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Chairman: Mr. Erik NETTEL (Austria).

AGENDA ITEM 50

Draft Declaration on Social Development (continued)
(A/7161, A/7203, chap. X, sect. A; A/7235 and Add.1 and 2, A/C.3/L.1587, A/C.3/L.1595, A/C.3/L.1613 and Corr.1 and A/C.3/L.1613/Add.1-3)

PART I: PRINCIPLES (concluded)

Combination, division and sequence of the articles

1. The CHAIRMAN invited the Committee to consider the sequence of the articles of part I (Principles) of the draft Declaration (A/C.3/L.1613 and Corr.1 and A/C.3/L.1613/Add.1-3).

2. Mr. ZORRILLA (Mexico) recalled that his delegation had earlier supported the Peruvian suggestion that article 13 should be divided into two separate articles and felt that, now that the Committee was about to take a decision on the final arrangement of the principles, the time had come to act on that suggestion. In his view, it was as important to divide article 13 in two as it was to achieve a coherent sequence of ideas and priorities in part I of the Declaration. The first sentence of article 13 dealt with subjects that were the exclusive concern of each State, and the second with action that could be taken internationally. The two ideas, which were of equal importance to the developing countries, should be set out in two separate, concise and clear articles. If there was any opposition to that idea, his delegation, in order to avoid delay, would formally move that its proposal should be put to the vote immediately.

3. Mr. SIRI (El Salvador) reiterated his formal proposal that article 4 should appear in second place

in the final text, followed by the article relating to primary conditions of social progress and development (article 2).

4. Mr. PAOLINI (France) said that he had no objection to article 1 being given first place in the part relating to principles. He had not yet taken a final position on the Salvadorian proposal, but he believed that articles 2 and 4 should be as close together as possible. Article 10 might be placed fourth, followed by article 5. He also proposed that article 11 and the new article submitted by the USSR should be combined to form article 6, divided into two paragraphs. His delegation could also agree to the division of article 13 into two paragraphs, but not to its division into two separate articles, as the representative of Mexico had proposed. That article would take seventh place. Article 8 would remain where it was and be followed by article 9, to which would be added, as a second paragraph, the new article proposed by Ceylon for insertion after article 2.

5. The CHAIRMAN said that any proposal for the division of an article or for the combination of two articles into one would have to be regarded as an amendment, in which case a two-thirds majority would be required in order to adopt it.

6. Mr. PAOLINI (France) disagreed with the view expressed by the Chairman, and recalled that his delegation had stated quite clearly that it was agreeing to vote on the new article submitted by Ceylon on the understanding that the decision on where it was to be placed in part I would be taken later. He also recalled his earlier suggestion that that article should be incorporated in article 9 as a new paragraph.

7. The Committee had adopted the content of the articles but had deferred a decision on their final order. That question should be decided by a simple majority, not a two-thirds majority. In his view, the same applied to the idea of combining article 11 and the new article proposed by the USSR.

8. Mr. BABAA (Libya) felt that the articles which had been adopted were clearly divided into three different groups: those relating to human rights, those relating to international action in the social field, and those relating to national action. He therefore considered that they should be rearranged in such a way as to give the text greater coherence, and he suggested the following order: article 1; article 2; article 4; the new article submitted by Ceylon; article 9; article 13 divided into two separate articles as the representative of Mexico had proposed; article 8; article 5; article 10; the new article proposed by the USSR; and article 11.

9. Mr. KALPAGE (Ceylon) supported the French proposal that article 9, concerning international co-operation, should be combined with the new article proposed by his own delegation.

10. Mr. KRAVETS (Ukrainian Soviet Socialist Republic) said that he agreed with the amalgamation of certain articles which were logically interrelated and welcomed the French proposal that article 11 and the new article submitted by the USSR should be combined. He believed that article 13 should be divided, as Mexico had suggested. With regard to the procedure to be followed, he did not see why a simple majority should be needed to approve the combination of two articles and a two-thirds majority to approve the division of one article into two; in any case, the Committee itself should decide the matter.

11. Mr. UY (Philippines) supported the French proposal in principle, subject to the Salvadorian proposal that article 4 should be placed second in the final text. He also felt that article 13 should be divided and that the decision to that effect should be taken by a simple majority. He fully agreed with the comments of the representative of the Ukrainian SSR.

12. The CHAIRMAN put to the vote the proposals to combine and divide articles of part I of the draft Declaration.

The proposal to combine article 11 and the new article proposed by the USSR into a single article divided into two paragraphs was adopted by 82 votes to none, with 5 abstentions.

