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Chairman: Mrs. Mara RADIĆ (Yugoslavia).

AGENDA ITEM 54

Elimination of all forms of religious intolerance:

(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/Rev.1, A/C.3/L.1463, A/C.3/L.1464, A/C.3/L.1466, A/C.3/L.1468/Rev.1, A/C.3/L.1469)

PREAMBLE (continued)

1. The CHAIRMAN announced that following consultations among delegations some amendments had been withdrawn, the only amendments to the preamble still remaining being the following: the amendments of the sixteen Powers (A/C.3/L.1468/Rev.1) to the title, and to the second, third, fourth, fifth, sixth and eighth paragraphs; the amendments of the Ukrainian Soviet Socialist Republic (A/C.3/L.1460/Rev.1) to the second and fourth paragraphs; and the amendments of the Union of Soviet Socialist Republics (A/C.3/L.1466) regarding the eighth paragraph and proposing the addition of a new paragraph at the end of the preamble.

2. Mrs. SEKANINOVA-ČAKRTOVA (Czechoslovakia) commended the sponsors of amendments for the spirit of co-operation they had shown and the compromises which they had reached. The amendments submitted dispelled the apprehensions of the Czechoslovak delegation, which had already stressed the need to establish a balance between the concepts of religion and belief and to provide safeguards against the possible abuse of religious freedoms by protecting States against all interference in their internal affairs. The amendments submitted by the sixteen Powers and the Soviet Union met that need and repaired a serious omission by introducing into the preamble the necessary safeguards against the exploitation of religion for private purposes and taking due account of the requirements of national security, public order and social progress. In particular, she supported the new paragraph proposed by the Soviet Union. The general debate had brought out the relationship between religion and

colonialism, and the report<sup>1/</sup> of the Seminar on Human Rights in Developing Countries held at Dakar in 1966—a report published by the United Nations and already referred to by the representative of the Soviet Union—drew attention to the evil role religion had played in the countries of Africa: first, by assisting the introduction of colonialism, then by delaying the independence of the colonized countries and finally, after the latter's accession to independence, by hindering their economic and social development. However, the baneful influence of religion was not confined to colonial countries; many examples could be cited of disastrous interference by the Church in the domestic affairs of States. She did not agree with the United Kingdom representative's view that it would be difficult to determine what kind of activity constituted an abuse of religious freedom; the Soviet proposal was quite clear in that regard, and left no doubt as to the nature of the activities in question. What was really necessary was for the States Parties to deal justly with both the rights of the individual and the interests of society.

3. All the principles elaborated in the substantive articles should be set out in the preamble, particularly as the draft Convention had not been preceded by a declaration. The amendments remedied that regrettable deficiency, and she would vote for them.

4. The CHAIRMAN suggested that the Committee should vote on the preamble.

5. Mr. MAHMASSANI (Lebanon) pointed out that the expression "religion or belief", which appeared several times in the preamble, was defined only in article I, and suggested that the Committee should not vote on the preamble until it had adopted article I.

6. The CHAIRMAN suggested that the meeting should be suspended to allow consultations on that point.

*The meeting was suspended at 11.25 a.m. and resumed at 11.40 a.m.*

7. The CHAIRMAN suggested, on the basis of the consultations which had taken place, that the Committee should agree first to vote on the preamble, paragraph by paragraph, then to consider article I paragraph by paragraph, and finally to adopt the preamble and article I as a whole.

*It was so decided.*

8. Mrs. HARRIS (United States of America) said that the new paragraph proposed by the Soviet Union, to the effect that the principle of freedom of conscience should not impede the implementation of measures for the elimination of colonialism, implied that free-

<sup>1/</sup> Document ST/TAO/HR/25.

dom of conscience could serve the cause of colonialism and that it might legitimately be restricted in the name of the struggle against colonialism. But the struggle against colonialism must not run counter to freedom of conscience, since it was itself a struggle for freedom of conscience. The amendment therefore contained an internal contradiction. It might well be exploited by authoritarian régimes, and in the end harm the cause it claimed to serve. She would therefore vote against the Soviet amendment.

9. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said that he did not understand the United States representative's objections to the new paragraph proposed by the Soviet Union. The amendment seemed to him essential, since it took account of the active role played by the Church in the establishment of colonialism and the negative influence it still exercised on the development of African countries, as had been brought out at the Seminar on Human Rights in Developing Countries. Reactionary clerical forces must be prevented from continuing to obstruct the development of the newly independent countries.

10. He noted that the English text of the draft Convention used the word "belief" where the French text used the word "conviction". The idea expressed by the word "belief" seemed to him closer to that of religious faith than that of rational knowledge, and he proposed that it should be replaced in the English text by the word "conviction".

11. Mr. BAHNEV (Bulgaria) referring to the eighth paragraph of the preamble, said that he did think there could be some questions about eliminating all forms of religious intolerance "speedily", since the Convention could be put into immediate effect. States Parties must adopt the necessary legislative measures, and the effect of those measures would not be gradual.

12. With regard to the United States objection to the new paragraph proposed by the Soviet Union, he said that the United States and the United Kingdom had already raised a similar objection during the discussion of the draft Convention on the Elimination of All Forms of Racial Discrimination. They had both used the argument that their adherence to the principle of freedom of expression might prevent them from taking certain measures for the elimination of racial discrimination. The United Kingdom delegation had even entered a reservation to that effect at the time of the signature of the Convention. He pointed out that according to the text proposed by the Soviet Union, it was not freedom of conscience which might impede the elimination of colonialism but manifestations of freedom of conscience.

13. Mr. RIOS (Panama) said that the majority of the inhabitants of his country were Catholics, and that that situation was given official sanction by the Panamanian Constitution. The Church had contributed and was still contributing to Panama's progress, and he categorically rejected the idea that religion could be a reactionary factor hindering the advancement of peoples. He was therefore opposed to the inclusion of the new paragraph proposed by the Soviet Union.

14. Mr. SPERDUTI (Italy) said that he would vote against the proposal of the Soviet Union for the addition of a new paragraph to the preamble, since he

did not see how manifestations of the individual rights and freedoms which the Convention set out to protect could impede the implication of measures for the elimination of colonialism. He felt that article XI in the substantive part of the Convention, under which nothing in the Convention was to be interpreted as justifying activities contrary to the purposes and principles of the United Nations, provided adequate safeguards.

15. If one accepted, as the Commission on Human Rights had done, that religion or belief, for anyone who professed either, was a fundamental element in his conception of life, he did not see how the right of those concerned to exercise their freedom in that essential field and to live in accordance with their convictions, participating if they wished in the political life of their country, could be disputed. Moreover, the last part of the paragraph proposed by the Soviet Union had no legal meaning: the Convention was intended to protect the rights of the individual, and the expression "foreign interference" could only mean interference by a State, not by an individual, in the affairs of another State.

16. Mr. PAOLINI (France) said that it had been his understanding that the USSR representative had withdrawn his amendment regarding the addition of a new paragraph; if he had not, the French delegation would vote against it. It would be inappropriate to introduce considerations of a political nature in a convention designed to eliminate religious intolerance. It was precisely for that reason that the Committee had decided not to mention either anti-Semitism—although that phenomenon bore some relation to religion, whereas colonialism did not—or any other form of intolerance. Moreover, the Soviet text impugned the intentions of the Churches by stating that there was a link between religion and colonialism, and the French delegation objected to that unjustified juxtaposition. In many countries the Church was in the vanguard of emancipation movements, and several delegations from African and Asian countries had paid tribute to the humanitarian work done by missions. Moreover, those countries had not deemed it necessary to submit an amendment including a mention of colonialism in the Convention. In deciding not to refer to any particular form of intolerance the Committee had demonstrated its determination to remain apolitical. He hoped that the spirit of conciliation would continue to prevail and that the Soviet delegation would withdraw its amendment.

17. Mr. ALLAGANY (Saudi Arabia) said that he was in favour of the amendment of the Soviet Union to add a new paragraph at the end of the preamble, and hoped that it would not be withdrawn. Saudi Arabia was a deeply religious country, but it saw no difficulty at all in the provisions of the new paragraph; on the contrary, it found them entirely correct. Only colonialist countries could find anything objectionable in them.

18. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said that he had not in any way intended to criticize the role which the Church had played in Panama or other Latin American countries. In speaking of the reactionary role of the Church in the developing countries he had based himself on the con-

clusions of the Seminar on Human Rights in Developing Countries held at Dakar in 1966, whose report was available to all delegations. His statements could not therefore be attributed to anti-religious prejudice.

19. Miss MARTINEZ (Jamaica) thought that there was no ground for introducing in the preamble safeguards of a kind which were normally placed in the operative part, or considerations which had no direct bearing on the subject of the Convention, whatever their value might be in other respects. The Jamaican delegation considered that any provision expressing a value judgement or introducing an emotional element should be excluded from the preamble, and its position during the vote on the various amendments would be dictated by that consideration.

20. She welcomed the proposal of the Ukrainian SSR to mention the International Covenants on Human Rights in the second preambular paragraph. The amendments proposed by the sixteen Powers to the third preambular paragraph were also acceptable to the Jamaican delegation. Her delegation attached great importance to the principles set out in the fourth paragraph, and was glad that the amendment to delete that paragraph had been withdrawn. The Jamaican delegation was in favour of the original text. The amendment proposed by the sixteen Powers to the fifth paragraph was no doubt inspired by valid considerations: it was true that religion could in fact be used for purposes which were alien to it; she thought, however, that the preamble should not include provisions of that nature, which moreover might create problems of interpretation. On the other hand, she supported the amendments proposed by the sixteen Powers to the sixth, seventh and eighth paragraphs.

21. The Jamaican delegation would vote against the amendment of the Soviet Union for the addition of a new paragraph, not because it favoured colonialism or because it denied that religion might be used to retard the progress of peoples, but because it thought that such a provision should not be included in the preamble.

22. Mr. ABOUL-NASR (United Arab Republic) said that his country too attached great importance to religion; but it could not forget the experiences of the past. He therefore supported the amendment of the Soviet Union regarding the addition of a new paragraph, the purpose of which was to prevent abuses committed by using religion for purposes alien to it.

23. In support of that statement, he added that during the Seminar on Human Rights in Developing Countries several participants had quoted, "as examples of interference that was opposed to the national interest, those of the religions of non-African origin that had for the most part taken root on the African continent through colonial conquest. It was said that the clergy of those churches sometimes adopted reactionary attitudes towards development plans. In some African countries the clergy had indulged in obstructive manoeuvres against such secular reforms as the nationalization of education". 2/

24. In the new paragraph proposed by the Soviet Union, he suggested that the word "racialism" should be added

after the word "colonialism". His delegation was prepared to support the paragraph in its present form, but in order to meet the objections raised by some delegations he intended to propose a new wording for it.

25. Mr. MIRZA (Pakistan) wished to pay tribute to the work done by missionaries, particularly in the field of education. On the other hand, religion had too often served the colonialists as a pretext for penetrating the African and Asian continents. Even today, the Church was justifying the white minority's domination in South Africa by claiming that God was white. He did not understand the objections raised against the amendment of the Soviet Union for the addition of a new paragraph which exposed a real and still topical problem and proposed an essential remedy. The Pakistan delegation would be prepared to vote in favour of the amendment in its present form; however, it wished to propose certain changes which would amend the paragraph to read: "Convinced that manifestations of freedom of conscience, religion or belief should not be abused to impede the implementation of measures for the elimination of colonialism and racialism". If that wording did not meet with the approval of the Committee, his delegation would be prepared to withdraw it in favour of the present text of the amendment of the Soviet Union.

26. Mr. JHA (India), pointing out that some delegations had objected to the unduly rigid wording of the fourth paragraph, said the sixteen Powers had felt that the Convention should not lay down rules which would virtually prevent any further evolution of religion; for it was not sufficient to be guided by the lessons of the past: the future must also be taken into account. They had therefore proposed a compromise text which simply declared that "freedom of religion or belief should be fully respected and guaranteed". Religions must not be condemned to immobility: there were erroneous interpretations of sacred texts in all religions. Furthermore, some quarters had an interest in maintaining the *status quo*. It was normal that all religions should evolve, and the new text had the advantage of not being opposed to that salutary evolution.

