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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 to 1472)

PREAMBLE (continued)

1. Mr. SABIMBONA (Burundi), referring to the USSR proposal in document A/C.3/L.1466 to add a new paragraph to the end of the preamble to the draft Convention, said that freedom of religion should not be exercised in such a way as to impede the liberation of the colonial countries. Religion had often been used by the imperialist Powers to keep the people apathetic. His delegation therefore supported the USSR proposal.

2. Mr. QUADRI (Argentina), referring to the same USSR proposal, said that, while his delegation was in favour of any process of decolonization, the Committee was dealing with a draft convention on religious intolerance, and the content of the proposed additional paragraph was not therefore relevant. To facilitate adoption of the draft, however, he would submit a sub-amendment (A/C.3/L.1472) to the USSR amendment which would delete the words "freedom of conscience" from the proposed new paragraph and replace the words "impede the implementation of measures for the elimination of colonialism and that they should not serve as a means of interference in the political life of a country or as an instrument of foreign interference in the internal affairs of other States" by the following: "constitute an obstacle to the process of political independence of peoples or the exercise of such independence by peoples". The purpose of the sub-amendment was to make the drafting of the paragraph more acceptable and at the same time to dis-

play sympathy with the problems of the recently decolonized countries.

3. Mr. PAREJA (Peru) said that, while he shared the concern of the Afro-Asian countries about colonialism, he felt that the new paragraph proposed by the USSR represented a confusion of principles, because the sovereignty vested in all States was sufficient to prevent the type of interference in their internal affairs to which that new paragraph referred. Moreover, the paragraph dealt with a subject irrelevant to a draft convention on religious intolerance. Although his delegation intended to vote against the USSR proposal, it had nevertheless listened with great interest to the Argentine representative and had decided to support his sub-amendment (A/C.3/L.1472).

4. Miss KOK (Netherlands) said that the new paragraph which the USSR wished to add to the preamble to the draft Convention was unacceptable to her delegation. A political matter like colonialism was out of place in the preamble to a draft convention on the elimination of religious intolerance and would open the door for the inclusion of all sorts of issues which, however important they might be, were irrelevant. She appreciated the Pakistan representative's efforts to find a compromise, but his formulation (A/C.3/L.1471) of the paragraph in question did not overcome the objections of her delegation, which therefore maintained its reservations regarding the paragraph's inclusion. As to the amendment proposed by the sixteen Powers in document A/C.3/L.1468/Rev.1, to the fifth paragraph of the preamble, her delegation had some doubts as to the wisdom of adding the proposed phrase, which it might not be able to support. Lastly, she suggested that the word "its" before "specialized agencies" in the text proposed in the same document for the sixth paragraph of the preamble should be replaced by the words "of the" in accordance with normal practice.

5. Mrs. JIMENEZ MARTINEZ (Cuba) supported the new paragraph which the USSR proposed for insertion at the end of the preamble and which concerned interference in the internal affairs of States. Religion had often been used by the imperialist Powers as a weapon for intervening in the developing countries' internal affairs.

6. Mr. CHAVERRI (Costa Rica) said that his delegation had given careful consideration to the amendments of the sixteen Powers and could accept those relating to the third, seventh and eighth paragraphs of the preamble. Of the fifth paragraph, his delegation preferred the original version. The reference to "other ends" in the amendment to that paragraph was unacceptable because of its vagueness. So far as concerned the sixth paragraph of the preamble, he

preferred the enumeration given in the original text. Although Costa Rica sympathized with the colonial countries, it could not support the new paragraph proposed by the USSR because that paragraph introduced political issues irrelevant to an instrument that was designed to be universal and lasting. He had, however, studied the Argentine sub-amendment, and had decided to support it because, while it also referred to political matters, it did so in a more general way.

7. As to the proposals relating to the fourth paragraph of the preamble, his delegation had previously expressed the fear that the Convention might be used for political ends, and might even be used against religion in general. The criticism directed against that paragraph had been based on a misinterpretation. The words "for anyone who professes either" did no more than affirm the fundamental role that religion played in the conception of life of those who professed one. Since, therefore, the proposals that had been made regarding the fourth paragraph of the preamble neither altered the scope nor improved the wording of the paragraph, his delegation would support the original text.

