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CONTENTS

	Page
Award of the Nobel Peace Prize to the International Labour Organisation	145
Agenda item 48:	
Draft Declaration on Social Progress and Development (continued)	
Part II: Objectives (continued)	
Paragraph 11	145
Proposed new paragraph after paragraph 11	145
Paragraph 12	149

Chairman: Mrs. Turkia OULD DADDAH
(Mauritania).

*Award of the Nobel Peace Prize to the
International Labour Organisation*

1. Mr. SHERIFIS (Cyprus) suggested that the Committee should briefly interrupt its work to pay a tribute to the International Labour Organisation, which had just been awarded the Nobel Peace Prize. The ILO had been singled out for that outstanding honour at a time when it was about to complete a half-century of successful efforts aimed at improving the living conditions of workers throughout the world and, hence, at bringing about social progress. The Third Committee was certainly the most appropriate forum in which to pay a tribute to an agency that had for long been performing activities parallel to its own and directing its efforts towards the attainment of the same ideals. He congratulated the ILO on the honour it had received and, through the delegation of Norway, expressed his gratitude to the Nobel Prize Committee for its extremely felicitous decision.

2. The CHAIRMAN, speaking for herself and on behalf of the members of the Committee, expressed the warmest congratulations to the representative of the ILO on the great honour which his agency had richly deserved and on the forthcoming celebration of its fiftieth anniversary. She hoped that the ILO would continue its invaluable work, which had made a significant contribution to the improvement of workers' welfare, to respect for human rights and fundamental freedoms and to social development. She announced that she would send a cable to the Director-General of the ILO conveying to him the congratulations of the Committee.

3. Mr. JONKER (International Labour Organisation), speaking at the invitation of the Chairman, thanked the Committee, on behalf of the Director-General of the ILO, for its congratulations and said that the honour which the ILO had received would encourage it to intensify its efforts and to renew its dedication to the ideals which it pursued.

4. Mr. HJELDE (Norway) thanked the representative of Cyprus and the representative of the ILO for their kind words.

AGENDA ITEM 48

Draft Declaration on Social Progress and Development (continued) (A/7235 and Add.1 and 2, A/7648, A/C.3/L.1671, A/C.3/L.1673/Rev.1, A/C.3/L.1682, A/C.3/L.1686, A/C.3/L.1689/Rev.1, A/C.3/L.1690, A/C.3/L.1691)

PART II: OBJECTIVES (continued)

Paragraph 11

5. Mr. HJELDE (Norway) said that the original wording of paragraph 11 was perfectly satisfactory, because of its simplicity and brevity; that appeared to be the general feeling of the Committee, since only two similar amendments had been submitted. Both the amendment in document A/C.3/L.1673/Rev.1 (fourth paragraph of article II) and the amendment in document A/C.3/L.1689/Rev.1, paragraph 14, proposed the deletion of the last phrase in the paragraph, which contained a reference to juvenile delinquency. Such an amendment would weaken the text and would unnecessarily limit its scope. Juvenile delinquency was not an isolated phenomenon, but a consequence of prevailing social conditions, and it presented society with a problem which must be reflected in the draft Declaration. He therefore urged the sponsors to withdraw their amendments to paragraph 11.

6. Mr. KALPAGE (Ceylon) withdrew, on behalf of the sponsors, the amendment to paragraph 11 in document A/C.3/L.1689/Rev.1 (para. 14), since it was similar to the amendment proposed in document A/C.3/L.1673/Rev.1.

7. Mr. BOURGOIN (France) explained that the sponsors of the amendment contained in the fourth paragraph of article 11 in document A/C.3/L.1673/Rev.1 had proposed that the last phrase of paragraph 11 should be deleted for drafting reasons, and not for reasons of substance; they had no objection to withdrawing the amendment, in view of the opposition which it had encountered.

Paragraph 11 of part II (see A/7648, annex II) was adopted unanimously.

