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

TITLE

1. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) said the general debate had already made it clear that the title of a document was important, since it summed up the latter's content; that was why the normal legal practice was to see that the two were in complete agreement. The title of the draft Convention as it appeared in the text of the Commission on Human Rights and that was before the Committee (A/6660 and Corr.1, annex I), however did not fully correspond to the objective of the Convention, which was the elimination of all discrimination on the ground of religion or belief. Moreover, the word "intolerance" was not precisely defined in article I of the text of the Convention. Webster's dictionary defined intolerance as blind devotion to something—in other words fanaticism—or unwillingness to tolerate a difference of belief or opinion. It was therefore a matter of emotions. But were States, to which the Convention was addressed, in a position to take action in the sphere of personal emotions or feelings, particularly in religious matters, where it was so difficult to inspire fanatics with tolerance and understanding?

2. On the other hand, article I, paragraph (b) clearly defined the meaning of the expression "discrimination on the ground of religion or belief", the manifestations of which could properly be the subject of State action. He had therefore submitted an amendment (A/C.3/L.1460) by which the title of the draft Convention would be modified to read "International Convention

on the Elimination of Discrimination on the Ground of Religion or Belief". He thought that title expressed the document's contents more appropriately—though not exhaustively, as was clear from the sub-amendment submitted by Italy (A/C.3/L.1462) which proposed the insertion of the words "All Forms of Intolerance and of" between the words "of" and "Discrimination". He was prepared to accept the words "All Forms". He hoped that the change of title would help to produce a better drafted text.

3. Mr. SPERDUTI (Italy) said that the retention of the original title of the draft as it appeared in General Assembly resolution 1781 (XVII) would raise difficulties for his delegation. First, the word "Intolerance" was too broad, and secondly, the very idea of religious intolerance seemed somewhat dubious, in that it implied something negative; namely, intolerance towards those who professed no religion. He therefore welcomed the amendment proposed by the representative of the Ukrainian Soviet Socialist Republic, and his delegation had submitted a sub-amendment to that proposal only in order to improve it and to forestall any objections that might be made to it. He doubted whether it was correct to say that the word "Intolerance" was vague and had no place in the Convention. If that were so, what would be the situation with regard to articles II, VI and IX, among others, which specifically condemned and combated religious intolerance? Unless the word "intolerance" was not to appear in any article of the Convention it must necessarily appear in the title of the instrument.

4. Mr. NASINOVSKY (Union of Soviet Socialist Republics) agreed that the first step must be to determine the Convention's title, which should reflect its basic idea and goal. When the General Assembly had originally recommended the preparation of a draft international convention on the elimination of all forms of religious intolerance it had not known what that convention's precise contents would be; but the Committee now had before it a specific text, which made it clear that the basic goal sought was to prevent any discrimination on the ground of religion or belief. The Convention was addressed to States, whose duty it would be to see that it was put into practice. However, intolerance was not a legal but a subjective concept, and all the State could do was to take action to eliminate all factors giving rise to discrimination; it could not concern itself with the emotions of individuals. The idea of intolerance might perhaps imply discrimination in other languages, but it did not in Russian. Moreover, the definition of "intolerance" given in article I, paragraph (c) of the draft Convention, which provided simply that "religious intolerance" shall mean intolerance in

matters of religion or belief", was a meaningless tautology.

5. He therefore supported the amendment to the title submitted by the Ukrainian SSR (A/C.3/L.1460), which could perhaps be supplemented by the addition of the words "All Forms" proposed in the Italian sub-amendment (A/C.3/L.1462). However, he could not accept the inclusion of the word "Intolerance"; it was not used in the title of the International Convention on the Elimination of All Forms of Racial Discrimination, which should be taken as a model.

6. Mr. A. A. MOHAMMED (Nigeria) supported the title proposed by the Ukrainian SSR, which he felt accurately reflected the contents of the Convention. However, he could not support the deletion of the word "Intolerance", which conveyed a nuance lacking in the idea of discrimination and, moreover, had a very precise meaning, specifically related to religion.

