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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/Rev.1, A/C.3/L.1468/Rev.1 and Rev.1/Corr.2, A/C.3/L.1469 to 1471, A/C.3/L.1472/Rev.1, A/C.3/L.1473, A/C.3/L.1474)

PREAMBLE (continued)

1. Dame Mabel MILLER (Australia) said she could not support the USSR representative's attempt to insert in the draft Convention (A/6660 and Corr.1, annex I) a reference to colonialism and racialism, which she considered irrelevant in the context. The United Nations had already taken a stand on both issues, many times and in many documents, and she could see no need for a new reference. Moreover, those who had opposed the mention of anti-Semitism on the ground that it was a racial matter but now supported the inclusion of the word "racialism" in the preamble were being guilty of inconsistency.

2. With regard to the second new paragraph proposed by the Soviet Union in document A/C.3/L.1466/Rev.1, she could not, in the present context, endorse a prohibition of interference in the national life of countries—although she was wholly opposed to such interference—because it might prejudice the efforts of Churches to put an end to such unjust situations as slavery and apartheid.

3. The sub-amendments submitted by Argentina (A/C.3/L.1472/Rev.1) represented a praiseworthy effort to find a compromise formula, but she would be unable to vote in favour of that formula, because it was not a satisfactory solution to the problem.

4. Mr. MUNGHERERA (Uganda) said he was convinced of the need for the safeguards contained in the additional paragraphs proposed by the USSR,

which brought out the necessarily limited nature of religious freedom.

5. While it was true that religious organizations had contributed much to the progress of his country and of the other developing countries, it was also true that they had sometimes come into conflict with the political leaders of the nation. That was why it was vital to set bounds to religious freedom.

6. Mr. NASINOVSKY (Union of Soviet Socialist Republics), referring to the sub-amendments submitted by Argentina said that since the Argentine representative had not accepted the compromise the Soviet Union delegation had suggested at the previous meeting, he would maintain his original proposal in document A/C.3/L.1466/Rev.1. He stressed the importance of the second proposed new paragraph, which would protect the independence of States against any attempt to interfere in their affairs on religious pretexts.

7. The proposal submitted by Italy (A/C.3/L.1473) could clearly not be considered a sub-amendment as defined in rule 131 of the rules of procedure, and he therefore requested that it should be submitted as an independent proposal.

8. Mr. A. A. MOHAMMED (Nigeria) said he failed to understand the reluctance to use the word "colonialism" in the draft, since the term would have to be interpreted in the context of the draft as a legal instrument, and would carry the pejorative meaning it had in other United Nations documents.

9. The safeguards provided in the amendments submitted by the USSR were too sweeping, and the present drafting might give rise to misinterpretation. Moreover, the purpose of the draft Convention was to protect individual rights in matters of religion or belief, whereas the USSR amendments were designed solely to prevent abuses of such rights. However, in so far as the proposed paragraphs were aimed at the elimination of obstacles to the forces of emancipation, they were deserving of full support. He could not therefore, accept the sub-amendments submitted by Argentina, which deleted any reference to colonialism, and proposed in its place the sub-amendment in document A/C.3/L.1474.

10. The USSR amendment to the third paragraph of the preamble was identical with the corresponding proposal made by the sixteen Powers in document A/C.3/L.1468/Rev.1, of which his delegation was a sponsor.

11. Mr. NASINOVSKY (Union of Soviet Socialist Republics) welcomed the proposal submitted by the Nigerian representative, which was a genuine sub-amendment within the meaning of rule 131 of the

rules of procedure, and as he agreed with his observations he withdrew his own amendment to the third paragraph of the preamble.

12. After a brief procedural debate, in which Mrs. MANTZOULINOS (Greece) and Mr. A. A. MOHAMMED (Nigeria) took part, Mr. QUADRI (Argentina) said that in view of the sub-amendments submitted by Italy (A/C.3/L.1473) he would withdraw his own proposal (A/C.3/L.1472/Rev.1) and would vote in favour of the Italian sub-amendments.

13. Mrs. NIKOI (Ghana) said that the paragraphs which the USSR proposed to add to the preamble were not suitable in a draft Convention designed to eliminate all forms of religious intolerance. Moreover, they might even have the opposite effect to that desired, since, for example, there were religious bodies in the United Kingdom and other countries which had been contributing large sums to help Africans fight racialism in South Africa, and the adoption of the USSR amendments might make such contributions difficult. As to interference in the national life of countries, if a State wished to intervene in the internal affairs of another State it had no need of religious pretexts to do so, and, moreover, articles XI and XII of the draft Convention contained adequate safeguards for national security.