Proposed new paragraph after paragraph 11

8. Mr. ARCHER (United Kingdom) announced that the delegation of Greece had become a sponsor of the

amendment contained in document A/C.3/L.1682, paragraph 3, the purpose of which was to add a new paragraph after paragraph 11 of part II of the draft Declaration. The sponsors had decided to revise their amendment, which would now call for the addition of a paragraph reading as follows:

“The assurance that all persons, without discrimination of any kind, are made aware of their rights and obligations and are provided with the necessary legal aid in the exercise of their rights, and that their rights are safeguarded in the implementation of social policies.”

He hoped that brevity was in itself an advantage. It might be said that the amendment belonged in part III. But the building of a society where informed individuals did not merely act as static recipients, but participated in a dynamic process, was not a means or method for achieving a goal, but a fundamental objective of social development.

9. Mr. FERNANDEZ (Chile) said he was sure that the Committee would have no difficulty in adopting the amendment, because the goal it established was justice, which was one of the most heartfelt ideals of all peoples.

10. Mrs. DAES (Greece) said that the proposed text (A/C.3/L.1682, para. 3), in its revised version, embodied two principal concepts namely, that individuals must be informed of their rights and obligations and that, as far as possible, they should be provided with legal aid for the exercise of their rights. That was obviously an objective which could perfectly well be included in part II of the draft Declaration (see A/7648, annex II).

11. Mr. SHERIFIS (Cyprus) supported the amendment contained in paragraph 3 of document A/C.3/L.1682, as revised by the sponsors, since its purpose was to introduce into the draft Declaration precepts which were not only meritorious but extremely important.

12. Mrs. BOLY (Mali) asked the sponsors what was meant by the expression “legal aid” in the revised text of the amendment in document A/C.3/L.1682, paragraph 3, and, in particular, whether such aid should be provided free of cost, which might be beyond the means of the developing countries at present.

13. Mr. ARCHER (United Kingdom) replied that the purpose of the amendment was to ensure that no one was denied the opportunity of presenting his defence in legal proceedings. Although it was generally agreed that legal safeguards must be established to protect the rights of the individual, it was not always possible for the individual properly to avail himself of those safeguards, and it was therefore only logical that the guarantee of their availability should be established as an objective. Of course, the Committee was discussing a Declaration, not an immediate obligation, and it was proposed to include the amendment as an objective. The sponsors of the amendment did not expect all countries to undertake to make such a guarantee effective immediately.

14. Mr. PAOLINI (France) said that the purpose of the amendment in document A/C.3/L.1682, paragraph 3, as orally revised by the sponsors, was to guarantee the

provision of legal aid which would enable the individual to safeguard his fundamental human rights—a point which had been the subject of resolution XIX of the International Conference on Human Rights.¹ In his view, however, such a provision could be included in part II of the draft Declaration only after paragraph 12 or as an addition to it. Yet some delegations had proposed that paragraph 12 should be deleted, on the ground that human rights were already dealt with elsewhere in the draft Declaration. Since if it was agreed to delete that paragraph, the new text of the amendment would no longer be appropriate in part II, it might be proposed for inclusion in part III, relating to means and methods, especially as the provision of legal aid could hardly be regarded as an objective of social development.

15. Mr. KRAVETS (Ukrainian Soviet Socialist Republic) said that the revised version introduced by the United Kingdom representative differed from the original wording of the amendment (A/C.3/L.1682, para. 3) in that it added a reference to the need to inform persons of their rights and obligations. That provision should not be included in the part of the draft relating to objectives, but in the part dealing with means and methods. The original wording of the amendment was more in keeping with the concept of an objective of social development and he considered it preferable.

16. Mr. EVDOKEEV (Union of Soviet Socialist Republics) said that, although the proposed new paragraph in document A/C.3/L.1682 was acceptable, it did nothing to strengthen the effectiveness of the draft Declaration, since basically it was of a declaratory nature. The fact that an individual was aware of his rights did not in itself mean that he could exercise them. In order to guarantee a right, it was not enough to proclaim it; the exercise of it must be effectively guaranteed through the provision of the material things that were necessary for achieving that end. The proposed text said nothing about how the exercise of rights and obligations was to be guaranteed. It would therefore be more appropriate if the new paragraph, after some improvement in drafting, were included in part III of the draft Declaration.

