Sweden, when introducing the draft resolution, had pointed out that consideration of the draft International Convention on the Elimination of All Forms of Religious Intolerance was, in a sense, more advanced than that of the draft Declaration on the same subject. The sponsors had given the matter considerable thought and had them-

selves wondered whether it would not be advisable to recommend exactly the opposite course of action to that proposed in the draft resolution under consideration. In order to clarify why they had opted for the course recommended in draft resolution A/C.3/L.1980, it might be useful to reiterate the considerations that had led to its preparation.

26. In the first place, the sponsors had asked themselves why no progress had been made on the matter since the twenty-second session of the General Assembly. They had concluded that the task of drafting both a declaration and a convention was so voluminous that delegations tended to be discouraged by the fact that it obviously could not be accomplished during one or even two sessions of the General Assembly. Consequently, many had felt that they were facing an unrealistic proposition: that accounted for the tendency towards consigning the item to the second half of the programme of work, where items which never received serious consideration accumulated. In order to overcome that obstacle, the sponsors had endeavoured to reduce the task to manageable proportions; that idea underlay the third preambular paragraph of the draft resolution, which was an absolutely essential element of the text, for in order to ensure that something concrete was done, the Committee should not try to prepare both instruments at the same time but should concentrate instead on one and defer the other to a later stage. The Byelorussian representative had observed that, if that were done, the sponsors of the draft resolution would have made the wrong choice because the preamble and article I of the draft Convention had already been adopted.⁴ Nevertheless, the sponsors had opted to give priority to the Declaration for various reasons. First, the preamble and article I of the draft Convention had been adopted during the twenty-second session of the General Assembly and no progress had been made since then; clearly for one reason or another the Committee had been bogged down and accordingly it might be advisable to switch to an entirely different approach if there was to be progress. Secondly, there were numerous examples of the adoption of a declaration and a convention in precisely that order. It would be recalled in that connexion that the Universal Declaration of Human Rights was considerably older than the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. For that reason, the sponsors' thought it right to maintain their proposal that priority should be given to the drafting of a declaration on the elimination of all forms of religious intolerance.

27. They agreed, however, that perhaps the draft resolution did not sufficiently underline the equal importance of both instruments and that it might not make sufficiently clear that the priority it was proposed to give to the declaration was based only on tactical, or rather psychological, considerations. They had therefore decided to change the second preambular

⁴ See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 54, document A/6934, paras. 72 and 90.

paragraph to read: "*Affirming* the equal importance of both a Declaration and an International Convention on the Elimination of All Forms of Religious Intolerance." The word "adopt" had thus been deleted and it should be abundantly clear that there was no wish to adopt either instrument hastily; that should alleviate the fears of those who might think that the draft resolution cleared the way for an irresponsible railroading exercise. It was to be hoped that the draft resolution, with those changes, would be generally acceptable.

28. Mr. ZENKYAVICHUS (Union of Soviet Socialist Republics) said that the question before the Committee, which was linked with freedom of conscience, was based on principles recognized in the Preamble to the Charter of the United Nations. Freedom of conscience and religion and the prohibition of discrimination against persons because of their religious beliefs must be universal, i.e. extended to all persons and all States. The Soviet Union supported those principles, which formed the basis of socialist society. Under the Soviet Constitution, the church was separated from the State, and the schools in their turn were separated from the churches, a system which provided an unequivocal guarantee of freedom of religion. Unfortunately, there were some countries in which those principles were not applied and part of the population was discriminated against on religious grounds—a state of affairs that gave rise to tension.

29. Ten years before, the General Assembly had adopted resolution 1781 (XVII), in which it had requested various subsidiary organs to prepare a draft international convention on the elimination of all forms of religious intolerance. Important developments had since taken place in that sphere, including the adoption of the International Covenant on Civil and Political Rights in General Assembly resolution 2200 A (XXI). That international treaty imposed legal obligations on States in the field of civil and political rights and freedom of thought, and also prohibited discrimination on grounds of religion or belief. When entered into force, it would confer the status of treaty obligations on the basic principles governing the main questions to be dealt with in the proposed Convention. The draft Convention had not yet been considered by the Commission on Human Rights nor by the Economic and Social Council; moreover, it needed to be brought up to date. It would therefore be desirable to transmit it to Governments for their observations, and then to send it to the Commission on Human Rights, prior to its submission to the General Assembly.

30. On the other hand, it should be remembered that, although the preparation and adoption of an international convention on the elimination of all forms of religious intolerance was a complex matter, the document had already been considered in part, since the Committee had approved the preamble and article I.

31. His delegation thought that the best course would be to postpone the study of the question until the Commission on Human Rights had examined the draft Convention. However, having regard to the wishes of the majority of delegations and in a spirit of co-operation, it asked the sponsors of draft resolution A/C.3/L.1980

to consider the possibility of introducing some amendments into their text. Specifically, it proposed that the existing second preambular paragraph and operative paragraphs 1, 2, 4 and 5 should be replaced by the following:⁵

"*Affirming* the importance of preparing an International Convention on the Elimination of All Forms of Religious Intolerance and a Declaration on that subject,

"1. *Decides* to continue work on the preparation of an International Convention on the Elimination of All Forms of Religious Intolerance and to consider the question of the advisability of preparing a Declaration on that subject;

"2. *Requests* the Secretary-General to transmit to States Members of the United Nations the draft International Convention on the Elimination of All Forms of Religious Intolerance and the preliminary draft Declaration on that subject, for their observations and comments;

"4. *Requests* the Commission on Human Rights and the Economic and Social Council to consider the preliminary draft Declaration in the light of the observations received from Governments and to submit proposals on that question to the General Assembly;

"5. *Decides* to continue at its twenty-eighth session work on the preparation of an International Convention on the Elimination of All Forms of Religious Intolerance and to consider the question of the advisability of preparing a Declaration on that subject."

