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Elimination of all forms of religious intolerance:

(b) *Draft International Convention on the Elimination of All Forms of Religious Intolerance (continued)*

Preamble (continued) 183

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, A/C.3/L.1462 to 1466, A/C.3/L.1468)

PREAMBLE (continued)

1. The CHAIRMAN invited the Committee to continue its consideration of the second paragraph of the preamble.

2. Mr. SANON (Upper Volta) said that he had been absent when the fourteen-Power amendments (A/C.3/L.1468) had been submitted; and he requested that Upper Volta should be included among the sponsors.

3. Mrs. EMBAREK WARZAZI (Morocco) expressed the hope that the delegations of the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic would agree on a joint amendment to the second paragraph.

4. Mr. NASINOVSKY (Union of Soviet Socialist Republics) announced that he was withdrawing his amendment to the second paragraph of the preamble contained in document A/C.3/L.1466 in favour of the revised amendment of the Ukrainian SSR.^{1/}

5. The CHAIRMAN pointed out that the revised amendment of the Ukrainian SSR had not yet been circulated and suggested that the Committee should first consider the third paragraph of the preamble.

6. Miss HART (New Zealand) said that some amendments duplicated one another whereas others were mutually incompatible and some applied to several paragraphs of the preamble. She therefore suggested

that the authors of proposals should present all amendments dealing with the preamble at the present stage of the debate.

7. The CHAIRMAN endorsed that suggestion and invited the delegations which had submitted amendments to the preamble to present them orally.

8. Mr. BECK (Hungary) said he felt strongly that the Convention should be absolutely neutral. He could not accept the clauses of the draft which favoured certain types of belief. He had in mind, in particular, the third and fourth paragraphs of the preamble. Numerous delegations had expressed a similar point of view, and his delegation's amendments (A/C.3/L.1465) were designed to overcome that objection. The amendment to the third paragraph of the preamble was also designed to guarantee the right of everyone to be protected from any abuses that might be committed in the name of religion, a right to which many delegations, in particular those of the Afro-Asian countries, attached great importance.

9. He criticized the position of the United Kingdom delegation, as reflected in the statement of its representative at the 1490th meeting. Since the United Kingdom representative had expressed gratification that article I, paragraph (a) was designed to protect atheists and free-thinkers as well as humanists, it was surprising that she should then show intolerance by castigating extremists who made a religion of their political convictions or of scientific doctrines. Nor could he agree with the United Kingdom representative that it was legitimate to call upon the international community to ensure the maintenance of good relations between the different religious communities living in the United Kingdom. He could not accept that as the objective of the Convention; his delegation represented all Hungarian citizens, whatever their beliefs or religion, and believed that it was for each Government to ensure that harmony prevailed between the different religious communities in the country.

10. While for some, religion was indeed a fundamental element in the conception of life, that was actually an idea of the Western world. The socialist countries, where there were many atheists, could not accept that principle, which would result in discrimination among the people for whom the Convention was intended. For that reason his delegation would vote against the fourth paragraph in its present form and against all clauses containing similar ideas. The Hungarian amendment to the third paragraph was along the lines of the amendment to the same paragraph presented later by the fifteen Powers; his delegation was prepared to consult with the sponsors of that proposal with a view to arriving at a joint text. On the other hand, it would maintain its amend-

^{1/} Subsequently circulated as document A/C.3/L.1460/Rev.1.

ment proposing a new text for the fourth paragraph of the preamble.

11. Lady GAITSKELL (United Kingdom), replying to some of the Hungarian representative's observations, said that religious people, whether Western or oriental, and whatever religion they practised, had in common a certain conception of life. It could therefore hardly be said, as the Hungarian representative had said, that the text under consideration was based on a typically European way of thinking.

12. Mr. NASINOVSKY (Union of Soviet Socialist Republics) presented his delegation's amendments (A/C.3/L.1466). The amendment to the third paragraph, while seemingly of little significance, nevertheless had real importance, for it was impossible to be simultaneously an atheist and a believer. Consequently, wherever there was a question of freedom of religion and belief, the conjunction "and" should be replaced by "or".