8. Mrs. WILLIAMS (Sierra Leone), referring to the new paragraph which the USSR proposed for insertion in the preamble to the draft said that her country knew the meaning of colonialism because it had become independent only six years before. But at the same time, it believed that the preamble to the draft convention was not the place to mention colonialism, and that there were enough safeguards in articles XI and XII to make the second part of the proposed paragraph unnecessary.

9. Mrs. DE CATTAROSSO (Uruguay) reiterated her country's traditional stand in favour of human rights. She believed that the Convention to be adopted should help to promote the exercise of and respect for human rights. Her delegation was in favour of maintaining the preamble in its original form, with only a few changes. She would support the sixteen-Power amendments to the third, seventh, and eighth paragraphs, but could not accept the amendment relating to the fourth paragraph because it would eliminate the main idea of that fundamentally important paragraph, i.e., the right to practise a religion or manifest a belief. She regretted that the sponsors of that amendment had not accepted the oral sub-amendment submitted by Greece at the 1500th meeting, for her delegation would now have to vote against it. Although Uruguay had always been in favour of the struggle against colonialism, it could not support the inclusion of the new paragraph proposed by the USSR because it introduced extraneous elements which weakened the text of the preamble. She supported the Argentine sub-amendment in principle and, if it was rejected, her delegation would abstain in the vote on the USSR amendment and place on record that it would prefer not to add a new paragraph to the preamble.

10. Mr. HASHI (Somalia) supported the amendments submitted by the sixteen Powers and the USSR proposal for the inclusion of a new paragraph. The changes which Pakistan had proposed to the latter text — namely, the inclusion of references to the misuse of religion and to racism — improved the

text of the preamble. In other respects, the preamble should be kept as it was. The proposed new paragraph should be acceptable to the under-developed countries, because it would help them to consolidate their sovereignty, which might be threatened on the pretext of religion or belief.

11. Mr. KARUNATILLEKE (Ceylon) said he wished to explain why the sixteen Powers had submitted their amendment to the fourth paragraph of the preamble. The word "belief" included many things besides religion. For example, communism could be considered a belief, and an affirmation of the right to practise or manifest a belief might therefore be taken as an assurance of the Communist Party's legal right to exist. The inclusion of such a reference would therefore compel many States to act against their wishes. On the other hand, to guarantee the right to practise a religion would encourage a conservative attitude favourable to the maintenance of the status quo. He therefore appealed to the delegations which were pressing for the maintenance of the words in question to reconsider their position.

12. He reiterated his support for the additional paragraph proposed by the USSR and, addressing himself to those who had objected that "colonialism" was an "ism" of the kind which it had been decided to keep out of the convention, he observed that, despite the similarity of suffix, colonialism was a political notion completely different from anti-Semitism. The Committee should bear in mind that it was drafting a convention, not in a vacuum, but in a specific political context. Religion was at present being used as an instrument of colonialism, imperialism and neo-colonialism, and all that the new paragraph sought to do was to condemn that use of religion.

13. Mrs. DO REGO (Dahomey) said she thought the USSR amendment providing for the insertion of a new paragraph in the preamble, and modified by the sub-amendment proposed by Pakistan, would be out of place in the preamble to a convention on the elimination of all forms of religious intolerance. She understood the concern which had prompted the sponsors to submit the amendment and the sub-amendment, but she thought that articles XI and XII of the draft gave States the means to deal with any religious activities which might prejudice national security.

14. As to the United Arab Republic representative's mention of the conclusions of the Seminar on Human Rights in Developing Countries,^{1/} held at Dakar in 1966, she felt that the circumstances had been different in that case, and she recalled that the participants in the Seminar had attended it in their personal capacity. She also felt that colonialism should not be linked to religions originating in Asia and that for the reasons she had stated at the 1501st meeting, those religions should not be considered foreign.

15. Mr. DESETA (Brazil) agreed that the inclusion of a reference to colonialism would be entirely out of place, particularly since the Committee had decided to eliminate "isms" of any kind from the draft. He would therefore vote against the addition of the new paragraph proposed by the Soviet Union. On the other hand, he would vote in favour of the sub-amendment

^{1/} See document ST/TAO/HR/25.

submitted by Argentina (A/C.3/L.1472) because it was a constructive effort to reach a compromise solution.