32. He hoped that the sponsors would accord a favourable reception to the amendments he had proposed so as to facilitate the adoption of draft resolution A/C.3/L.1980.

33. Mrs. DE BROMLEY (Honduras) said that she thought the adoption of a declaration and an international convention on the elimination of all forms of religious intolerance highly desirable. There was no need to expatiate on the importance of freedom of belief. Since the United Nations had adopted a Universal Declaration of Human Rights, another on the Elimination of All Forms of Racial Discrimination and another on the Elimination of Discrimination against Women, the time had come to adopt a declaration on the elimination of all forms of religious intolerance. She requested that her delegation might be permitted to join the list of sponsors of draft resolution A/C.3/L.1980.

34. Mr. BARODY (Saudi Arabia) said that, by and large, draft resolution A/C.3/L.1980 appeared commendable. However, operative paragraph 5 called for priority to be given to the completion of a Declaration on the Elimination of All Forms of Religious Intolerance.

⁵ Text subsequently circulated as document A/C.3/L.1985.

ance at the twenty-eighth session of the General Assembly. It was very difficult to strike a fair balance of priority between the various subjects dealt with by the Committee and unless great care was taken there might be a risk of "discriminating" against some human rights and in favour of others.

35. Religion in its various manifestations was the private concern of the individual heart and conscience. Faith and religious emotions could not be tabulated, nor religions codified; they were matters which could not be made subject to conventions or to any international law. Any declaration must be general and uncontroversial. It would be intolerable if religion were to be used as a pretext for the furtherance of economic or political interests.

36. He agreed that consideration of the question should be deferred until the twenty-eighth session of the General Assembly, and suggested that the sponsors of the draft resolution should delete the word "priority" from their text: otherwise, he would be obliged to ask for a separate vote on that word.

37. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic), replying to the Netherlands representative, said that in his statement at the previous meeting he had indicated that he entirely understood the criterion which had prompted the sponsors of the draft resolution to give priority to the preliminary draft Declaration. Such a *modus operandi* would mean that the Declaration was drawn up first and the Convention second, but there was currently both a draft Declaration and a draft Convention on the question. General Assembly resolution 1781 (XVII) on the elimination of all forms of religious intolerance had requested the Commission on Human Rights to prepare a draft declaration on the elimination of all forms of religious intolerance. In its turn, the Commission on Human Rights had entrusted the question in 1963 to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had drawn up a provisional text. It had established a working group, which, however, had only been able to consider the preamble and five articles of the draft Declaration. The Commission had then taken a decision, not at the proposal of the Byelorussian SSR but, probably, at the proposal of the Western countries, that a draft convention should be drawn up. Instead of completing the draft Declaration, those countries had taken the illogical step of proposing that a draft convention should be prepared. The Sub-Commission had prepared a draft Convention, and the Commission had approved it and submitted it to the General Assembly at its twenty-second session. The Western countries had now changed their view; as for his own delegation's approach, it was not negative but realistic and logical. At its twenty-second session, the General Assembly had adopted resolution 2295 (XXII), in which it decided to accord priority during its twenty-third session to the item entitled: "Elimination of all forms of religious intolerance: (a) Draft Declaration on the Elimination of All Forms of Religious Intolerance; (b) Draft International Convention on the Elimination of All Forms of Intolerance

and of Discrimination Based on Religion or Belief". The resolution had been adopted with 50 abstentions, including that of the Netherlands, which showed how negative the position of the Western countries had been on that occasion. The reason for that position was that the title of the draft Convention had been changed and the preamble had been expanded to include provisions which the Western countries had voted against. His delegation was not against consideration of the question of the elimination of all forms of religious intolerance as a whole, but felt it would be advisable to continue work on the draft Convention, where some progress had already been made.

38. Mr. ZENKYAVICHUS (Union of Soviet Socialist Republics) said that he would like to hold informal consultations with the sponsors of the draft resolution in order to reach an agreement on the various amendments that had been proposed.

39. Mrs. WARZAZI (Morocco) said that, as draft resolution A/C.3/L.1980 simply postponed the conclusion of a declaration on the elimination of all forms of religious intolerance until the following session without establishing any sort of compromise on the substance of the question, it would perhaps be better not to defer a vote on it until a later meeting. She therefore requested that the meeting be suspended for about 15 minutes to enable the representative of the USSR to consult with the sponsors. The positions of those concerned were very clear and experience suggested that amendments acceptable to the sponsors would emerge. Following the informal consultations, the Committee could vote on the draft resolution.

40. Mr. LÖFGREN (Sweden), speaking on behalf of the sponsors of draft resolution A/C.3/L.1980, supported the Moroccan proposal.

41. The CHAIRMAN suggested that further consideration of the item should be postponed until the following meeting, and recalled that the time-limit for submission of a revised draft resolution and amendments was 5 p.m. that day. Its observance would make it possible for the documents to be distributed in time to enable members of the Committee to express their views on them at the next meeting.

It was so agreed.

42. The CHAIRMAN asked the members of the Committee to agree that the meeting arranged for Monday, 4 December should begin at 10 a.m. and not at the usual time of 10.30 a.m. That would enable him to suspend the meeting at 11 a.m., as various members had requested and as he himself would be glad to do, so that they could listen to the statement which the President of Chile, Mr. Salvador Allende, would be making in the General Assembly.

43. Mr. PORTALES (Chile) thanked the members of the Committee for agreeing to the proposal.

The meeting rose at 1.10 p.m.