7. Mr. PAOLINI (France) doubted whether the Committee should debate the title of the draft before it had approved its contents. Moreover, the original title of the instrument struck him as entirely satisfactory. The Convention had a specific goal, and the analogy of the International Convention on the Elimination of All Forms of Racial Discrimination should not be carried too far. Much criticism had been levelled at the word "intolerance" on the ground that it was not defined in the draft; but that applied equally to the word "religion", which everybody understood perfectly well. Littré defined "intolerance" as refusal to accept the opinions of others, especially in matters of religion. There was therefore nothing surprising in the fact that the International Convention on the Elimination of All Forms of Racial Discrimination should fail to mention intolerance, which manifested itself specifically in the sphere of religion. From the legal standpoint, intolerance was a denial of freedom of conscience.

8. Consequently, he saw no objection to retaining the original title, although he recognized that the amendment of the Ukrainian SSR contained a positive element in its reference to discrimination. However, he thought that the idea of intolerance should be retained in the title and he would therefore vote in favour of the Italian sub-amendment.

9. Mr. BARREIRO (Spain) said he shared the French representative's doubts about the advisability of discussing the title of the Convention at the present stage, and agreed that generally speaking the title should reflect the documents contents. However, the question became more complicated when it was considered whether the text of the title was in conformity with that of the preamble and with the substantive articles of the draft. There were two possibilities: either to use a general formula such as that used in the draft Convention, or to choose a detailed title such as that proposed in the Italian sub-amendment. He suggested that the present wording of the title should be retained or that agreement should first be reached on the substantive contents of the document, leaving its title to be determined later.

10. Mr. BAHNEV (Bulgaria) said that the draft Convention formulated by the Commission on Human Rights did not entirely reflect the text of General

Assembly resolution 1781 (XVII), with the result that the title of the instrument did not coincide with its contents. Observing that it was important to know what title the Convention was to bear, he said that although the words "discrimination" and "intolerance" were used in some articles of the draft, the text of the document as it stood did not support the argument that intolerance should be mentioned in the title. The representatives of Nigeria and France had maintained that that word had primarily religious connotations, but various United Nations documents seemed to indicate the contrary: for example, the Preamble to the Charter spoke of practising tolerance but associated it with another concept, that of living together in peace, and the Universal Declaration of Human Rights, in article 26, used the word "tolerance" in association with the words "understanding" and "friendship". Thus it could not be affirmed that intolerance was related exclusively to religion, for the United Nations itself had used the word in other contexts. He would be opposed to the use of that word in the Convention, and he noted that a number of instruments approved by the United Nations, such as the Convention on the Prevention and Punishment of the Crime of Genocide, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery and the Convention relating to the Status of Stateless Persons, all of which were in force, mentioned religion without speaking of intolerance; and in the International Covenant on Civil and Political Rights it was not the word "intolerance" but "discrimination" which was used. Finally, he associated himself with the observations made by the representative of the Ukrainian SSR when submitting his amendment and with the latter's interpretation of the draft Convention.

11. Mr. SAINT-REMY (Belgium) said that his delegation had not seen any need to amend the title of the Convention, which it found satisfactory. The amendment of the Ukrainian SSR and the Italian sub-amendment were constructive, because the texts they proposed would include a reference not only to religion but also to belief; in an instrument of the kind in question all the forms of discrimination which it was sought to prevent should be mentioned. He was prepared to vote in favour of including the word "belief" in the title, but he preferred the text proposed by Italy, for the reasons stated by the representative of France. Of the definitions of the word "intolerance" given in the Littré and Webster dictionaries he preferred the former, for discrimination was one of the effects of intolerance and he could not see why the text should mention only the effect and not the cause.

12. He did not think that paragraph (c) of article I was tautologous; the expression "religious intolerance" should be understood as an abbreviation of "intolerance in matters of religion or belief", and the definition in that paragraph was therefore supplementary.

13. Mr. ABOUL-NASR (United Arab Republic), speaking on behalf of his own delegation and those of Burundi, Ceylon, the Democratic Republic of the Congo, Guinea, India, Iran, Mali, Mauritania, Morocco, Nigeria, Pakistan, Rwanda and Turkey, submitted an amendment (A/C.3/L.1468) to the title of the draft Convention.

14. Mr. DESETA (Brazil) said that the definitions of the terms "intolerance" and "discrimination" could give rise to lengthy debate in the Committee. Both terms could represent either an attitude towards religion or a limitation in the sociological sense. He wondered whether it was desirable to begin by considering the title of the Convention, and suggested that the preamble and substantive articles should be taken up first, leaving the title to the end.