14. The sub-amendments submitted by Argentina represented a constructive attempt to eliminate all "isms" from the draft, but since they had been withdrawn in favour of the sub-amendments submitted by Italy she would vote in favour of the latter.

15. Mr. SANON (Upper Volta), noting the many references that had been made to the draft resolution submitted by his delegation (A/C.3/L.1467), which had already been adopted by the Committee, said that as all members knew and as was correctly reported in the summary record of the 1497th meeting, the aim of that proposal had been to delete the word "anti-Semitism". For that reason, he could not agree to that resolution being interpreted as a decision not to refer to either colonialism or racialism in the draft Convention; for while the concept of anti-Semitism had religious overtones that was not true of colonialism or racialism, which were purely political phenomena.

16. Mr. JHA (India) reiterated the view expressed by his delegation at the 1502nd meeting on the new preambular paragraphs proposed by the USSR, and supported the Nigerian sub-amendment (A/C.3/L.1474). He agreed with the USSR representative with regard to the Italian proposal (A/C.3/L.1473).

17. Mrs. AFNAN (Iraq) said her delegation attached great importance to the reference to colonialism proposed by the USSR and could not understand how the Italian amendments (A/C.3/L.1473) could be regarded as sub-amendments to that proposal. She could not pass over in silence the statements of the Italian representative to the effect that colonialism was a fast disappearing phenomenon; while that might be true, it was no less true that it still existed, in the form of neo-colonialism among other guises, and she felt morally bound to help hasten its passing. She could not agree with the comparison between colonialism and anti-Semitism made in the Committee,

or with the two being placed on the same footing. Colonialism was a living, experienced reality, and the international community was in duty bound to contribute to its eradication in all the instruments it adopted.

18. She welcomed the withdrawal of the Argentine sub-amendments for if they had been maintained she would have had to vote against them or to abstain in the voting. She would regretfully have to vote against the Italian amendments although she was not opposed to the substance, since they entailed the deletion of the text proposed by the USSR (A/C.3/L.1466/Rev.1). Lastly, she felt that the Nigerian representative had done a useful service in submitting his sub-amendment and she would vote in its favour in the confident hope that it would be accepted by the USSR.

19. Mr. BARODY (Saudi Arabia) expressed his astonishment at the manoeuvres being made to delete the paragraphs proposed by the USSR without thorough discussion of them. Since he feared that those manoeuvres might be successful, he wished to suggest a sub-amendment<sup>1/</sup> which would require those favouring the deletion of the second paragraph to reconsider their position. He proposed the addition of the words "especially when manifestations of religion or belief have served and are still serving as a means or as an instrument of foreign interference in the internal affairs of other States and peoples" after the words "great suffering to mankind" in the first amendment of the sixteen Powers (A/C.3/L.1468/Rev.1) to the third paragraph of the preamble. The end of his sub-amendment was the same as the last part of the second new paragraph proposed by the USSR.

20. Colonialism was not solely a matter of territorial conquest; it might be, and it was, practised by the use of economic power and monopolies. There was no reason for some Powers to feel nervous about a reference to colonialism in the draft Convention, since they had now renounced that policy. Recently, colonialism had been called by various names, including imperialism, all of them based on the activities of economic interests. He would vote in favour of the USSR amendments on their own merits and he appealed to the members of the Committee to act with objectivity when the vote was taken.

21. Mr. CHAVERRI (Costa Rica) reaffirmed the ideas he had explained at the 1502nd meeting, and said that he would support the Italian sub-amendments in the same spirit of conciliation which he had expressed with regard to the Argentine proposal which had now been withdrawn. The content of that Argentine proposal was covered, and even improved upon, by the new sub-amendments.