27. He failed to understand why the amendment regarding a new paragraph presented by the Soviet Union gave rise to so many objections. It was an undoubted fact that religion could be used to justify certain types of interference. Foreign missionaries had quite recently interfered in India's internal affairs, and serious difficulties had resulted. He therefore whole-heartedly supported the amendment of the Soviet Union. He was in favour of the additions proposed by Pakistan and the United Arab Republic, but felt that the last clause of the text of the Soviet Union should be retained, for it was of vital importance.

28. Mr. DABROWA (Poland) said he saw no need for the distinction between conventions which had been adopted and those which had already come into force made by the sixteen Powers in the text they proposed for the sixth preambular paragraph. Any reference to international conventions adopted by the United Nations was certainly meant to include those which had not only been adopted but come into force; moreover, it was assumed that all conventions thus adopted would come into force eventually. He there-

2/ Document ST/TAO/HR/25, para. 123.

fore asked the sponsors to delete the phrase "and the coming into force of some".

29. The Polish delegation would vote in favour of the new paragraph proposed by the Soviet Union.

30. Mrs. OULD DADDAH (Mauritania) also supported the new paragraph proposed by the USSR. While she respected the spiritual values which the churches defended, she felt that in the past some of their representatives had committed errors which were liable to recur. While tribute had to be paid to the work of certain missionaries, it could not be forgotten that others had contributed to colonization and had fostered obscurantism. Some delegations had complimented the Afro-Asian group on the conciliatory spirit it had displayed. She appealed to those same delegations to show a spirit of conciliation themselves, and to refrain from systematic opposition to amendments which met the needs of the African countries.

31. Mrs. CISSE (Guinea) supported the USSR proposal to insert a new paragraph in the preamble. The object of the proposed new paragraph was to provide a guarantee that freedom of conscience, religion or belief would not impede the elimination of colonialism and racism. While the Church had helped to spread education in certain countries, that had not always been the case, and it was impossible to forget the part it had played at the time of French penetration along the western coasts of Africa.

32. Mrs. AFNAN (Iraq) was in favour of the text proposed by Pakistan for the new preambular paragraph but would like to see the words "freedom of conscience" deleted, as freedom of conscience was a fundamental right and was strictly personal in nature. She assumed that the representative of the USSR was condemning the possible abuse of manifestations of religion or belief.

33. She appreciated the difficulties of those delegations which were against any reference to colonialism or racism in that paragraph, but the peoples who had been victims of colonialism and racism had a very different attitude on the matter both intellectually and emotionally, because of quite recent experiences, and she hoped that a mutual understanding would be reached.

34. Mrs. EMBAREK WARZAZI (Morocco) pointed out that colonialism continued to exist notwithstanding the fact of its condemnation in a whole series of documents. It was for that reason that the Afro-Asian group had been anxious to see a reference to it in the International Convention on the Elimination of All Forms of Racial Discrimination. The free expression of thought, religion or belief was a serious threat to colonialism, which was why the colonial Powers, instead of assuming their mission of civilization, had sometimes decided to open religious missions rather than schools. It was to defend freedom of thought and belief that her delegation would vote for the text proposed by the USSR, which had to be viewed in its essentially human aspect.

35. Lady GAITSKELL (United Kingdom) preferred to say nothing of the way in which the new paragraph proposed by the Soviet Union placed colonialism and religion on the same footing, or to raise any objec-

tions with regard to the Pakistan proposal. What disturbed her was the fact that if the wording proposed by the USSR was embodied in law, it would inhibit religions from playing a progressive part in international affairs, and would prevent, for example, churchmen from supporting the fund for political prisoners in South Africa. The paragraph would have the effect of prohibiting the Church from playing an active part in progress. She felt that at the present time the international community should be less apprehensive about the concerns of religious movements with the domestic affairs of a country in internal affairs.