16. Mr. MIRZA (Pakistan) said there seemed to be a consensus that the deletion of the words "freedom of conscience" in the draft of the new paragraph, as suggested by the representative of Iraq at the 1501st meeting, would go far to make the text acceptable; and the sub-amendment submitted by his delegation (A/C.3/L.1471) therefore provided for their deletion. He also thought that the words "and that they should not serve as a means of interference in the political life of a country or as an instrument of foreign interference in the internal affairs of other States" should be deleted, inasmuch as article XII of the draft would permit States to establish by law such limitations as were necessary to protect national security. On the other hand, he was not convinced by the arguments of those who were calling for the deletion of the reference to colonialism, and he thought that the mention of racism, as proposed in his sub-amendment, would help to improve the new draft paragraph. The sub-amendment submitted by Argentina would, he thought, reduce substantially the scope of the proposal of the Soviet Union and he would be unable to vote for it unless it were redrafted in more forceful terms.

17. As to the sixteen-Power amendments, he said that the sponsors had agreed to add at the end of the amendment to the fifth paragraph of the preamble the following phrase: "inconsistent with the provisions of the present Convention". 2/

18. Mrs. NIKOI (Ghana) supported the amendments in document A/C.3/L.1468/Rev.1 relating to the title of the draft and to the third, sixth, seventh and eighth paragraphs of the preamble. She would, however, prefer to keep the original text of the fifth paragraph and of the second part of the fourth paragraph, although she was in favour of the amendment which would replace the words "a fundamental element" in that same paragraph by "one of the fundamental elements".

19. She could not accept either the amendments submitted by the Ukrainian SSR (A/C.3/L.1460/Rev.1) or the new paragraph proposed by the Soviet Union. On the other hand, she would vote in favour of the Argentine sub-amendment, which seemed to her constructive.

20. Miss O'LEARY (Ireland) said that she could not support the new paragraph proposed by the Soviet Union, because the purpose of the Convention was to protect the rights of individuals in the sphere of religion and belief and not to deal with abuses of such rights. Moreover, the rights of States were adequately protected in articles XI and XII of the draft. In any case, she rejected the implication in the Soviet Union amendment that the role of religion must necessarily be a negative one; although her delegation had not taken part in the work of the Seminar on Human Rights in Developing Countries to which reference had been made earlier, she recalled that on that occasion a number of developing countries had acknowledged the positive contribution of religion to their progress.

21. If, as some delegations claimed, colonialism and racism were related to religion, then the reference in the Pakistan sub-amendment to those deplorable phenomena would run counter to the decision already taken by the Committee at the 1497th meeting not to include any specific example of religious intolerance. If, it was considered, on the other hand, that such manifestations were of a political and not a religious character, they clearly had no place in the text, of a convention on the elimination of religious intolerance.

22. Finally, she would give careful consideration to the Argentine sub-amendment, which was a praiseworthy effort to solve the difficulties arising from the amendment of the Soviet Union.

23. Mrs. STEVENSON (Liberia) said she would have no difficulty in accepting the Ukrainian SSR amendment to the second paragraph of the preamble, but that she could not support the amendment calling for the deletion of the fourth paragraph.

24. She found the sixteen-Power amendments acceptable in principle, although the inclusion of the word "discrimination" in the title of the draft to some extent obscured its meaning. She would moreover prefer to retain the words "practise" and "manifest" in the fourth paragraph, for their deletion would greatly weaken the text. The amendment proposed to the fifth paragraph was somewhat ambiguous, and the words "or other" should be clarified.

25. The new paragraph proposed by the Soviet Union would be out of place in the Convention, and in any case the problem of colonialism had been adequately dealt with in other United Nations instruments.

Mr. Nettel (Austria), Vice Chairman, took the Chair.

26. Mr. BARREIRO (Spain) said he thought the proposals submitted by the sixteen Powers were of great interest, and he thanked the sponsors for accepting his suggestion that the word "convicciones" in the title should be replaced by the word "creencias". The other amendments were in conformity with the spirit of the draft, and on the whole he would vote for them although he had some reservations. For example, the replacement of the words "a fundamental element" in the fourth paragraph by the words "one of the fundamental elements" would weaken the text.

27. The reference to colonialism in the new paragraph submitted by the Soviet Union seemed to him out of place in the context of the Convention, even though his own country was still enduring in one part of its territory the consequences of that kind of oppression. Moreover, the reference would be unnecessary if the Committee approved the amendment proposed by the sixteen Powers to the fifth paragraph of the preamble which referred to combating any exploitation or abuse of religion or belief for political ends.