15. Mr. SIRI (El Salvador) said that in Spanish the word "discrimination" meant differentiation in a pejorative sense and that in matters of religion, therefore, it could only be understood to mean according to the followers of one religion different treatment from that accorded to those of another. Intolerance meant an adverse attitude implying contempt, rejection and even persecution of that which was not tolerated. For those reasons, he could not support any amendment which would exclude the word "intolerance" from the title of the Convention, although in other respects he found the amendment of the Ukrainian SSR acceptable.

16. Mrs. AFNAN (Iraq) observed that it might have been preferable to begin with the preamble and take up the title after considering article I; however, there seemed to be general agreement in the Committee that the amendment of the Ukrainian SSR to the title, with the modifications proposed by Italy, was acceptable. She thought that the Ukrainian amendment had positive elements and that the arguments of the delegations supporting it were convincing, for the implementation of the provisions of the Convention would require action by States, and it was difficult to eliminate intolerance by means of laws. Article I of the draft contained various definitions relating to the terms "belief", and it was therefore essential to include that term in the title of the Convention. The word "intolerance" should also be retained, and that could be done by adopting the Italian sub-amendment.

17. Mr. SANCHEZ GAVITO (Mexico) said that he was opposed to the deletion of the word "Intolerance" in the title of the draft, as proposed in the amendment of the Ukrainian SSR. Moreover, the amendments of the Ukrainian SSR to the seventh and eighth preambular paragraphs did not call for the deletion of the word "intolerance" which also appeared in both those paragraphs.

18. The CHAIRMAN suggested that if there were no objections the delegations which had submitted amendments to the title of the draft Convention should meet privately to try to work out a single amendment, and that the Committee should now take up the preamble to the draft Convention.

It was so decided.

PREAMBLE

19. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) said that his delegation's amendment (A/C.3/L.1460) to the first preambular paragraph was designed to express more fully the purpose of the Convention, by the addition at the end of the paragraph of the words: "political or other opinion, national or social origin, property, birth or other status". That

text was not an original or discarded one, for it was taken from article 2 of the Universal Declaration of Human Rights.

20. Mr. SPERDUTI (Italy) pointed out that the first preambular paragraph was derived from Articles 55 and 56 of the United Nations Charter and corresponded to the first preambular paragraph of the International Convention on the Elimination of All Forms of Racial Discrimination. Consequently, his delegation was unable to accept the amendment of the Ukrainian SSR, not for reasons of substance but for the technical reason that the Articles of the Charter to which reference was made and from which the paragraph in question was derived must be faithfully reflected.

21. Mrs. REGENT-LECHOWICZ (Poland) supported the amendment of the Ukrainian SSR, which was in accordance with article 2 of the Universal Declaration of Human Rights.

22. Mr. ABOUL-NASR (United Arab Republic), observing that the Italian representative's observations were correct, asked the delegation of the Ukrainian SSR whether it would be willing to transpose to the second preambular paragraph the text which its amendment proposed to add to the first preambular paragraph.

23. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) accepted the suggestion of the representative of the United Arab Republic.

24. The CHAIRMAN invited the Committee to vote on the text of the first preambular paragraph of the draft Convention as submitted by the Commission on Human Rights (A/6660 and Corr.1, annex I).

The first paragraph of the preamble was adopted unanimously.

25. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that his delegation's amendment (A/C.3/L.1466) to the second preambular paragraph was simple in both substance and form. Since the preamble to the draft Convention had been drawn up before the International Covenants on Human Rights were adopted, it made no mention of the latter. The amendment merely involved the insertion in the second paragraph of a few words indicating that the principles referred to in that paragraph were confirmed by the Covenants.

26. Miss MARTINEZ (Jamaica) pointed out that there was some overlapping between the USSR amendment to the second preambular paragraph and the second amendment to that paragraph submitted by the Ukrainian SSR. Both amendments referred to the International Covenants on Human Rights. She therefore suggested that the two delegations get together and reconcile their amendments.

27. Mrs. MANTZOULINOS (Greece) said that her delegation had serious objections to the amendments of the USSR and the Ukrainian SSR regarding the inclusion of a reference to the International Covenants on Human Rights in the second preambular paragraph, as those instruments had not yet been ratified.

