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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.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 1483, A/C.3/L.1484 and Corr.1, A/C.3/L.1487/Rev.1, A/C.3/L.1488, A/C.3/L.1489)

ARTICLE I (concluded)

1. The CHAIRMAN invited the Committee to continue voting on 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 Corr.1) and the United States of America (A/C.3/L.1488).

2. Mr. PAOLINI (France) requested that the word "another" in the text of article I, sub-paragraph (c), proposed by Syria in document A/C.3/L.1484 should be put to a separate vote, for intolerance could be directed towards persons of the same religion. He had no choice but to request a separate vote, as it was too late to submit a sub-amendment.

3. Mr. MARRACHE (Syria) asked what would become of his delegation's text if that word was deleted in accordance with the French representative's proposal. If the latter would explain the reasons for his proposal, perhaps his own delegation could withdraw its amendment.

4. Mr. PAOLINI (France) said that the text must allow for the possibility that intolerance might be directed towards members of the same religion and that he was obliged to ask for a separate vote because it was no longer possible to submit a sub-amendment.

5. Mr. LAVALLE (Guatemala) said that the Spanish text of the Syrian amendment would not make sense if the word "another" was deleted. He requested that a separate vote should be taken on the words "of another religion or belief" after the separate vote requested by the French representative.

6. Miss MARTINEZ (Jamaica) observed that if the French proposal was accepted the word "a" would have to be inserted in the English text.

7. Mr. A. A. MOHAMED (Nigeria) said that without the word "another" the sentence would be meaningless and suggested that perhaps the amendment should be redrafted.

8. Mr. MARRACHE (Syria) said that in order to facilitate the Committee's work he would withdraw his amendment to article I, sub-paragraph (c).

9. Mr. MIRZA (Pakistan) proposed that the three amendments of Bulgaria to article I, sub-paragraph (c), contained in document A/C.3/L.1482, should be put to the vote together. He also asked the Bulgarian representative to consider the possibility of withdrawing his amendments in order to facilitate the work of the Committee.

10. Mr. RIOS (Panama) supported the Pakistan representative's proposal.

11. Mr. BAHNEV (Bulgaria) insisted that the present text of sub-paragraph (c) was unclear and expressed the wish that his amendments should be voted on as a whole in a new text for sub-paragraph (c), as it appeared in document A/C.3/L.1482.

12. Mr. LAVALLE (Guatemala) requested that the phrase "reflected in actions contrary to the provisions of this Convention" in the text submitted by Bulgaria should be put to a separate vote.

*The words "reflected in actions contrary to the provisions of this Convention" in the amendment of Bulgaria to article I, sub-paragraph (c), were rejected by 43 votes to 13, with 36 abstentions.*

*The amendment of Bulgaria to article I, sub-paragraph (c), as amended, was rejected by 45 votes to 22, with 30 abstentions.*

*Article I, sub-paragraph (c), was adopted by 86 votes to 2, with 7 abstentions.*

13. Mr. LOSHCHININ (Byelorussian Soviet Socialist Republic) said that he found the sub-amendment submitted by the United States delegation (A/C.3/L.1488) somewhat puzzling, for the text it proposed had nothing to do with the amendment submitted by his own delegation (A/C.3/L.1464) to article I, sub-paragraph (d), the connotations in the two cases being very

different. Also, he knew of no "system of public education independent of any religion or belief". Therefore, the United States text could not be treated as a sub-amendment to his own delegation's amendment but only as another amendment to article I, sub-paragraph (d).

14. Mrs. HARRIS (United States of America) said that her delegation's sub-amendment had been accepted by the Committee as such and that it should accordingly be put to the vote first.

15. Mr. BAHNEV (Bulgaria) supported the position of the Byelorussian SSR representative.

16. Mrs. HARRIS (United States of America) stressed that the objection made to her delegation's sub-amendment at the preceding meeting had been rejected.

17. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) drew attention to rule 131 of the rules of procedure, which indicated what was meant by the word "amendment". According to that definition, the text proposed by the United States delegation could not be considered an amendment to his own delegation's amendment, for it would completely alter its substance.

18. Mr. KARUNATILLEKE (Ceylon) agreed with the Byelorussian SSR representative and requested the Chairman to rule on the matter.

19. The CHAIRMAN pointed out that at the preceding meeting she had stated that the United States sub-amendment was acceptable.

20. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) requested that the words "or belief" in the text proposed by the United States should be put to a vote.