17. Miss CAO-PINNA (Italy) said that she considered the proposed new paragraph (A/C.3/L.1682, para. 3) extremely important, and its inclusion in the draft Declaration would vastly increase its effectiveness. Clearly, it was not enough merely to proclaim the rights of the individual; the individual must be aware of his rights and must be helped to exercise them.

18. While she believed that a reference to the provision of legal aid should also be included in part III, she felt that the three component parts of the proposed text were inseparable and that the desire of the sponsors to add the entire amendment to part II was fully justified. Indeed, the principle embodied in the amendment was of such great importance that it should not be relegated to one of the last places in the part relating to objectives but should be inserted as the second paragraph, after the introductory sentence, which referred to human rights and fundamental freedoms.

¹ See *Final Act of the International Conference on Human Rights* (United Nations publication, Sales No.: E.68.XIV.2), p. 15.

19. Mr. IDDIR (Algeria) said that the proposed additional paragraph (A/C.3/L.1682, para. 3), as orally revised, merely reintroduced, more subtly, the concepts embodied in the original formulation of document A/C.3/L.1682 as a whole, namely, the protection of, *inter alia*, the right to freedom of association, the right to strike and the right of collective bargaining, and the provision of legal aid in the exercise of those rights. The developing countries, whose social characteristics differed from those of the industrialized countries, could hardly accept such concepts, the effect of which would be simply a fragmentation of efforts that should be devoted wholly to national advancement. His delegation would accordingly vote against the proposed text, which was a statement neither of a genuine objective of social development nor of a means or method for achieving it.

20. Mr. PARDOS (Spain) supported the amendment contained in paragraph 3 of document A/C.3/L.1682, as orally revised, which could be divided into two parts. The first part, which was declaratory in nature, proclaimed the need to inform all persons of their rights as members of the community in which they lived; the second, which was of an implementary character, specified the means available to individuals for the exercise of those rights. Thus, the proposed text clearly enunciated a fundamental objective of social development, and the adoption of it should not give rise to any major difficulties.

21. Mr. EL-FATTAL (Syria) said that, if the rights and obligations referred to in the additional paragraph proposed in paragraph 3 of document A/C.3/L.1682, as orally revised, were those set forth in the draft Declaration, that should be made clear. In his view, there was no direct relationship between legal aid and social progress and development, and the most appropriate place for the paragraph in question would be part III, relating to means and methods.

22. Mr. TEKLE (Ethiopia) said that, while in principle the proposed new paragraph did not cause him any difficulty, he considered it wrong to state that the exercise of rights required legal aid, when in fact such aid was necessary only if the rights were infringed.

23. Mr. BAL (Mauritania) said he agreed with the additional paragraph proposed in document A/C.3/L.1682, paragraph 3, because in his view it was important for social development that individuals should be aware of their rights. However, he suggested that the reference to the safeguarding of such rights in the implementation of social policies should be deleted, since in that context the term "rights" had a broader meaning than its strictly legal one.

24. Mr. ZEILEISSEN (Austria) supported the suggestion of the representative of Mauritania, since the word "rights" was indeed used in a narrower and more technical sense in judicial proceedings.

25. Mr. EVDOKEEV (Union of Soviet Socialist Republics) said he had no objection, in principle, to the additional paragraph proposed in document A/C.3/L.1682, paragraph 3, as orally revised, but felt that it was not enough merely to proclaim rights; appropriate measures must also be adopted to safeguard them. He therefore proposed that

the words "by the State" should be inserted after the words "are safeguarded". He also proposed that the words "all persons" should be replaced by "all workers", since the bourgeois sectors of capitalist societies enjoyed privileges that the workers did not have and the safeguarding of such privileges could not be an objective of social development.