22. He thought that the preamble submitted to the Committee was complete and perfect. The purpose of the Convention was to protect human beings against religious intolerance, and the references to States in some of its articles were of a declarative nature and did not establish limitations. After hearing the remarks of the Saudi Arabian representative, he was even more convinced that to insert the word "colonialism" in the preamble would be to introduce

<sup>1/</sup> Subsequently circulated as document A/C.3/L.1476.

political concepts which were alien to the Convention. With the passage of time, changing political and social conditions altered the meanings of words; there was no question that colonialism had political and economic consequences, but its effects in the sphere of religion were not sufficiently clear to justify mentioning it. He agreed with the Italian representative that the second new paragraph proposed by the Soviet Union should be deleted, for it was ambiguous and could lead in the future to limitations on religious freedom. His delegation saw in the Soviet proposal the dangerous possibility of the Convention's being used, in accordance with the postulates of a particular society, to combat all religions in the abstract and impede the exercise of religious freedom and tolerance, thus becoming an instrument of intolerance. He asked the Committee to consider those possible consequences, and urged delegations which, like his own, were opposed to colonialism not to allow themselves to be misled by such concepts, which had no place in the document. As to the Saudi Arabian representative's allusion to certain manoeuvres, he expressed his conviction that all delegations were working in good faith to fill any gaps in the defence of human rights.

23. Mr. MIRZA (Pakistan) said he would withdraw his sub-amendment (A/C.3/L.1471) to the Soviet amendment since in the revised version of the latter (A/C.3/L.1466/Rev.1), the first new paragraph took the form which his own delegation had proposed. Noting that the revised Soviet Union amendment retained the reference to foreign interference in the internal affairs of States, he said that his delegation was withdrawing its proposal for the deletion of that reference. His delegation would support the Nigerian sub-amendment (A/C.3/L.1474) to the first new paragraph proposed by the Soviet Union. The Italian sub-amendments (A/C.3/L.1473) seemed to him to bear no relation to the Soviet Union amendments and he would vote against them. It was not needed in the preamble to the draft Convention, for the matter to which it referred was dealt with in article XI of the draft and its negative formulation might be used to resist the struggle against colonialism and racism. Finally, he would like further explanation of the Saudi Arabian proposal. Was the text in question to be an additional paragraph or a substitute for the text proposed by the Soviet Union? If the former, his delegation could accept the proposal. If the latter, it could not.

24. Mr. MAHMASSANI (Lebanon) said that he saw no relation between the Italian sub-amendments and the Soviet Union amendments, they dealt with two different things, and he therefore asked the Italian delegation to submit its text as a new paragraph. If it did so, his delegation would support the inclusion of the paragraph in the draft.

25. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) said that representatives who were opposed to the reference to colonialism and racism maintained that it had political considerations which were alien to the purpose of the Convention. Yet the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), affirmed in its paragraph 1 that "the subjection of peoples to alien subjugation, domination and

exploitation constitutes a denial of fundamental human rights. . .". Fundamental rights included rights relating to religion, which were mentioned in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other United Nations documents. Consequently, if rights relating to religion were among the fundamental rights and if colonialism was a denial of those fundamental rights, the reference to colonialism was relevant in a convention on rights relating to religion.

26. The report<sup>2/</sup> of the Seminar on Human Rights in Developing Countries cited examples of intervention by foreign religious personnel in the internal affairs of African States. He was astonished that anyone should maintain that colonialism was a thing of the past when nobody could ignore the continued existence of colonialism in territories such as Angola and Mozambique.

27. His delegation would support the Nigerian proposal (A/C.3/L.1474) and that of Saudi Arabia. As to the Italian sub-amendments (A/C.3/L.1473), although it would be difficult for his delegation to vote against the first sub-amendment he would be unable to support it because it required the deletion of the reference to colonialism and racism. He would be able to support it, however, if it was submitted as an additional paragraph.

28. He cited as an example of interference in the internal affairs of another State for religious reasons the occupation of the Jordanian part of Jerusalem by the Israel extremists, and he stressed that international documents should reflect realities.

29. Mr. DABROWA (Poland) said that the first Italian sub-amendment placed his delegation in a difficult position, for while it was in itself positive it was intended to take the place of the Soviet Union text, which was also of a positive character. He associated his delegation with those which had requested Italy to present its text as an additional paragraph. If the Italian delegation accepted that suggestion, his delegation would support the inclusion of the sub-amendment; otherwise it would be obliged to vote against it.

30. Mrs. HARMAN (Israel) said she had not claimed that there was any connexion between anti-Semitism and colonialism, but had simply pointed out that the Committee had decided not to refer to any "ism". The question of Jerusalem had nothing to do with the item the Committee was considering, and she did not wish to enter into a discussion either on that subject or on the situation of the Jews in the Ukrainian SSR.

