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ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

India, Nigeria, Pakistan, United Arab Republic, Upper Volta: amendments  
to the draft International Convention on the Elimination of All Forms  
of Religious Intolerance (A/6660, annex I)

1. Insert the words "Part I" before article I.
2. After article XII, add the following parts: parts II, III and IV of the draft Convention.

## PART II

### Article XIII

1. There shall be established a Committee on the Elimination of Religious Intolerance (hereafter referred to in the present Convention as the Committee). It shall comprise eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Convention.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

### Article XIV

1. The members of the Committee shall be elected by secret ballot from a list of persons nominated for the purpose by the States Parties to the present Convention.
2. Each State Party to the present Convention may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

### Article XV

1. The initial election shall be held not later than six months after the date of the entry into force of the present Convention.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article XIX, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Convention to submit their nominations for membership of the Committee within three months.
3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Convention not later than one month before the date of each election.

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4. Election of the members of the Committee shall be held at a meeting of the States Parties to the present Convention convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Convention shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

#### Article XVI

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to the representation of different religions and beliefs, and to the principal social and legal systems, and to the principle of equitable geographical distribution of membership.

#### Article XVII

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting referred to in article XV, paragraph 4.
2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Convention.

#### Article XVIII

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article XIX

1. When a vacancy is declared in accordance with article XVIII, and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Convention which may within two months submit nominations in accordance with article XIV for the purpose of filling the vacancy.
2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Convention. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Convention.
3. A member of the Committee elected to fill a vacancy declared in accordance with article XVIII shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article XX

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from the United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article XXI

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article XXII

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

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3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations European office at Geneva.
4. The Committee shall hold closed meetings.
5. The Committee shall submit, annually, to the General Assembly of the United Nations, through the Economic and Social Council, a general report on its activities.

#### Article XXIII

Every member of the Committee shall, before taking up his duties, make a solemn declaration in the Committee that he will perform his functions impartially and conscientiously.

#### Article XXIV

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
  - (a) Twelve members shall constitute a quorum;
  - (b) Decisions of the Committee shall be made by a two-thirds majority vote of the members present and voting.

#### Article XXV

1. The States Parties to the present Convention undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
  - (a) Within one year of the entry into force of the present Convention for the States Parties concerned;
  - (b) Thereafter whenever the Committee so requests, but in any case at intervals of not more than three years.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Convention.

3. The Committee shall study the reports submitted by the States Parties to the present Convention. It shall transmit its comments, if any, on the reports received, to the States Parties concerned. The Committee may also transmit to the Economic and Social Council its general comments along with the copies of the reports it has received from States Parties to the present Convention.

4. The States Parties to the present Convention may submit to the Committee observations on any comments that may be made in accordance with paragraph 3 of this article.

#### Article XXVI

1. A State Party to the present Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Convention. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Convention considers that another State Party is not giving effect to the provisions of the present Convention, it may, by written communication, bring the matter to the attention of that State Party. Within six months after the receipt of the communication, the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.

(b) If the matter is not adjusted to the satisfaction of both State Parties concerned within twelve months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

(d) Subject to the provisions of sub-paragraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the rights and principles recognized in the present Convention.

(e) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraph (b), to supply any relevant information.

(f) The States Parties concerned, referred to in sub-paragraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

(g) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (b), submit a report:

(i) If a solution within the terms of sub-paragraph (d) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of sub-paragraph (d) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned had made a new declaration.

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Article XXVII

1. (a) If a matter referred to the Committee in accordance with article XXVI is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view of an amicable solution of the matter on the basis of respect for the present Convention;
- (b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the member or members of the Commission concerning whom no agreement has been reached shall be elected by the Committee by secret ballot from among its members.
2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Convention or of a State Party which has not made a declaration under article XXVI.
3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the European Office of the United Nations at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.
5. The secretariat provided in accordance with article XXI shall also service the Commissions appointed under this article.
6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.
7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:



(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for the rights and principles recognized in the present Convention is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of sub-paragraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under sub-paragraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article XXV.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

#### Article XXVIII

The members of the Committee, and of ad hoc Conciliation Commissions which may be appointed under article XXVII, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article XXIX

The provisions for the implementation of the present Convention shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Convention from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article XXX

Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention.

PART IV

Article XXXI

1. The present Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Convention.
2. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Convention shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall notify all States which have signed this Convention or acceded to it of the deposit of each instrument of ratification or accession.

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Article XXXII

1. The present Convention shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the twenty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twenty-fifth instrument of ratification or instrument of accession, the present Convention shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article XXXIII

The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

Article XXXIV

1. Any State Party to the present Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Convention with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Convention in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties being bound by the provisions of the present convention and any earlier amendment which they have accepted.

Article XXXV

Irrespective of the notifications made under article XXXI, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article XXXI;
- (b) The date of the entry into force of the present Convention under article XXXII and the date of entry into force of any amendments under article XXXIV.

Article XXXVI

1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States referred to in article XXXII.

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