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Chairman: Mrs. Mara RADIĆ (Yugoslavia).

AGENDA ITEM 54

Elimination of all forms of religious intolerance:

- (a) Draft Declaration on the Elimination of All Forms of Religious Intolerance (*continued*) (A/6660 and Corr.1, A/6703 and Corr.1, chap. XII, sect. V);
- (b) Draft International Convention on the Elimination of All Forms of Religious Intolerance (*continued*) (A/6660 and Corr.1, A/6703 and Corr.1, chap. XII, sect. V; A/C.3/L.1456 to 1458, A/C.3/L.1460, A/C.3/L.1461)

GENERAL DEBATE (*continued*)

1. Mr. FOUM (United Arab Republic) shared the views expressed by the representatives of Algeria, the United Arab Republic and other delegations to the effect that before taking up the draft Convention, the Committee should have considered a draft declaration, in accordance with the order indicated in General Assembly resolution 2020 (XX), since there were basic conflicts between the views held by the various delegations regarding the content of religious freedom and it would have been preferable first to establish a body of generally accepted principles.
2. He whole-heartedly supported the principle of the elimination of religious intolerance, for, after a long struggle against attempts to impose all forms of intolerance on the people of his country, that people now enjoyed full freedom in that respect, which was duly guaranteed by law. In that connexion, he found it intolerable that certain reactionary forces should use religion as a means of oppressing indigenous inhabitants and denying their rights to self-determination and independence, as in the case of the South African régime, which had established the system of apartheid, largely on the basis of religious concepts.
3. His delegation shared the view that the text of the draft (A/6660 and Corr.1) was inadequate and incomplete and did not take sufficient account of the real

social situation in the various countries. Article III, for example, subverted the very essence of freedom by spelling out in too great detail the protection which States should provide for the rights enjoyed by the individual in the sphere of religious freedom. With regard to article VI, it seemed to him inappropriate, even in opposing religious intolerance in any form, to single out only one example of that intolerance without referring to the other examples. Article VII was full of ambiguous generalities which were not entirely in line with the principles contained in the Universal Declaration of Human Rights on that subject.

4. Those inconsistencies were such as to affect not only the form but the very substance of the problem and reflected the wide gap between the developed and the developing countries.

5. In view of the differing opinions on the draft resolution submitted by New Zealand (A/C.3/L.1458), it would not be feasible to set up a working group with the views expressed in the general debate as a guide for its work.

6. Mr. JATIVA (Ecuador), after reviewing briefly the background of the question, expressed the hope that, on the basis of the draft which had been submitted, the International Convention on the Elimination of All Forms of Religious Intolerance would be adopted at the present session. His delegation supported in principle the text of the preamble and of the twelve articles which the Committee had before it, for the same reasons expressed by his Government in 1960 in response to the inquiry requested by the Commission on Human Rights in its resolution 4 (XVI).

7. In the first place, the text of the draft was in full conformity with the spirit and the letter of Ecuador's Constitution and laws, which recognized, guaranteed and promoted human rights without any discrimination and provided absolute protection for freedom of religious belief and worship, individual or collective, in public or in private. Such protection was supplemented by the relevant provisions of the penal laws and by the freedom of education which the State took adequate measures to ensure.

8. In the second place, the draft Convention incorporated a laudable concept of tolerance, as a factor in coexistence, which was in line with the relationship established in the United Nations Charter between peace and respect for human rights. The Third Committee and the General Assembly had already worked out various international instruments for the protection of different rights, and his delegation would do everything within its power to bring about the adoption of a convention guaranteeing the freedom of thought and conscience of both those who professed

a religious faith and those who did not. Although the great majority of the population of his country was Catholic, there was separation of Church and State, both working together for the common good.

9. Miss GROZA (Romania) recognized the importance of the adoption at the international level of certain measures designed to promote the full and effective respect of human rights, as it was well known that whenever such fundamental rights and freedoms had been violated, mankind had suffered the consequences, which had often been tragic. For that reason, her delegation had always opposed any form of racial, national or religious discrimination.

10. In her country the social, economic and legal bases for religious intolerance had been eliminated, so that it had been possible to establish an effective and appropriate system for preventing and combating it in all its forms. The Romanian Constitution, based on the principle of the separation of Church and State, fully guaranteed freedom of conscience and of religious worship.

11. With regard to the draft Convention, she associated herself with those representatives who would have preferred to adhere to the practice usually followed in the adoption of international instruments by adopting a declaration first. The preamble and the proposed articles contained acceptable ideas on the whole, although she had reservations about the unequal treatment in respect of religious beliefs and atheist convictions, which was obvious even from the title. The scope of article III was too broad and opened the way to international regulation of certain matters which were within the domestic jurisdiction of States. The reference to anti-Semitism in article VI was inadequate, since it was impossible to predict what forms of religious intolerance would be more or less prevalent in the future.