36. Mr. KALPAGE (Ceylon) was glad to note that a number of amendments (A/C.3/L.1468/Rev.1) he had co-sponsored had been found acceptable by a number of countries, including the United States and the USSR, and hopefully interpreted that as indicating that the Afro-Asian group could play an important part in reconciling the divergent ideologies. He approved of the new paragraph proposed by the Soviet Union in principle, but would vote in favour of the more satisfactory wording read out by the Pakistan representative.

37. Mrs. DO REGO (Dahomey) agreed with the Jamaican representative that colonialism and racism ought not to be mentioned in the preamble to the Convention. States were sufficiently enabled under articles XI and XII to put an end to all activities aimed at prejudicing national security. She was surprised to hear the representative of the United Arab Republic speak of non-African religions. It was her belief that the main religions practised in Africa could be considered African: it was only the missionaries who were foreigners, and they would be replaced by African missionaries.

38. Mr. IRURETA (Chile), while condemning colonialism, saw no reason for referring to it in the Convention as the representative of the Soviet Union wished. The Committee had decided not to mention anti-Semitism, on the ground that the discrimination in that case was racial and not religious, or the other forms of discrimination. There was no reason for mentioning colonialism either.

39. Speaking as representative of a country which had experienced colonization, he pointed out that the members of the clergy could, as citizens, be supporters of colonialism or, on the contrary, patriots and fighters for independence. In actual fact, American history provided many examples of churchmen who had fought for the independence of their country. Their opinions on that subject were their own and had nothing to do with the Church. That was why it was inappropriate to insert in the Convention an article concerning colonialism. It was for each State to settle the question as it thought fit as an internal matter.

40. Mr. KOITE (Mali) whole-heartedly supported the text of the new paragraph proposed by the USSR. He believed that the very objections made by certain Powers regarding the new paragraph were evidence that it was necessary. The paragraph strengthened the Convention and allayed the fears expressed by the Afro-Asian countries during the general debate.

41. Mr. TEKLE (Ethiopia) supported the amendments submitted by the sixteen Powers and the new para-

graph proposed by the USSR. He endorsed what the representative of India had said and supported the proposals made by the United Arab Republic and Pakistan, although he felt that the concluding passage of the paragraph proposed by the USSR delegation should be maintained. The representative of Iraq had recalled historical events, and he agreed that those events were indeed too recent to be forgotten.

42. Mr. BASHIER (Sudan) supported the Soviet Union amendment and considered the new paragraph thoroughly realistic. He wished to make it clear that he had no prejudice against the Church, but merely regretted certain past activities of the missionaries. He was not opposed to the Pakistan proposal but would like to see the latter part of the paragraph proposed by the USSR delegation maintained.

43. Mr. FOUM (United Republic of Tanzania) was fully aware, as an African, of the wrongs of colonialism and the negative role that religion had sometimes played in Africa. He recognized the efforts of all freedom-loving peoples to remedy the injustice done and regretted that certain persons were trying to play on the feelings of the Afro-Asian delegations to score points in the cold war.

44. The United Kingdom representative had stated that the insertion of the new paragraph proposed by

the Soviet Union might prevent the clergy in her country from helping prisoners in South Africa and those fighting apartheid. His delegation could not agree with that view, and felt that the United Kingdom representative had singled out one part of the paragraph and interpreted it tendentiously. Religion, properly understood, could and must be used in the interests of progress and could thus help to combat the reactionary manifestations that had resulted when religion had been turned aside from its mission in South Africa. Apartheid had been condemned time and again by the United Nations, and the struggle against apartheid did not constitute interference in the internal affairs of a State.

45. His delegation would have liked to see racism and apartheid added to colonialism in the new paragraph proposed by the Soviet Union. It supported the proposals made by Pakistan and the United Arab Republic.

46. Mr. ABOUL-NASR (United Arab Republic), replying to a point raised by the representative of Dahomey, explained that he had merely quoted from the report of the Seminar on Human Rights in Developing Countries, at which Dahomey had been represented.

*The meeting rose at 1.10 p.m.*