28. Mrs. MANTZOULINOS (Greece), referring to the observations of the representative of Ceylon, said that if the Governments represented in the Committee did not want to respect the practice of religion or the manifestation of belief she would doubt whether the Convention was really aimed at eliminating religious intolerance.

2/ Revised text of the amendment subsequently circulated as document A/C.3/L.1468/Rev.1/Corr.1.

29. Mr. JHA (India) said that in view of the arguments put forward during the discussion he was convinced of the need to add the whole of the new paragraph proposed by the Soviet Union. Article XII of the draft Convention had not yet been approved, nor was it known what its contents would finally be, and even in its present form it covered only the possibility of foreign interference in the spheres of public safety, order, health and morals; his delegation was opposed to any kind of interference and it was therefore in favour of the new paragraph.

30. Mrs. DE BROMLEY (Honduras) said that her delegation would support the Argentine sub-amendment as a compromise formula, although it would have preferred the text of the preamble in its original form. If the sub-amendment was not approved, she would vote against the addition of the new paragraph proposed by the Soviet Union.

31. She would not support the amendment to the fourth paragraph proposed by the sixteen Powers, because she considered that it was important to guarantee freedom to practise religion and manifest a belief.

32. Mrs. MERCHANT (Canada) said that she was opposed to including the new paragraph proposed by the Soviet Union; she was also opposed to the amendments to it submitted by Argentina and Pakistan, since they did not make any basic change in the paragraph. What the Committee must try to do was to ensure freedom of religion for all mankind; approving a paragraph of that kind might well relegate that freedom to a secondary position. She associated herself with the Jamaican delegation's opposition to any amendments to the draft which did not refer to the elimination of religious intolerance.

33. Mr. MARRACHE (Syria) said that his delegation supported the amendments submitted by the sixteen Powers; he recalled that it had participated actively in the work of that group of countries and had initiated some of the amendments. He would question the idea of adding the words "inconsistent with the provisions of the present Convention" to the fifth paragraph, since the use of the word "provisions" would mean that all possible abuses would have to be listed in the articles of the Convention. His delegation would oppose the inclusion of that phrase unless the word "provisions" was replaced by the word "purpose", a term which would convey the idea of eliminating all discrimination with respect to religion or belief. He supported the remaining amendments suggested by the sixteen Powers, particularly the amendment to the fourth paragraph, since replacing the words "a fundamental element" by the words "one of the fundamental elements" would ensure that certain philosophical convictions were not favoured and make the text more impartial.

34. He agreed with the idea behind the new paragraph suggested by the Soviet Union, since he thought it essential to include a reference to colonialism. The objections voiced in that regard were partly warranted, but they did not carry sufficient weight in view of the fact that religion and belief had been exploited for colonialist and racial ends. He felt that the text of the new paragraph would be improved if the reference to "freedom of conscience" was deleted

and the phrase "should not impede" was toned down; with those reservations, he would vote for the amendment.

35. Mrs. HARMAN (Israel) said that her delegation preferred the original text of the preamble but could, nevertheless, support the amendments of the sixteen Powers (A/C.3/L.1468/Rev.1), except in so far as the fourth paragraph was concerned since inability to practise religion or to manifest one's belief would make support of freedom of religion virtually academic. She would vote against the amendment of the Soviet Union calling for addition of a new paragraph — not because of its substance but because the principle of which her delegation supported that the Committee should be consistent and not make specific references, however justified the cause, after having voted not to do so. She welcomed the Argentine sub-amendment to the additional paragraph that permitted support of the principle without contradicting the Committee's own decisions. To state that now that anti-Semitism was religious in nature while colonialism was political, would contradict what had been said in the general debate, namely that anti-Semitism was a political and racial question as well as religious and should, therefore, not be referred to in the Convention. She regretted that arguments were switched with ease as appeared expedient to some delegations.

36. Mr. RICARDO (Colombia) said that the fourth preambular paragraph embodied the basic spirit of the Convention by guaranteeing the freedom to practise religion as well as to manifest a belief and that the amendment proposed by the sixteen Powers destroyed the essence of the Convention by deleting the reference to that freedom. His delegation therefore could not vote for the amendment to the fourth paragraph and would prefer to see the original text remain unchanged.