13. It was the fourth paragraph of the preamble which raised the greatest number of problems; and, indeed, all delegations which had submitted amendments had proposed that that provision should be changed. His delegation could not accept the definition of relationships between man and his beliefs given in that paragraph, for of the 3,000 million inhabitants of the earth there were perhaps not more than a few million who intensively lived their faith. In most cases religion was intimately related to custom and tradition, but it was by no means an essential element—much less the essential element—of the conception of life. For the Soviet citizen, what really counted were the principles of equality of rights, peaceful coexistence and the welfare of mankind. Similarly, Italian art was deeply imbued with religion, but in modern times, while the average Italian might attend mass on Sunday, what he wanted was bread, wine and love. He did not question the content of the fourth paragraph as a whole, but only the idea that religion or belief had a decisive influence on the individual's conception of the world. He was therefore prepared to accept a compromise wording.

14. In the fifth paragraph, he believed it would be more appropriate to refer to States rather than to Governments, organizations and private persons, for the Convention was in fact addressed to States, and the nature of the text called for a certain legal precision. He also believed that the words "by all appropriate means" should be added, as that would broaden the scope of the text. The fifteen-Power amendment to the fifth paragraph, which he wholeheartedly endorsed, could be added at the end of the text proposed by his delegation.

15. One of his delegation's amendments would replace the sixth and seventh paragraphs by a new text which would not include the list—which in any case was incomplete—of conventions regarding discrimination, *inter alia*, on the ground of religion. He withdrew that amendment in favour of the amendment to that effect submitted by the fifteen Powers. The seventh paragraph served no purpose and should be deleted.

16. The text which his delegation proposed for the eighth paragraph was clearer and more concise than

the text of the draft. It was necessary to define what was meant by intolerance so that each State could take the necessary measures. If the term "intolerance" appeared in the title of the instrument, it should have the meaning of manifestations of intolerance and should be so defined in article I, for only manifestations could be detected and combated by States.

17. Lastly, the new paragraph which his delegation would like to be added at the end of the preamble was extremely important, for it guaranteed that religion would not serve as a pretext for intervention in the domestic affairs of a State and would not be an obstacle to the holy war against colonialism. While he was prepared to make changes in the form of that new paragraph, he believed that the idea it expressed was essential.

18. Mr. BECK (Hungary) said he was not convinced by the explanations given by the representative of the United Kingdom. All the members of the Committee seemed to agree in recognizing that the expression "religion or belief" should include theistic, non-theistic and atheistic beliefs. While it was true that, among atheists, there were some for whom beliefs were a fundamental element in their conception of life, there were others for whom those beliefs were not of a fundamental nature. The fourth paragraph of the preamble therefore contained a discriminatory provision which should be eliminated from the Convention. His delegation would vote against that wording and against all clauses expressing similar ideas.

19. Mr. SPERDUTI (Italy), exercising his right of reply, objected to the comments made by the representative of the Union of Soviet Socialist Republics regarding the average Italian and affirmed that his fellow citizens, far from being concerned solely with worldly matters, respected spiritual values whether religious, philosophical or moral.

20. Materialistic ideas confined to the realities of everyday life were being presented as alternatives to religious convictions; but, while it was true that those realities must not be lost sight of, men in every country, whatever their religion or beliefs, recognized the existence of more important values than material things. In fact, that awareness was inherent in the dignity of the human person.

21. The wording of the fourth paragraph of the preamble reflected the desire of the Commission on Human Rights to establish a balance between religions and beliefs. Those terms should be construed in accordance with their definition in article I, as theistic, non-theistic and atheistic beliefs. Any man's belief, whether religious, moral or philosophical, was a fundamental element in his conception of life. For an atheist, the important thing was of course not the negative fact of not believing in God, but the positive fact of having a moral or philosophical conviction, which was undoubtedly a fundamental element in his conception of life, just as religion was for a religious man. He did not think, therefore, that the fourth paragraph concerned some countries

more than others. A materialism confined to the realities of everyday life could not be considered on the same level as religion. Every man worthy of the name should have an ideal, and he pointed out that the Soviet Union representative himself had spoken of the "holy" war against colonialism.