*The words "or belief" at the end of the United States sub-amendment to the amendment of the Byelorussian Soviet Socialist Republic were retained by 41 votes to 14, with 37 abstentions.*

*The United States sub-amendment to the amendment of the Byelorussian Soviet Socialist Republic was adopted by 33 votes to 31, with 41 abstentions.*

21. Mr. A. A. MOHAMMED (Nigeria) said that there was no longer any need to vote on the Byelorussian SSR amendment (A/C.3/L.1464) since the adoption of the United States amendment had rendered it meaningless.

22. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) agreed that with the adoption of the United States proposal the amendment submitted by his own delegation had ceased to exist and that there was accordingly no need to vote for it.

23. Mr. KARUNATILLEKE (Ceylon) said that his delegation would have voted in favour of the Byelorussian SSR amendment but that the United States sub-amendment had deprived it of all meaning. That was why he had suggested that the sub-amendment should be voted on as an independent proposal.

24. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) associated himself with the observations of the representative of Ceylon and said that in the light of the last sentence of rule 131 of the rules of pro-

cedure the United States motion could not be considered a sub-amendment. It should therefore be voted on separately, if the provisions of that rule were not to be violated.

25. Mr. LAVALLE (Guatemala) maintained that as the United States proposal was a sub-amendment the Committee should now vote on the Byelorussian SSR amendment.

26. Mrs. EMBAREK VARZAZI (Morocco) opposed that suggestion.

27. Mr. KARUNATILLEKE (Ceylon) said that he wished to protest vigorously against the procedure followed, which distorted the meaning of rule 131.

28. Mr. JHA (India) said that his delegation had not had an opportunity to speak on a matter with regard to which it wished to make known its views and that he too thought rule 131 was entirely applicable.

29. Mr. BAHNEV (Bulgaria) fully associated himself with the observations which the representatives of Ceylon and the Ukrainian SSR had made concerning the violation of rule 131.

30. After a procedural debate in which Mrs. AFNAN (Iraq), Mr. ABOUL-NASR (United Arab Republic), Mr. MAHMASSANI (Lebanon), Mrs. WILMOT (Ghana), Mr. KARUNATILLEKE (Ceylon), Mrs. MANTZOLINOS (Greece), Mr. SCHREIBER (Secretariat), Mr. A. A. MOHAMMED (Nigeria) and Mrs. DO REGO (Dahomey) took part, the CHAIRMAN put the Byelorussian SSR amendment (A/C.3/L.1464), as amended, to the vote.

*The amendment of the Byelorussian Soviet Socialist Republic, as amended, to article I, sub-paragraph (d), was rejected by 38 votes to 29, with 21 abstentions.*

31. Mr. MIRZA (Pakistan) said that the representative of Syria had withdrawn his amendment to article I, sub-paragraph (d) in document A/C.3/L.1484 in favour of the amendment submitted by Pakistan (A/C.3/L.1480) because of the similarity of the two proposals.

*The amendment of Pakistan to article I, sub-paragraph (d), was adopted by 73 votes to 5, with 16 abstentions.*

*Article I, sub-paragraph (d), as amended, was adopted by 92 votes to 8, with 1 abstention.*

*Article I, as a whole, as amended, was adopted by 91 votes to 2, with 6 abstentions.*

PREAMBLE (concluded)\*

32. The CHAIRMAN put to the vote the preamble as a whole (A/C.3/L.1479).

*At the request of the representative of the United States of America, the vote was taken by roll-call.*

*Ethiopia, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Ethiopia, Gambia, Guinea, Hungary, India, Iran, Iraq, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nigeria, Pakistan, Philippines, Poland, Romania, Saudi Arabia,

\*Resumed from the 1506th meeting.

Senegal, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia, Afghanistan, Algeria, Botswana, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia.

*Against:* None.

*Abstaining:* Finland, France, Gabon, Ghana, Greece, Guatemala, Honduras, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Liberia, Luxembourg, Malta, Mexico, Nepal, Netherlands, New Zealand, Norway, Panama, Peru, Portugal, Sierra Leone, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador.

*The preamble, as a whole, as amended, was adopted by 58 votes to none, with 45 abstentions.*

#### EXPLANATIONS OF VOTE

33. Mrs. OULD DADDAH (Mauritania) said that her delegation regretted the intolerance shown by the Committee in its examination of the draft Convention. She represented an Islamic country, and, as she had stated in the general debate, religion was a fundamental element in her people's conception of life. Tolerance was a natural element of the concept of complete respect for man, whether believer or non-believer, and the Committee should have reflected, in a spirit of tolerance, the situation in the world, where there were those who believed and those who did not.