12. She had observed with interest the measures of implementation proposed jointly by India, Nigeria, Pakistan, the United Arab Republic and Upper Volta (A/C.3/L.1456). They were consonant with the principles of the sovereignty and independence of States, which were unanimously recognized by contemporary international law. Another idea which deserved attention was that put forward by various delegations to the effect that reports on the measures adopted for the implementation of the International Convention on the Elimination of All Forms of Religious Intolerance should be submitted to the Human Rights Committee established by the International Covenant on Civil and Political Rights, as that would obviate the need to establish a new body whose terms of reference might conflict with those of that Committee.

13. Lastly, the establishment of a working group, as suggested in the draft resolution submitted by New Zealand, would be premature, even though the suggestion had been made with good intentions, since not all delegations had yet had the opportunity to express their views, and the bodies dealing with the matter had been of limited membership.

14. Mr. FAKHREDDINE (Sudan) said that the Sudanese belonged to the Islamic tradition which, contrary to the distorted conception which had prevailed in

Europe, had been remarkably free from religious intolerance for fourteen centuries. Islam had been especially marked by tolerance of other faiths. The Koran recognized the scrolls of Abraham, the Torah of Moses, the Psalms of David and the Gospel of Jesus and, in countless verses, it accorded "the people of the Book", meaning both Christians and Jews, a status of privilege which amounted in practice to virtual social and judicial autonomy. It was due to that tradition and not in response to the comparatively recent liberalism of the Europeans that the Constitutions of modern Moslem States emphasized the principle of religious tolerance.

15. His delegation regretted that the draft Convention fell far short of the ideal of a universal convention in that it reflected a European and Judæo-Christian view of life. Despite the years of work of the Commission on Human Rights and some superficial and merely verbal concessions, such as the reference to non-theistic and atheistic beliefs, the draft did not present a balanced, universally acceptable point of view. Likewise, it had not been free of the blot of political opportunism, as was apparent from the forced insertion of the tendentious and imprecise term "anti-Semitism" in article VI. A convention of that nature should not be allowed to serve the purposes of a particular ethnic or religious group.

16. The term "anti-Semitism" had been invaluable in conceptualizing the facts of persecution of the Jews and as an instrument of Zionist agitation for the creation of a Jewish State, but it had now been reduced to a vague slogan frequently invoked to silence criticism and consolidate the influence of a particular group.

17. The people of the Sudan were African but they were also part of the Arab nation, with which they shared a common language, culture and destiny. Those who expected them to live as good neighbours with the oppressors of the Arab nation were gravely mistaken. Those who expected the Arabs to turn the other cheek should be reminded that it was the height of immorality to ask the victim to be tolerant when one had condoned the act of aggression to which he had been subjected. In the draft Convention the Arabs were asked to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices as, for example, anti-Semitism. People in Europe or the United States, to whom that might seem quite appropriate, should know the facts of the situation of the Arabs in the State of Israel. Before the establishment of the State of Israel there had been no animosity between Arabs and Jews in Palestine. But the establishment of the State of Israel, the exclusive domain of the Jews in which the Arab culture was despised, had completely changed the situation. It was one of the great ironies of history that the victims of Hitler's racism should uphold and profess a philosophy based on racial exclusiveness and the assumption of their own intellectual superiority. Moreover, the very concept of Jewishness seemed to be changing to fit the circumstances. In any case, it seemed certain that Semitism was not the exact equivalent of Jewishness. The Semites included both Jews and Arabs, and in ancient times had included other peoples as well. The word "anti-

Semitism" had acquired the meaning of "anti-Judaism" only in the European-American context. At the present time an anti-Arab form of anti-Semitism was being practised in Israel more than anywhere else in the world, for the Jews who had come to Palestine from the four corners of the earth had used every means at their command to intimidate the Arab inhabitants and expel them from their lands. They had burned their houses, usurped their lands, and tortured and intimidated them to the point where the majority had become refugees, while those who remained had suffered the deepest humiliations.

18. His delegation was not prepared to serve the purposes of the Zionists or give special consideration to a particular group in order to ease the guilty conscience of those who had persecuted it.

19. Mrs. HLALELE (Lesotho) said that the help of the Christian missions, which had come to her country in the nineteenth century at the request of King Moshoeshe, had been of great importance for the survival and development of the people of Lesotho, particularly in the spheres of religion and education. Her delegation was in agreement with the general principles expressed in the draft Convention, which were recognized by the Constitution of Lesotho. It was particularly pleased by the way in which articles I, III and IV had been formulated. The idea in article XII should be spelled out more fully, since in its existing form that article might even impede the implementation of the fundamental principle underlying the Convention if it meant that Governments were free to legislate against any form of religion on the ground that it was essential to do so in order to protect public safety. Finally, her delegation would have no objection to considering the Convention before the Declaration, although that was not the usual procedure.