37. He did not think that the new paragraph proposed by the Soviet Union would be appropriate in a convention of the type now under consideration, which it had been agreed, was to omit all reference to "isms". He would therefore support the Argentine sub-amendment so as to avoid inappropriate specific references, since, in his view, it provided a solution to the issue which had been raised.

38. The CHAIRMAN, acting on a proposal by Mr. SANCHEZ GAVITO (Mexico), said that, if there were no objections, he would close the list of speakers for the debate on the preamble.

It was so decided.

39. Mr. MIRZA (Pakistan) suggested that, in accordance with rule 74 of the rules of procedure, the time allowed to each speaker should be limited.

40. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that he opposed that suggestion.

41. Mr. BAROODY (Saudi Arabia) said that since the Committee was considering a draft convention, i.e. something which would become a multilateral treaty involving legal obligations, its contents should not be sacrificed for the sake of brevity; that had already been agreed upon when the International Covenants on Human Rights had been under consideration. The

Committee should therefore take as much time as it needed to consider the question thoroughly.

42. Mr. SAINT-REMY (Belgium) associated himself with the statements by the French and Canadian representatives on the new preambular paragraph proposed by the Soviet Union and said that he would vote against it. He regarded as acceptable the amendments submitted by the sixteen Powers to the sixth and seventh preambular paragraphs and would therefore vote for them. With regard to the fourth paragraph, he observed that the Committee had two proposals before it: one to delete the paragraph, submitted by the Soviet Union, which he could not accept, and another submitted by the sixteen Powers. Regarding the latter proposal, he felt strongly that the right to practise religion or manifest a belief should not be eliminated; in his view, no valid counter-arguments had been brought forward. His delegation preferred the original text of the paragraph and would have to vote against the amendment to it. With regard to the idea embodied in the fifth paragraph, he observed that the amendment to the paragraph appeared to be aimed at preventing abuses of freedom of religion. Although he supported that idea, he pointed out that the provisions of articles XI and XII of the draft Convention should satisfy those delegations which feared such abuses. Accordingly, he could not support the amendment and would vote for the original text.

43. Mr. CHISEMBELE (Zambia) said that his delegation supported the amendments submitted by the sixteen Powers. He shared the views expressed by the representatives of Tanzania, the United Arab Republic and India concerning the new paragraph proposed by the Soviet Union; the first part of that paragraph protected the peoples which were struggling against colonialism, while the second part was aimed at preventing the intervention of third States, on ostensibly religious grounds, in the internal affairs of independent countries. Since both parts were extremely important, his delegation supported the inclusion of the new paragraph.

44. Mr. LAVALLE (Guatemala) said that his country opposed all forms of colonialism and supported the principle of non-intervention as defined in General Assembly resolution 2131 (XX). However, if measures

of implementation similar to those in the International Convention on the Elimination of All Forms of Racial Discrimination and in the International Covenant on Civil and Political Rights were adopted for the Convention, it would be possible and lawful for States to intervene in each other's internal affairs, since the principle of non-intervention ceased to apply when States granted one another the right to exercise control over certain specified matters. The inclusion of the reference to colonialism would make the preamble inconsistent with the operative part of the draft Convention, since the idea would not have an explicit counterpart in the substantive articles. It might be said that article XII was the counterpart; however, if all issues coming under that article had to be mentioned in the preamble, one would have to refer to such matters as economic development, health, etc. His delegation therefore could not support the inclusion of the paragraph proposed by the Soviet Union, which was not in line with the draft Convention as a whole; however, as a compromise it would be prepared to support the Argentine sub-amendment.

45. Mr. BARODY (Saudi Arabia) said that the text of the preamble was generally satisfactory but would be improved by the amendments of the sixteen Powers. With regard to the additional paragraph proposed by the Soviet Union and the sub-amendments to it by Pakistan and Argentina, he observed that the preamble must have the widest possible scope and that the new paragraph could be worded so as to meet the wishes of those countries which had suffered the consequences of abuse of religion—which, incidentally had been more the work of politicians than of clergymen. Throughout history, various religions had been used for political and economic purposes; examples of that were the Crusades in the eleventh, twelfth and thirteenth centuries and the religious missions to colonial countries in the nineteenth century. Even in the present day, a certain movement was using religion for political ends in order to expel peoples from their land. He would prefer to add a new preambular paragraph which would combine the Pakistan sub-amendment with the second half of the paragraph proposed by the USSR, adding at the end the words "or peoples".

The meeting rose at 6.15 p.m.