34. After great difficulty the experts had succeeded in arriving at a definition of the terms "religion or belief", a definition which, although imperfect and approximate, was acceptable to her delegation, since it sought to strike a balance and satisfied both believers and non-believers. After all the difficulty over the Syrian amendment to article I, sub-paragraph (a), all that had been left of that definition had been a restriction detrimental to atheists, which her delegation had been unable to accept since it had destroyed the existing balance.

35. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that his delegation had had to abstain in the vote on article I of the draft Convention because of the text of its two most important sub-paragraphs. Sub-paragraph (c) contained merely a general definition of intolerance and he regretted that the amendment proposed by Bulgaria had not been adopted. In his view, a general definition of intolerance might have dangerous consequences, since States could only take action in respect of manifestations of intolerance. In that connexion, he cited the example of the Inquisition, which had persecuted and tortured alleged heretics, and wondered whether States were now being invited to use similar methods in order to determine whether people's mere thoughts constituted intolerance towards a religion.

36. The Soviet Union delegation deplored the fact that the Committee had not had an opportunity to vote on the Byelorussian SSR proposal that sub-paragraph (d) should include, in addition to other ideas, that of the separation of schools from the Church.

37. Mr. BECK (Hungary) said that his delegation had voted against article I, sub-paragraph (c), because of the vagueness of the text, which admitted of arbitrary interpretation. His delegation had voted against sub-paragraph (d) for three reasons. First, according to that sub-paragraph, the adoption or the recognition of a religion or a belief by the State did not entail discrimination, but no one had been able to give a single example indicating that that was in fact so. His delegation would have voted in favour of the sub-paragraph if the Byelorussian SSR amendment had been accepted. The other two reasons for his delegation's negative vote had been a lack of balance in the provisions of the sub-paragraph and the fact that one of its clauses contained an idea which, although it was not obvious at first sight, revealed the existence of interests hostile to atheists and followers of religions which did not have many members in Western European countries. It was therefore logical that his delegation should have voted against article I as a whole. He noted, in conclusion, that the votes cast by the members of the Committee on the preamble and article I of the draft Convention would compel the Hungarian delegation to reconsider its general attitude towards instruments of that kind.

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

38. Mr. SANCHEZ GAVITO (Mexico) said that the reason why he had abstained in the votes that had just been taken was not that he had no opinion on the matters involved, but that he did not wish to commit his Government definitely without knowing what measures of implementation were to be adopted. Furthermore, since the voting on the paragraphs of the preamble at the 1505th meeting had shown that there was not yet a substantial body of majority opinion in the Committee, he thought that, before taking decisions on such important questions, it would be better to wait until more favourable conditions prevailed.

39. Miss MUTER (Indonesia) said she had abstained from voting on the preamble together with article I because, despite her whole-hearted support for the elimination of all forms of religious intolerance, she found it difficult to accept the inclusion of atheistic beliefs in the definition of "religion or belief", and because the Constitution of Indonesia recognized belief in God as the basis of State. The only meaning which the Indonesian delegation could attach to the term "belief", therefore, was that of religious belief.

40. Dame Mabel MILLER (Australia), explaining her vote, said that the preamble to the Convention as drafted by the Commission on Human Rights had been acceptable to her delegation, but it had been so amended that she had no longer been able to vote for it. Some of the amendments that had been proposed and adopted weakened, and in some cases negated, the principles of religious tolerance which it was the purpose of the Convention to affirm. She had opposed the Saudi Arabian sub-amendment to the third paragraph of the preamble, and subsequently

the paragraph as a whole, because she considered that the reference to foreign interference in the internal affairs of other countries was not only irrelevant but might also be harmful because it could, if applied literally, inhibit the efforts of churches and religious organizations to combat malpractices which the majority of countries condemned.