20. Miss MARTINEZ (Jamaica) said that her delegation hoped the draft Convention could be completed and adopted at the current session. As far back as 1962, when it had taken the initiative resulting in the designation of 1968 as the International Year for Human Rights, her delegation had expressed the hope that that particular Convention would be opened for signature and ratification before that year. She realized that the normal procedure was to consider first a declaration and then a convention, but that precedent was not binding.

21. Section 22 of the Constitution of Jamaica firmly established freedom of conscience and in addition enumerated a series of specific freedoms. Other legal provisions ensured harmony between the civil and religious authorities so that the ceremonies of all religious groups had legally binding force. In Jamaica God had never been considered as an agent of Western imperialism. Slavery, that brutal practice which had left so deep a mark on the country, had been combated by the non-conformist clergy. Religious groups had been and were still engaged in providing important services in education, the social and medical services and the care and rehabilitation of the handicapped. That fact remained engraved upon the memory of the people, the majority of whom were deeply religious and among whom many religions, not all of them Christian, existed side by side in full freedom.

22. Her delegation considered that the purpose of the United Nations human rights conventions was to establish norms which would guarantee fundamental rights and freedoms. There were three ways of guaranteeing those rights and freedoms at the national level: by including the relevant provisions in the Constitution; by educating the people to be aware of those rights and to strive to preserve them; and by ratifying an international convention such as that which the Committee was considering. Her delegation did not believe that the frequently expressed fear that an international convention would permit powerful States to intervene in the domestic affairs of other States was justified. Similarly, it could not share the view that a convention was a means of sanctifying the status quo. On the contrary, an international convention should establish the most advanced possible standards so that Governments could ratify it, not immediately, but when they were in a position to do so.

23. Her delegation had listened with sympathy to those who had said that the provisions of the draft reflected a predominantly Western bias. It was prepared to consider any proposal which would establish a balance without undermining the general principles involved. In the interests of facilitating adoption of the draft Convention it had decided not to press certain amendments which it had intended to introduce when the text was under consideration in the Commission on Human Rights, but in the light of the present situation it reserved the right to reverse that decision. With regard to the controversial issue of mentioning "antisemitisms" in article VI, Jamaica's position remained as it had been in the Commission on Human Rights, for the reasons given there.

24. On the other hand, her delegation would press for the inclusion of an additional article (A/6660 and Corr.1, annex II). The purpose of that article was to eliminate any possibility of confusion which might arise from the fact that the draft International Convention on the Elimination of All Forms of Religious Intolerance referred to a number of rights which were also dealt with, in a more general way, in the International Covenants on Human Rights. The proposed additional paragraph would state quite simply that none of the provisions of the Convention should be interpreted as requiring or authorizing any derogation from any provision in the Covenants. Her delegation would not take a rigid position concerning the exact formulation of that qualifying clause and its position in the text but thought that it should follow the substantive provisions to which it referred.

25. Although her Government was well aware that the analogy between race and religion could be carried too far, it deemed it not only appropriate but a matter of principle that the implementation provisions of the Convention on religious intolerance should parallel as closely as possible those adopted in the case of the International Convention on the Elimination of All Forms of Racial Discrimination.

26. Her delegation had from the outset supported the New Zealand proposal concerning the Committee's methods of work. At a certain point in the course of its work the Committee would find it necessary to set up a drafting group, whether by means of a resolution or in a more informal way. Finally, her delegation

thought that immediately following the general debate the Committee should begin to examine the substantive provisions of the draft Convention and the relevant amendments.

27. Mrs. BIBI AISHAH (Malaysia) said that her delegation fully supported the idea that a person should be allowed freedom of thought and religion so long as that right did not cause disorder in the community or endanger the country, and that it was in agreement with some of the principles embodied in the draft Convention. In Malaysia religious tolerance not only was practised today but had long been a tradition; the population of the country was composed of a number of races which professed different religions, including Islam, Christianity, Hinduism and Buddhism. Although Islam was the official religion, freedom of religion was prized by the Government and the people and was guaranteed in the Constitution; however, that freedom did not authorize any act contrary to the laws relating to public health, morality and public order.