26. Mr. LEW (China) said that he considered the additional paragraph proposed in paragraph 3 of document A/C.3/L.1682, as orally revised, to be very appropriate, since it was a reminder that the objectives of social development were, in the last analysis, the well-being of the individual. The new paragraph should therefore be included in part II of the draft Declaration, even though it seemed to reiterate ideas already enunciated in paragraph 2 of the same part.

27. Mr. CUESTA (Ecuador) said that the additional paragraph proposed in paragraph 3 of document A/C.3/L.1682, as orally revised, embodied the most important concept yet incorporated in the draft Declaration, because it was only when persons were informed of their rights and obligations that social development could be a tangible reality. Nevertheless, he felt that the word "assurance" was too dogmatic, and he proposed that it should be replaced by the word "guarantee".

28. Mr. GUZMAN (Peru) supported the Ecuadorian sub-amendment and proposed, on the ground of redundancy, the deletion of the words "in the implementation of social policies", which referred to the safeguarding of rights.

29. Mr. KALANGARI (Uganda) wondered whether the concepts that were enunciated in the additional paragraph proposed in paragraph 3 of document A/C.3/L.1682 were not already sufficiently covered in article 2 of part I of the draft Declaration.

30. Miss MARTINEZ (Jamaica) said she had no objection to the inclusion of the revised version of the paragraph proposed in paragraph 3 of document A/C.3/L.1682 among the objectives in the draft Declaration. In her view, the rights referred to in the new paragraph were those enumerated in the Universal Declaration of Human Rights, to the extent that they were recognized by Governments of particular countries. The problem of legal aid, on the other hand, was adequately dealt with in resolution XIX of the International Conference on Human Rights, held at Teheran, and in General Assembly resolution 2449 (XXIII).

31. With regard to the sub-amendments proposed by the Soviet Union, she felt that it would be wrong to replace the word "persons" by "workers", because there were social categories, such as the aged, children or disabled persons, who could not be regarded as workers but whose rights should be protected. While she agreed that the provision of legal aid was fundamentally a State responsibility, that was not the case in all countries, and for that reason she felt that the insertion of the words "by the State" after the words "are safeguarded" in the new paragraph would be inadvisable.

32. Mr. BASCON (Bolivia) said that he agreed with the revised version of the additional paragraph proposed in paragraph 3 of document A/C.3/L.1682 and with the Ecuadorian sub-amendment, but found the proposal made

by the representative of Peru and the Soviet Union sub-amendment calling for the replacement of the word "persons" by "workers" unacceptable.

33. Mr. EVDOKEEV (Union of Soviet Socialist Republics) said that he was changing his delegation's sub-amendment to read "working people" instead of "workers".

34. Mr. ARCHER (United Kingdom) accepted the Ecuadorian sub-amendment on behalf of the sponsors. In reply to questions put during the debate, he said that the rights referred to in the proposed new paragraph were, as the representative of Jamaica had indicated, those enunciated in the Universal Declaration of Human Rights, to the extent that they were recognized by Governments. He considered that the paragraph in question should appear among the objectives, since the safeguarding of rights was not a static but a dynamic process, which should result in a society where all persons were aware of their rights and participated in the exercise of them.

35. With regard to the observation made by the representative of France, he, too, had understood that, following the amended introduction to part II, it was intended to delete paragraph 12, but he did not think that the proposed paragraph would be affected by the deletion of that paragraph. Lastly, he would point out to the representative of Ethiopia, with regard to the connexion between legal aid and social development, that it was precisely the courts which defined and protected the rights of individuals in case of disputes, and it was unacceptable that such rights should be infringed because of an inadequate knowledge of defence procedures.

36. Mr. FERNANDEZ (Chile) said that the sponsors could not accept the Soviet Union sub-amendments because, first, they discriminated against social categories who, for reasons such as age or disability, could not work, and, secondly, the safeguarding of the right to legal aid was not exclusively the function of the State in some countries.