41. The Australian delegation had opposed the second amendment of the sixteen Powers to the fourth paragraph of the preamble because it considered that freedom to practise a religion or manifest a belief was the most essential element of religious tolerance. Because of the adoption of that amendment, Australia had voted against the paragraph as a whole. Her delegation had also voted against the sixteen-Power amendment to the fifth paragraph, and subsequently the paragraph as a whole, because it had proposed an irrelevant insertion. It was difficult to see how the expression "exploitation or abuse of religion or belief for political ends" could be so defined as to cover only the true abuse of religion for political ends. She had abstained from voting on the sixteen-Power amendment to the sixth paragraph, because she considered that the original text had been fuller and more explicit. With reference to the amendment submitted by Nigeria and the Soviet Union, for the addition of a new paragraph, she said that it was completely inadmissible to include a reference to colonialism and racialism in the Convention. Her delegation had strongly resisted that attempt to introduce political considerations, for the purpose of the amendment had not been to improve the text but to raise controversial issues, and it had voted against the amendment, not because of its substance—for the Australian Government's opinion on colonialism and racialism was well known—but from considerations of the relevance of the proposed text and the sponsors' motives. Although she fully appreciated the efforts of the Italian delegation to find a compromise, she had been obliged to vote against the Italian sub-amendment to the amendment of Nigeria and the Soviet Union because it would have been out of place in the preamble.

42. So far as concerned article I of the Convention, the original wording proposed by the Commission on Human Rights had seemed perfectly acceptable to her. She had not been able to support the Byelorussian SSR amendment to sub-paragraph (d) on the other hand, for religious tolerance was not much use if a church or a religious organization was not able to conduct its own schools.

43. Mrs. DE BROMLEY (Honduras) explained that her delegation had abstained from voting on the preamble because it was not in agreement with the adopted text of the Nigerian and Soviet Union amendment. That amendment had introduced political issues that were out of place in the Convention. She added that, since her country was against colonialism in principle, it would nevertheless have been able to vote for the preamble as a whole if the words "to practise a religion as well as to manifest a belief" in the fourth paragraph had not been deleted, for those were notions which her delegation regarded as fundamental.

44. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) expressed regret that the phrase on the separation of the Church and education proposed by his

delegation had not been inserted in article I, sub-paragraph (d), and that no vote had been taken on the amendment. He added that some of the provisions of that sub-paragraph were unacceptable to his delegation, which had therefore been obliged to vote against the sub-paragraph and against article I as a whole.

45. Mr. HELDAL (Norway), speaking also on behalf of the delegations of Iceland and Sweden, said that the preamble to an instrument such as that which the Committee was considering should proclaim and express the principles and aims which had given rise to it and the spirit by which the States parties should be guided. A preamble should be as positively worded as possible, and should not contain political elements and specific provisions which were in place only in the body of the text. The delegations on whose behalf he was speaking had therefore been unable to support the Saudi Arabian sub-amendment to the third paragraph of the preamble, the sixteen-Power amendment to the fifth paragraph and the Nigerian and Soviet Union proposal for a new paragraph, because they tended to make the text less clear and opened up the possibility of differing interpretations.

46. He rejected the allegations that had been made during the discussion that a vote against those proposals must be based on a desire to further foreign interference and colonialism; the record of Norway, Iceland and Sweden showed that such a conclusion was totally unfounded. Furthermore, the small majorities which the amendments had obtained and the fact that they had been voted against, not only by the three delegations for which he was speaking, but also by States from all continents, was the best reply to such assertions.

47. That was why the three delegations had been obliged to abstain in the vote on the preamble as a whole although they had voted for most of the individual paragraphs. In their opinion, the large number of abstentions in the vote on the preamble did not augur well for the future of the Convention, and they hoped it would be possible to improve the text before it was presented to the General Assembly.

48. Mrs. SEKANINOVA-ČAKRTOVA (Czechoslovakia) said that her delegation had already explained its position on article I of the draft Convention and on the various amendments relating thereto; and that, in particular, it had expressed its full support for the Bulgarian amendment to article I, sub-paragraph (c). She would therefore confine herself to explaining her delegation's position on sub-paragraph (d). Her delegation fully supported, of course, the Byelorussian SSR amendment, which had proposed that the sub-paragraph should include a clear statement, in harmony with the rest of the text, of an important principle which had restored the balance between countries with different social systems. The United States sub-amendment had a very different meaning, and her delegation regretted that it had not had the opportunity to vote for the Byelorussian SSR amendment. She had not voted against article I because she had realized that, for States which, like Czechoslovakia, had a State system of education, the broader idea of the separation of Church from State expressed in sub-paragraph (d) included the separation of Church from school.