31. Mr. SANON (Upper Volta) said that he had already explained why his delegation had asked the Committee to adopt the resolution on "isms" (A/C.3/L.1467). The "isms" in question were those relating to religious freedom, and colonialism was therefore not within the scope of that resolution.

32. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic), replying to the Israel representative, said the resolution adopted by the Committee provided that no mention would be made of "isms" relating to religious intolerance, whereas in his previous statement he had referred to colonialism. The Israel represen-

<sup>2/</sup> Document ST/TAO/HR/25.

tative's reference to the Jews of the Ukrainian SSR was another example of Israel's calumnious statements on that subject. The Jews of the Ukraine enjoyed equality of rights and suffered no discrimination.

33. Mr. ABOUL-NASR (United Arab Republic) expressed astonishment at the efforts some delegations were making to relate the Committee's resolution on specific examples of religious intolerance (A/C.3/L.1467) to the reference to colonialism. The resolution did not speak of "isms" but only of "specific examples of religious intolerance".

34. Mr. SPERDUTI (Italy) thanked the Argentine delegation for withdrawing its sub-amendments (A/C.3/L.1472/Rev.1) in favour of the Italian sub-amendments (A/C.3/L.1473), and expressed his appreciation to the other delegations which had taken a position in favour of his delegation's sub-amendments. Certain delegations, however, had taken an unfair position, particularly the delegation of Pakistan, which had affirmed that the Italian sub-amendments were aimed at discouraging the struggle against colonialism and racialism. That was a totally gratuitous and erroneous statement. The principles of the United Nations, to which Italy fully subscribed, included the struggle against colonialism and racialism, but there was no need to mention them in the draft Convention. As to the Saudi Arabian representative's remark about certain manoeuvres, he stated that his delegation had not engaged in any manoeuvres whatsoever; on the contrary, it had simply set forth its position after examining the Soviet Union amendments carefully and in good faith. Nor had it opposed consideration of the question.

35. Others felt that there was no relationship between the first new paragraph proposed by the Soviet Union and the Italian sub-amendment to it, and had requested his delegation to submit its text as a new paragraph. It was not true that there was no connexion between the two texts; the Soviet text referred to details of a matter which the text proposed by his own delegation dealt with in a more general way. His delegation objected to the Soviet text because of the context and the manner in which it had been drafted. He did not agree with the Lebanese delegation that the Italian text duplicated what was said in article XI of the draft. The latter laid down limitations, while the text proposed for the preamble indicated the abuses which should be combated. Finally, his delegation did not agree that the text which it had proposed should be submitted as an independent paragraph.

36. Mr. MIRZA (Pakistan) explained that he had not said it was the intention of the Italian delegation to condone colonialism and racialism; all he had said was that the text proposed by Italy could be interpreted and used to further those policies. Again, the principles of the United Nations included, in addition to the struggle against colonialism and racism mentioned by the Italian representative, respect for national security and the promotion of friendly relations among States. Yet the Italian representative did not consider it redundant to stress those principles in his text. Why, then, should not the struggle against colonialism and racism also be mentioned? Moreover, it was recognized that specific provisions were stronger than general ones, and a general text, while it naturally would not deny the principle of the struggle against colonialism, would in practice relegate it to a secondary position.

37. Mr. MAHMASSANI (Lebanon) said that in speaking of the Italian text he had not made any reference to article XI of the draft Convention. However, he would like to repeat that the Italian sub-amendment bore no relation to the Soviet Union amendment.

38. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that the position taken by the Italian representative would place the Committee in a difficult position. He therefore associated himself with the proposal of Nigeria (A/C.3/L.1474), and withdrew the amendment relating to the first of the new paragraphs proposed by the Soviet Union, which made the Italian sub-amendment pointless.

39. Mr. SPERDUTI (Italy) reserved the right to submit his delegation's sub-amendments as a sub-amendment <sup>3/</sup> to the text submitted by Nigeria (A/C.3/L.1474).

40. After a brief procedural discussion in which Mrs. HARRIS (United States of America) and Mr. ABOUL-NASR (United Arab Republic) took part, Mrs. AFNAN (Iraq) proposed that at the next meeting the Committee should proceed to vote without further discussion on the title of the draft Convention and all the paragraphs of the preamble except the first one, which had already been approved at the 1498th meeting.

*It was so decided.*

*The meeting rose at 5.50 p.m.*

<sup>3/</sup> Subsequently circulated as document A/C.3/L.1477.