37. Mr. SHERIFIS (Cyprus), supported by Mr. TEKLE (Ethiopia), proposed that the words "the necessary legal aid" in the revised version of the paragraph proposed in document A/C.3/L.1682, paragraph 3, should be replaced by "legal aid, where necessary".

38. Mr. MUSAIBLI (Southern Yemen) supported the Soviet Union amendment calling for the insertion of the words "by the State" after the words "are safeguarded" in the proposed new paragraph, and suggested that the words "all persons" should be replaced by "all citizens".

39. Mr. COLL (Venezuela) supported the proposed additional paragraph (A/C.3/L.1682, para. 3), as revised, with the Ecuadorian sub-amendment, and said he considered it very important that it should be included among the objectives in the draft Declaration.

40. Miss MARTINEZ (Jamaica) urged the representative of Southern Yemen not to press his proposal, which in countries of heavy immigration like Jamaica would be detrimental to the right of emigrants who had not yet acquired citizenship.

41. Mrs. EL-TELLAWY (United Arab Republic) felt that the proposed additional paragraph was too vague. The exercise of the rights in question should be restricted through some such wording as "in accordance with national jurisdiction" or "in accordance with national legislation". Where legal aid was concerned, she recalled that the International Conference on Human Rights had adopted resolution XIX, paragraph (e) of which recommended that Governments should co-operate to the extent appropriate in extending the availability of competent legal assistance to aggrieved individuals who needed it. That wording was more in keeping with his delegation's position. He therefore proposed that the words "whenever possible" should be inserted after the word "provided" in the revised text.

42. Mr. MUSAIBLI (Southern Yemen) said that he had decided not to press his proposal.

43. Mr. ARCHER (United Kingdom) expressed surprise at the fact that, in the Third Committee difficulties had arisen as to the interpretation of the word "rights". Obviously, the reference was to the exercise of rights proclaimed in such international instruments as the Universal Declaration of Human Rights, in the context of each country. He had no objections to the Cypriot and Ethiopian sub-amendment, but he could not agree to the replacement of the word "persons" by "workers" or "citizens" because, as the representative of Jamaica had pointed out, there were very many persons—such as non-working mothers, children, old people, and those resident in but not citizens of a country—who were not included in those categories but whose rights should be protected. In his view, the restriction which the United Arab Republic proposal sought to impose was implicit in the very nature of the draft Declaration, which was simply a proclamation of principles.

44. Mr. KRAVETS (Ukrainian Soviet Socialist Republic) said that, in his view, the proposed additional paragraph added nothing new, since the ideas expressed in it already appeared, in some form, in various parts of the draft Declaration, such as article 2 of part I, the introductory sentence of part II and paragraph 25 of part III. The idea of informing persons of their rights and obligations was already included, in a somewhat different form in paragraph 30 of part III. He would therefore vote against the proposed new paragraph.

45. Mr. NAMON (Ghana) said it should be made clear that legal aid would be provided to the needy, they being the ones who lacked sufficient means to obtain it. He therefore proposed that the words "those in need" should be inserted before the words "are provided" in the revised text.

46. Mr. LISITSKY (Byelorussian Soviet Socialist Republic) said that he found the revised version of the paragraph proposed in document A/C.3/L.1682, paragraph 3, confused and ambiguous. He would like to know, in particular, what exactly was the scope of the term "legal aid", and whether it meant providing the services of lawyers. In any event, he believed that it would be better to include in the draft Declaration a text stating that persons should be assured the necessary material conditions for exercising their rights and that those rights should be fully guaranteed by the State. If a suggestion along those lines was accepted, he would be prepared to vote in favour of the new paragraph.

47. Mr. PAOLINI (France) said it seemed to him that the essential idea of the sponsors of the additional paragraph was to enunciate, as one of the most important objectives of social development, the guarantee of the rights of the individual. It was undoubtedly right to include that idea, but there should not be a specific reference to such a means of guaranteeing those rights as legal aid, when there were others that were much more important. He therefore wished to propose a new text, based on the wording proposed by Ecuador and Peru and reading as follows:

“The guarantee that all persons without discrimination of any kind, are made aware of their rights and obligations and receive the necessary aid in the exercise and safeguarding of their rights”.