28. Mr. SPERDUTI (Italy) said that his delegation saw a technical difficulty in the use of the verb "proclaim", which was suitable in the case of a

declaration, such as the Universal Declaration of Human Rights, but not in that of a convention. A convention did not merely proclaim principles but laid down provisions which were binding on the States Parties. In addition, both the USSR amendment and the Ukrainian SSR amendment spoke of "Covenants", in the plural, although the only covenant which would be relevant to the subject matter of the draft Convention would be the International Covenant on Civil and Political Rights. The first amendment of the Ukrainian SSR to the second preambular paragraph (A/C.3/L.1460), which involved the insertion of the words "equality and", was superfluous, for the present text of the second preambular paragraph spoke of "non-discrimination", which meant the same thing. The words which the delegation of the Ukrainian SSR had wished to add to the first paragraph and which it now decided to propose for inclusion in the second paragraph, seemed somewhat out of place in the draft Convention and would not strengthen the text. Lastly, since the essence of the second amendment of the Ukrainian SSR to the second preambular paragraph was already contained in the fourth preambular paragraph, approval of the amendment would logically entail deletion of the fourth paragraph and that was something which his delegation could not countenance.

29. Miss KOK (Netherlands) submitted that the words which the Ukrainian SSR had originally proposed to add to the first preambular paragraph could not be inserted in the second paragraph as they stood. There would need to be a slight change in formulation, with the insertion say, of the words "without distinction as to" before the proposed amendment.

30. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) explained that his delegation was proposing three amendments to the second preambular paragraph. Dealing with the objections to the insertion of the words "equality and", he pointed out that the Universal Declaration of Human Rights did not speak of "non-discrimination" but of the equality of all human beings, as was evidenced in the first preambular paragraph and in article 1. For that reason, he did not find the arguments of the Italian delegation convincing. The purpose of the proposal in his delegation's second amendment to the second preambular paragraph to include a reference to the International Covenants on Human Rights was to avoid spelling out the full titles of the two Covenants. In that connexion it was to be noted that the International Covenant on Economic, Social and Cultural Rights also referred in articles 2 and 13 to rights in religious matters. He agreed with the Netherlands representative that the words originally proposed by his delegation for the first preambular paragraph would need to be slightly amended.

31. Mr. A. A. MOHAMMED (Nigeria), referring to the amendment of the Ukrainian SSR entailing the insertion of the words "equality and" in conjunction with the word "non-discrimination" in the second preambular paragraph, drew attention to the fact that both the Universal Declaration of Human Rights and the International Covenants on Human Rights used the word "equality" in the sense of equality between individuals, whereas the draft Convention was concerned with discrimination in respect of religions.

32. He felt that the USSR proposal to insert a reference to the International Covenants on Human Rights in the second preambular paragraph would duplicate the second amendment of the Ukrainian SSR and that the two delegations should draft a joint proposal in order to prevent such duplication.

33. Lastly, he did not see what objection there could be to the fourth preambular paragraph, which seemed to him one of the most pertinent.

34. Mrs. AFNAN (Iraq) felt sure that the delegation of the Ukrainian SSR would accept the Netherlands representative's suggestion, which improved one of its amendments to the second preambular paragraph. With regard to the other amendments submitted by the delegation of the Ukrainian SSR, she had no objection to the insertion of the words "equality and" in the second preambular paragraph but could not agree to the deletion of the fourth preambular paragraph. If a reference was to be made to the International Covenants on Human Rights, she felt that both should be mentioned, rather than only one of them.

35. Mr. ABOUL-NASR (United Arab Republic) said that his delegation would not be in a position to express its views on the substance of the second paragraph until the various proposals had been put in final form, and he urged the delegations of the Soviet Union and the Ukraine to join forces in submitting a logical and harmonious text of their amendments.

36. Mr. SPERDUTI (Italy) had no objection to insertion of a reference to the International Covenants on Human Rights in the draft Convention, provided it was done in an effective and suitable manner; for whereas the International Covenant on Civil and Political Rights guaranteed freedom of conscience and religion per se, the International Covenant on Economic, Social and Cultural Rights only guaranteed that freedom in association with the rights which it recognized. It would not be sufficient, therefore, to refer in the draft Convention to only the first of the two Covenants.

The meeting rose at 6 p.m.