49. Mr. BEFFEYTE (France) said that his delegation had been prepared to vote for the original text of the preamble. The amendments to the fourth and fifth paragraphs and the addition of a new paragraph introducing political issues, had, however, profoundly changed the original text, and he had therefore been unable to vote for the preamble in its amended form. In general, he deplored the practice of introducing into United Nations documents matters that were irrelevant to the subject with which they dealt.

50. Miss HART (New Zealand) said that her delegation had abstained in the vote on the preamble because some of the amendments adopted were tendentious in wording and distorted the basic purpose of the draft Convention. That purpose was the protection and promotion of freedom of religion or belief and the removal of illegitimate restriction upon it. The third, fifth and ninth paragraphs of the new text suggested that the exercise of the rights concerned could in some way be detrimental to national interests or to the enjoyment of other rights, and that a major purpose of the Convention should be to combat those supposed abuses. She rejected the view that the rights dealt with in the Convention, exercised within the limits demanded by public order and the general welfare, threatened any legitimate national or individual interest.

51. Her delegation had opposed the deletion of the reference in the fourth paragraph to the right to practise a religion and manifest a belief, but it had voted for the paragraph in its amended form because it still contained important ideas and on the basis that the expression "freedom of religion or belief" included the right to practise or manifest a religion or belief.

52. Mr. FONSECA (Brazil) considered that a draft Convention should reflect views held in common by the States of which the United Nations was composed. His delegation, which had been in favour of the original text, had therefore abstained from voting on the preamble in its amended form.

53. The CHAIRMAN proposed that, in accordance with rule 115 of the rules of procedure, the time allowed for each explanation of vote should be limited to two minutes.

54. Miss O'LEARY (Ireland) thought that two minutes would be too short. The Committee had voted on very important questions and her delegation wished to explain its vote in detail.

*The Chairman's proposal that the time allowed to each speaker should be limited was approved by 50 votes to 11 with 16 abstentions.*

#### CONSIDERATION OF DRAFT RESOLUTIONS

55. Mrs. AFNAN (Iraq) proposed that, instead of proceeding to a study of article II of the draft Convention, draft resolution A/C.3/L.1487/Rev.1 should

be discussed and the explanations of vote postponed until the next meeting.

*There being no objection, the proposal was adopted.*

56. Mr. MIRZA (Pakistan) introducing the draft resolution submitted by India, Nigeria, Pakistan and the United Arab Republic (A/C.3/L.1487/Rev.1), explained that in the Main Committees of the General Assembly, it was customary, when the discussion of an item at a particular session had been completed, to adopt a resolution summing up the work done and indicating what action was planned for the future. If the Committee gave priority to the item at the twenty-third session of the General Assembly, the International Convention on the Elimination of All Forms of Religious Intolerance could still be adopted, in 1968, which was the International Year for Human Rights.

57. Mr. ZAHEDI (Iran), while fully approving the four-Power draft resolution (A/C.3/L.1487/Rev.1), suggested that, in order to explain why the Committee had not been able to complete its study of the draft Convention, the words "its heavy agenda and" should be inserted between the words "due to" and "the lack of time" in the fourth paragraph of the preamble.<sup>1/</sup>

58. Mr. SANCHEX GAVITO (Mexico), while expressing complete agreement with the operative part of the draft resolution, said that, although he had voted against a specific reference to anti-Semitism's being made in the draft Convention, he did not think that the preamble to the draft resolution should mention directly a subject about which there had been so much argument in the general debate, and he therefore proposed an amendment<sup>2/</sup> whereby the second and third paragraphs should be replaced by a paragraph reading as follows:

*"Bearing in mind the decisions adopted by the Third Committee at the twenty-second session of the General Assembly on the item entitled 'Elimination of all forms of religious intolerance'."*

59. After a procedural discussion in which Mr. MELOVSKI (Yugoslavia) and Mr. NASINOVSKY (Union of Soviet Socialist Republics) took part, the CHAIRMAN proposed that the list of those wishing to speak in explanation of their votes should be closed, and that 11 a.m. on Saturday, 11 November 1967, should be the closing date for the submission of amendments to the four-Power revised draft resolution (A/C.3/L.1487/Rev.1).

*It was so decided.*

*The meeting rose at 6.35 p.m.*

<sup>1/</sup> The amendment of Iran was subsequently circulated as document A/C.3/L.1490.

<sup>2/</sup> A revised text of the amendment of Mexico, which was also sponsored by Guatemala, was subsequently circulated as document A/C.3/L.1491.