48. Mrs. DAES (Greece) said that the sponsors had no difficulty in accepting the new wording proposed by France.

49. Mr. TEKLE (Ethiopia) and Mr. SHERIFIS (Cyprus) said that they would not press their sub-amendment, which did not fit in with the text proposed by France.

50. Mr. CUESTA (Ecuador) said he agreed with the wording proposed by France, and in particular with the deletion of the word “legal”.

51. Mr. GYARMATI (Hungary) asked whether, from the legal standpoint, the word “persons” referred to individuals or to bodies corporate.

52. Mr. IDDIR (Algeria) suggested that, in the new text proposed by France, the word “instructed” should be used instead of “made aware” and that the word “persons” should be replaced by “individuals”.

53. Mr. ARCHER (United Kingdom) explained, with regard to the comment of the representative of Hungary, that the term “persons” should be understood to mean all persons deemed to be subjects of rights and obligations in a given country. In any event, he had no objection to the replacement of that word by “individuals”. With regard to the representative of Algeria’s other suggestion, he said that the word “instructed” had a different meaning in English and he preferred the expression “made aware”, which appeared in the original text.

54. Mr. EVDOKEEV (Union of Soviet Socialist Republics) urged the replacement of the word “individuals” by “working people” and the insertion of the words “from the State” after “receive” in the text proposed by France, and supported the Byelorussian suggestion.

55. Mr. LISITSKY (Byelorussian Soviet Socialist Republic) proposed, as a sub-amendment, that the words “material and legal” should be inserted after the word “necessary” in the text proposed by France.

56. The CHAIRMAN put to the vote the first Soviet Union oral sub-amendment to amendment A/C.3/L.1682

(para. 3), as orally revised, calling for the replacement of the words “individuals” by “working people”.

The sub-amendment was rejected by 56 votes to 8, with 24 abstentions.

57. The CHAIRMAN put to the vote the second Soviet Union oral sub-amendment, calling for the insertion of the words “from the State” after the words “and receive” in the final revised version of amendment A/C.3/L.1682 (para. 3).

The sub-amendment was rejected by 31 votes to 12 with 52 abstentions.

58. The CHAIRMAN put to the vote the Byelorussian oral sub-amendment, calling for the insertion of the words “material and legal” after the word “necessary” in the final revised version of amendment A/C.3/L.1682 (para. 3).

The sub-amendment was rejected by 18 votes to 14, with 61 abstentions.

59. The CHAIRMAN put to the vote the amendment submitted by Chile, Greece and the United Kingdom (A/C.3/L.1682, para. 3), as orally revised (see paras. 48 and 53 above) proposing the addition of a paragraph after paragraph 11 of part II of the draft Declaration.

The amendment, as orally revised, was adopted by 83 votes to 3, with 8 abstentions.

60. Mr. EVDOKEEV (Union of Soviet Socialist Republics) said that he had voted against the additional paragraph proposed in document A/C.3/L.1682, paragraph 3, as orally revised, because the sub-amendments submitted by his delegation had not been incorporated and because the addition was a repetition of ideas enunciated elsewhere in the draft Declaration.

Paragraph 12

61. Mr. PAOLINI (France) noted that the amendment contained in document A/C.3/L.1673/Rev.1, of which he was a sponsor, deleted paragraph 12, which involved a repetition of the introductory sentence already adopted by the Committee.

62. Mr. BABAA (Libya) withdrew his amendment to paragraph 12 of part II (A/C.3/L.1671, para. 2).

63. The CHAIRMAN put to the vote the sixth Nicaraguan amendment in document A/C.3/L.1690, proposing the deletion of paragraph 12 of part II of the draft Declaration.

The amendment of Nicaragua calling for the deletion of paragraph 12 was adopted by 70 votes to none, with 9 abstentions.

The meeting rose at 6.10 p.m.