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Chairman: Mrs. Mara RADIC (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.1463, A/C.3/L.1464, A/C.3/L.1469, A/C.3/L.1470, A/C.3/L.1475/Rev.1, A/C.3/L.1479 to 1486)

ARTICLE I (continued)

1. The CHAIRMAN invited the Committee to resume its consideration of article I of the draft Convention (A/6660 and Corr.1, annex I) and the amendments to it submitted by the Byelorussian Soviet Socialist Republic (A/C.3/L.1464), Pakistan (A/C.3/L.1480), Bulgaria (A/C.3/L.1482), Syria (A/C.3/L.1484) and Uganda (A/C.3/L.1485).

2. Mr. MARRACHE (Syria) introduced his delegation's amendments to article I in document A/C.3/L.1484. The amendments to sub-paragraph (a) proposed a definition of belief. His delegation had considered that there was no need to define religion, because everyone knew what was meant by that word, which in the draft Convention had its usual meaning. The word "belief", however, did not have quite the same meaning as in normal parlance, but was used in a rather more restricted sense. The present wording had the disadvantage of not indicating the relation between religion and the beliefs referred to in the draft Convention and of not making clear the meaning of the word "belief" in that context. It was necessary to give a suitable definition of that word, which recurred constantly in the text, in order to avoid possible conflicts between the Convention and other legal instruments.

3. Because of the time-limit set for the submission of amendments, his delegation had had to submit its amendments rather hastily and now found itself obliged

to make a change in one of them.^{1/} Although it did not perhaps offer an entirely satisfactory solution, the Syrian amendments to sub-paragraph (a) had the merit of drawing attention to an important problem. Those amendments aimed at bringing out the characteristic elements common to both beliefs and religion, and with that end in view, it stated the meaning of the word "belief" and restricted its scope. The Bulgarian amendments to sub-paragraph (a) in document A/C.3/L.1482 seemed to be based on the same idea without, however, providing a satisfactory solution.

4. With regard to article I, sub-paragraph (c), he considered that it was wrong that intolerance in matters of religion and in matters of belief should both equally be termed religious intolerance. His amendment aimed at dissociating the two types of intolerance and sought to define the meaning of the word intolerance in relation to the word discrimination, which was clearly defined in article 1, sub-paragraph (b). That sub-paragraph gave a very wide definition of "discrimination on the ground of religion or belief". In his delegation's opinion, intolerance was thus a secondary concept, derived from the fundamental concept of discrimination. The fact that intolerance was defined in terms of its manifestations in no way limited the scope of the concept, since those manifestations could be of a purely intellectual or psychological nature. The Syrian amendment to sub-paragraph (c) had the further advantage of representing intolerance as a relationship between human beings some of whom were in a position of inferiority to others. It went without saying that the reference was to individuals or groups belonging to the same national community.

5. The Bulgarian amendments to sub-paragraph (c) had the same starting-point as the Syrian amendment, since both defined intolerance in terms of its manifestations. However, the Bulgarian amendments defined manifestations of intolerance in matters of religion or belief as those reflected in actions contrary to the provisions of the Convention, which was a mistake from the legal point of view. It was the provisions of the Convention that would have to be interpreted in the light of the definition it gave. The Bulgarian amendments created a vicious circle and in no way resolved the problem.

6. The Syrian amendment to article I, sub-paragraph (d), was a purely formal one. If the Syrian amendment to sub-paragraph (c) was adopted, sub-paragraph (d) would have to be reworded accordingly, so that the wording of the two paragraphs would be consistent. With regard to the Byelorussian SSR

^{1/} The new text of the amendment was subsequently circulated as document A/C.3/L.1484/Corr.1.

amendment (A/C.3/L.1464), he pointed out that sub-paragraph (d) would have to be a compromise text. In many countries, there existed a *de facto* situation which gave a particular religion a privileged position. In Syria, for example, the Head of State must necessarily belong to a specified religion. An attempt had been made to take such situations into account. However, the expression "by itself", which belonged to academic language and not to legal language and which was intended to render acceptable a text which contained at least a germ of intolerance, did not really solve the problem. It was impossible to judge a situation "by itself", i.e. independently of its practical consequences. It was very difficult to find a common denominator in that area, because the concepts of tolerance and intolerance and the margin of tolerance varied with different religions and beliefs. One of the purposes of drafting a convention was precisely to find common ground. The Byelorussian amendment accorded with the beliefs of the Byelorussian delegation and of the delegations of the socialist countries generally, since secular education constituted an essential element of their economic and social system. Those beliefs should be respected, and for that reason the Syrian delegation would vote in favour of the amendment.