22. In concluding, referring to the title of the Convention, he expressed gratification that his idea had been incorporated in the fifteen-Power amendment, but he thought that, in the English text, the word "of" should be added before "discrimination" in order to give equal importance to the two ideas of intolerance and discrimination.

23. Mr. A. A. MOHAMMED (Nigeria), speaking on behalf of the fifteen sponsoring Powers, introduced the amendments contained in document A/C.3/L.1468. The amendment to the title met the wishes expressed by many delegations, and consultations would probably lead to agreement on a wording acceptable to all. The proposed amendment to the third paragraph of the preamble was intended solely to recall the wars caused by religious intolerance in the past. The fourth paragraph, to which the USSR and the Ukrainian SSR had objected, should be maintained, because it stated an extremely important principle. The present text, however, might provide ammunition for the evil ideologies of certain countries—ideologies to which he had already referred—which resulted from the association of certain beliefs or religions with certain traditions; the wording proposed by the sponsors would prevent such an interpretation. The amendment to the fifth paragraph sought to prevent the use of religion for political ends. He thanked the representative of the Soviet Union for withdrawing his amendment to the sixth paragraph in favour of the fifteen-Power amendment. The text of the seventh paragraph seemed rather restricted, and the fifteen-Power amendment was intended to broaden it; he agreed with the Ukrainian and Italian representatives that the Convention dealt not only with intolerance but also with discrimination based on religion or belief, and that discrimination should be mentioned as well as intolerance. Finally, the last amendment was purely a drafting amendment, since the English text of the eighth paragraph was rather cumbersome; the wording proposed by the sponsors was in fact taken from other human rights instruments.

24. Mr. BECK (Hungary) pointed out that the Spanish and Russian texts of the fourth paragraph of the preamble were at variance with the English and French texts: where the English and French versions used the indefinite article before the words "fundamental element", the Spanish text had the definite article and the Russian text agreed with the Spanish version.

25. Mrs. HARRIS (United States of America) supported the amendments contained in document A/C.3/L.1468. While her delegation might have worded certain of the amendments differently, she supported unreservedly the spirit behind the amendments.

26. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic), introducing his delegation's amendments (A/C.3/L.1460), said that the fourth paragraph of the preamble should be deleted. That paragraph contained

two separate parts: it stated, on the one hand, that religion or belief, for anyone who professed either, was a fundamental element in his conception of life, and, on the other, that freedom to practise religion as well as to manifest a belief should be fully respected and guaranteed. The second part was of no value, because it reiterated a principle which had already been stated and which was precisely what the whole Convention was intended to defend; while as for the first part, it was not in accordance with reality. Any conception of life was based on a set of philosophical, ethical, scientific, political and social ideas that went to make up a particular Weltanschauung; and the question of the relationship between thought and existence, mind and matter, lay at the heart of all Weltanschauungen and of all philosophical systems. That question had given rise to two very different conceptions of life, and divided modern philosophers into two camps: materialists and idealists. Since the surrounding world was materially reflected in society, the individual's Weltanschauung within a given society depended both on the existing social structure and on the knowledge accumulated by the society at that particular stage of its development. Thus, it varied from one society to another and evolved with history. Moreover, conceptions of life were always related to class. Thus, there were two conceptions of life: that of the classes in power and that of the oppressed classes. Galileo, to whom he had already referred, had been an atheist for his time, despite what the Italian representative had said. Galileo must be seen in the context of his age, which was the age of the Inquisition, and it must not be forgotten that he had been an adherent of the Copernican system, like Giordano Bruno, another Italian atheist who had shown more courage than Galileo and had been condemned by the Inquisition and burnt alive. Obviously, the Copernican system could not be reconciled with the Catholic religion.