28. She cited various examples of the practice of religious tolerance in her country and said that her delegation would find no difficulty in advocating an international convention on the elimination of all forms of religious intolerance. With regard to the text which the Committee had before it, she said that her delegation had certain reservations concerning the definition of "religion or belief" in article I, which in its present form was too broad and vague. The Committee was preparing an instrument to eliminate all forms of religious intolerance and its deliberations should therefore be limited to religion and religious beliefs; that would simplify and speed up the Committee's work.

29. Mr. LUSINGA (Democratic Republic of the Congo) said that the subject under consideration by the Committee was of major interest to his delegation, and that his participation in the debate was unmarked by hostility or antipathy towards any religion whatsoever. He was in favour of adopting an international convention which defined the basic principles for establishing a climate of tolerance in religious matters; apart from striving to ensure the various religions had ideal conditions for their development, the Convention should create a similar atmosphere for philosophical convictions, which were quite distinct from what were currently known as religious convictions. Conversely, he was opposed to the idea of an instrument which allowed for discrimination between religions themselves, for in his country deplorable facts were on record concerning events which had taken place during the colonial period, when the indigenous religions had been forced to lead an underground existence. His delegation was therefore opposed to any form of religious or philosophical imperialism, and was not at all prepared to suggest to any country that it suppress its philosophical beliefs or convictions. He shared the views of those delegations which had stated during the general debate that religion was an integral element of the policy of colonial domination; it was an undeniable fact that one of the existing colonial powers, Portugal, was deploying the argument of religion in order to justify its territorial claims in Angola. In any case, reactionaries and colonialists were to be found among believers and non-believers alike.

30. There was no official religion in the Democratic Republic of the Congo; religious and philosophical convictions were each individual's personal affair, and the Government was determined to maintain an atmosphere of tolerance among those who professed different beliefs. He did not feel that his country would have much difficulty in adhering to and ratifying the Convention once its wording had been improved in the form agreed to by the Committee, for it had already adhered to the Universal Declaration of Human Rights, which guaranteed freedom of thought, conscience and religion. Every Congolese citizen and every person living in the country was free to express his religion or beliefs, both in public and private, subject always to the maintenance of law and order. Freedom of conscience and religion also involved, of course, the right to express opinions and feelings on the subject; however, State tolerance in the matter was not to be interpreted as licence to engage in subversive activities calculated to endanger the security of the State or the territorial integrity of the country.

31. Regarding the New Zealand proposal, he felt it would be better to give the Committee time to enable all the delegations to help improve the text. After that, if the Committee deemed it advisable and if it proved necessary, it could commission the working group to examine the draft in order to put it into final shape.

32. Mr. BARROMI (Israel), exercising his right of reply, said that the views expressed by the Lebanese representative at the 1491st meeting were not lacking in originality: he had presented anti-Semitism as the product of a manoeuvre organized by the Jews themselves, with Zionist agents being sent to all countries of the world in order to sow hatred against themselves. Following up that line of reasoning, it would appear that those selfsame Arab leaders who had so often threatened Israel with genocide that year were simply Zionist agents in disguise.

33. At the same meeting, the Syrian representative, for his part, had eschewed such fantasies, seeking instead to set the Israelis' mind at rest, his argument being that anti-Semitism was in process of disappearing, and that the possibility of minority groups being deprived of their religious rights was a vestige of the past. The argument, it seems, was that at present, the threat came from minorities rather than from majorities; according to the Syrian representative, the Convention should contain provisions for combating the abuse of religious freedom by minorities. He personally was greatly alarmed at that astounding statement, and wondered whether it meant that there was to be an increase in the powers assumed by a totalitarian State like Syria so that it could restrict still further the life and activities of a long-suffering religious minority, and whether what the Syrian representative had said indicated a further threat to the Middle Eastern Jewish communities, those innocent victims of the recent conflict.

34. He recognized that there had been a very great difference in the tone of the Sudanese representative, who had undoubtedly been at great pains to delve into Jewish history and Jewish thought. He agreed with what had been said about the affinity between Judaism

and the two religions stemming from it—Christianity and Islam. All were at one in recognizing that the word of God, as interpreted by the Jewish people, had exercised great influence on the progress of human civilization. To be a Jew was to be conscious of that heritage and of the responsibility of transmitting to future generations values held by Jews to be eternal. He endorsed the Sudanese delegation's appeal for an examination of conscience, and affirmed that Israel would continue to follow the principles of freedom of worship and freedom of religion, as guaranteed under its laws. That appeal, he suggested, should be heeded by the

Sudanese Government itself, which had engaged in a campaign of repression against religious and racial minorities in the southern parts of its territory.

35. In conclusion, he said that the statements he had listened to that day demonstrated the historical importance of the Committee's task and the necessity of ensuring the freedom of every individual and every community to follow the voice of conscience, in a world which strove for unity in world brotherhood.

*The meeting rose at 5.35 p.m.*