7. Mr. MUNGERERA (Uganda) withdrew his amendment to article I, sub-paragraph (a) (A/C.3/L.1485).

8. Mr. BAHNEV (Bulgaria) also withdrew his amendments to article I, sub-paragraph (a).

9. With regard to sub-paragraph (c), he explained that his first amendment, proposing the deletion of the word "religious" before the word "intolerance" was not dictated by anti-religious considerations but by a desire to use the wording of the new title of the Convention, which omitted the word "religious", and also to avoid repetition, since intolerance was already defined by the expression "in matters of religion". His second amendment to sub-paragraph (c) was prompted by a desire for precision, because it must be stated clearly that it was the external manifestations of intolerance which States were committing themselves to punish. Lastly, his third amendment stated that the external manifestations referred to were those reflected in actions contrary to the provisions of the Convention, in order to help States to identify and punish them in accordance with the provisions of Article IX.

10. Mrs. REGENT-LECHOWICZ (Poland) considered that article I, sub-paragraph (a), gave a precise and full definition. It had already been discussed at length by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and by the Commission on Human Rights at its twenty-first session. Several amendments had been discussed at that time and then withdrawn, and the Commission on Human Rights had approved the original text, considering that it struck a delicate balance between the terms "religion" and "belief". The same opinion had been expressed in the Third Committee during the general debate by several delegations, and in particular by the representative of France and by the representative of the United Kingdom, who had said

that the definition proposed in sub-paragraph (a) could not be fuller or more explicit. She shared that point of view and would vote in favour of keeping sub-paragraph (a) in its original form. She thanked the representative of Uganda for withdrawing his amendment, which would not have been acceptable to her delegation.

11. With regard to sub-paragraph (c), she noted that the amendments submitted by Syria and Bulgaria proceeded from the same basic idea and that they both sought to make the original text more explicit by a further definition of the word "intolerance". It might therefore be advisable for Syria and Bulgaria to submit a joint amendment. Syria and Pakistan might likewise submit a joint amendment to sub-paragraph (d). She considered those amendments useful and acceptable. She would also support the Byelorussian SSR amendment to sub-paragraph (d).

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

12. Mrs. HARRIS (United States of America) said she regretted that the Syrian representative had changed one of his amendments to article I, sub-paragraph (a), because she had found the earlier version preferable. She would wait until the new text of the amendment had been submitted in writing before stating her views on it.

ARTICLE II (continued)*

13. The CHAIRMAN invited the Committee to consider article II of the draft Convention (A/6660 and Corr.1, annex I) and the amendments to it submitted by India (A/C.3/L.1481), Bulgaria (A/C.3/L.1483) and Syria (A/C.3/L.1484).

14. Mr. MARRACHE (Syria) said that his amendment to article II in document A/C.3/L.1484 was the logical consequence of his amendment to article I, sub-paragraph (c), and aimed at making the draft as a whole consistent with the title. He therefore proposed that throughout the text the word "religious" should be replaced by the words "in matters of religion or belief", using, where necessary the expression "in the field" in order to avoid repetition.

15. Mr. BAHNEV (Bulgaria), introducing the first of his amendments to article II (A/C.3/L.1483), said that it was not sufficient to state that the religion or belief of an individual was a matter for his own conscience, because that did not rule out outside interference. It would therefore be better to state that the religion or belief of an individual was his private affair and that freedom of conscience must be respected accordingly. Bulgaria's second amendment to article II to delete the word "religious" corresponded to the amendment which it had already submitted to article I, sub-paragraph (c), using the wording of the new title of the Convention. The fifth amendment was prompted by the same considerations. With regard to his third amendment, he considered that the expression "implement policies" was not sufficiently clear to create legal obligations for States Parties

*Resumed from the 1507th meeting.

and that it would be preferable to state that those obligations consisted, in particular, in adopting legislative measures to protect freedom of conscience. Lastly, he proposed in his fourth amendment that the word "thought" should be deleted, since there was no men-

tion of freedom of thought in the rest of the text and the Convention dealt only with freedom of religion and beliefs.

The meeting rose at 12.10 p.m.