27. The purpose of his amendment to the sixth paragraph of the preamble had merely been to simplify the text by omitting the dates and to complete it by a reference to the International Convention on the Elimination of All Forms of Racial Discrimination. He was, however, prepared to withdraw that amendment in favour of the fifteen-Power amendment to the same paragraph, which was in line with his own. The amendment of the Ukrainian SSR to the seventh paragraph was intended to clarify the text in the same way as the amendment to the title. Since the idea contained in those amendments had been taken up by other delegations, in particular in the amendments submitted by the USSR and the fifteen Powers, he hoped it would be possible to produce an agreed text; if so, he was prepared to withdraw his own amendment.

28. Mrs. AFNAN (Iraq) said that although her delegation was not a sponsor of the amendments contained in document A/C.3/L.1468, they reflected its position on the draft Convention. She wondered whether the position of any delegations had really been affected by the textual discrepancy in the fourth paragraph of the preamble to which the Hungarian representative had drawn attention. She personally thought that the discrepancy was not very important, for religion or belief was stated to be a fundamental element only for

anyone who professed it. Moreover, the paragraph related not only to religious beliefs but also to atheistic beliefs, which were as fundamental for an atheist as religion for a believer. The paragraph was important because it guaranteed freedom of conscience and protected all beliefs, whatever their nature, including atheistic beliefs in countries where atheists were a minority. It should not therefore be deleted, as suggested by the representatives of the Soviet Union and the Ukrainian SSR, but amended in the manner suggested by the fifteen Powers, so that only the abstract idea of freedom of conscience would be protected, and all reference to religious practices and manifestations would be removed. The fears expressed by some delegations would thus be allayed.

29. Mrs. MANTZOULINOS (Greece) supported the retention of the fourth paragraph of the preamble in its present form. It should not be deleted as the USSR and the Ukrainian SSR had proposed, for it stated an important principle. Moreover, the word "belief" included atheistic beliefs, which certainly appeared to be a fundamental element in the conception of life for those who professed them, judging by the fervour with which they were defended. She was also opposed to the amendment to that paragraph contained in document A/C.3/L.1468 because it would be both restrictive and repetitive. It would limit the scope of the Convention by eliminating the freedom to manifest one's religion or belief, proclaimed in article 18 of the Universal Declaration of Human Rights. If that freedom were eliminated and only the principle of freedom of conscience retained, the fourth paragraph of the preamble would merely be reiterating a principle already stated in the two preceding paragraphs. For her country, freedom of conscience was an inalienable principle, and everyone

in Greece was free to practise his religion, provided that the exercise of that freedom was not contrary to morals and public order. The sixth paragraph should also be maintained in its present form. If the International Covenants on Human Rights, which had not yet come into force, were mentioned, there was no reason why other international instruments which had some bearing on religious intolerance should not also be mentioned. Furthermore, it was not only to the International Covenant on Civil and Political Rights that reference should be made, as the Italian representative had suggested, for the International Covenant on Economic, Social and Cultural Rights contained, in article 13, a provision guaranteeing "the liberty of parents... to ensure the religious and moral education of their children in conformity with their own convictions".

30. Mr. SANON (Upper Volta) said that the disputes to which the fourth paragraph of the preamble had given rise were due to a misunderstanding. He was convinced that all members of the Committee, believers and non-believers, recognized the same rules of universal morality, and he therefore urged them not to argue over a mere question of definition. He asked them not to pursue the debate on the fourth paragraph of the preamble; consultations were in progress with a view to arriving at a text acceptable to all.

31. The CHAIRMAN asked the sponsors of amendments to try to agree on joint texts. She recalled that the deadline for submitting amendments had been set at 11 a.m. on Wednesday, 1 November 1967.

The meeting rose at 1.5 p.m.