The proposal to combine article 9 and the new article proposed by Ceylon into a single article divided into two paragraphs was adopted by 81 votes to none, with 4 abstentions.

The proposal to divide article 13 into two paragraphs was adopted by 63 votes to none, with 22 abstentions.

13. The CHAIRMAN put to the vote the sequence of the articles of part I of the draft Declaration. He noted that no proposal had been made concerning the positioning of article 1 and suggested that it should remain in its original place.

It was so agreed.

The Salvadorian proposal that article 4 should become article 2 was adopted by 54 votes to 2, with 29 abstentions.

14. The CHAIRMAN noted that no proposal had been made concerning the positioning of the former article 2 and suggested that it should be renumbered as article 3.

It was so agreed.

The French proposal that article 10 should become article 4 was adopted by 60 votes to 4, with 19 abstentions.

15. The CHAIRMAN noted that no proposal had been made concerning the positioning of article 5 and suggested that it should remain in its original place.

It was so agreed.

The French proposal that article 11, combined with the new article proposed by the USSR, should become article 6 was adopted by 83 votes to none, with 6 abstentions.

The French proposal that article 13, divided into two paragraphs, should become article 7 was adopted by 79 votes to 1, with 5 abstentions.

16. The CHAIRMAN noted that no proposal had been made concerning the positioning of articles 8 and 9 except for the combination of the latter with the new article proposed by Ceylon for insertion after article 2, which had already been decided upon, and suggested that no change should be made in the original order.

It was so agreed.

Part I (Principles) of the draft Declaration as a whole was adopted by 90 votes to none, with 1 abstention.

17. After a brief discussion, in which Mr. SHERIFIS (Cyprus), Mr. NASINOVSKY (Union of Soviet Socialist Republics) and Mr. ABOUL-NASR (United Arab Republic) took part, the CHAIRMAN said the consensus was that the Committee decided to suspend its consideration of item 50 and to recommend that the General Assembly should consider the draft Declaration at its twenty-fourth session as a matter of high priority with a view to its completion at that session.

18. Mr. KRAVETS (Ukrainian Soviet Socialist Republic) explained that he had voted in favour of article 13 of the original text, and the amendments thereto, because he felt they were of the greatest importance and significance to the instrument under consideration.

19. Mr. VALDIVIESO (Peru) said that the purpose of his statements regarding article 13 of the original text had been to defend the wording used in the initial version, which it had fortunately been possible to preserve almost in its entirety as a result of the sub-amendment submitted by the representative of the Ukrainian SSR (A/C.3/L.1614). His delegation had not been able to remain indifferent to the deletion of the reference to the responsibility of Governments, and that was why it had opposed the French amendment (A/C.3/L.1584/Corr.7) as far as that point was concerned. Although it was true that one of the main tasks of the State was to bring about the expansion of national income and its equitable distribution, in countries like Peru it was not advisable to undertake the equitable distribution of national income without a prior substantial reform of the tax system, and he had therefore pressed the point that the Declaration should clearly establish the responsibility of Governments in that field. Furthermore, article 13 supplemented the idea already expressed in the tenth preambular paragraph, which stated that the primary responsibility for the development of the developing countries rested on those countries themselves.

20. As to the second sentence in the French amendment, his objection to combining it with article 13 of the original draft had been based on the consideration that the improvement of the position of the developing countries in international trade was only one of the factors which affected the expansion of

national income, and that it did not affect its equitable distribution. In that connexion, he did not agree that the establishment of favourable terms of trade for the developing countries would be to the disadvantage of the industrialized countries; on the contrary, over the long term it would be beneficial to them.

21. His delegation had voted in favour of article 13 with the amendments submitted, which had met its major objections.

22. Miss LOPES (Portugal) said that she had abstained from voting on the principles as a whole, in keeping with her abstentions on article 2 (new article 3), which contained expressions the interpretation of which in the United Nations was unacceptable to her delegation, and on article 4 (new article 2), which contained a reference to particular forms of political and social systems that should not appear in a general declaration of principles. However, her abstentions did not mean that she was not in agreement with the ideal of social progress that underlay the draft Declaration.

23. Mr. AZZOUT (Algeria) said that he had voted in favour of the principles as a whole, although he would have preferred article 2 to remain in its original place, since its content was of greater importance to social development than that of article 4, which had replaced it.

24. Miss GROZA (Romania) said that she had voted in favour of the French proposal (A/C.3/L.1584, para. 2) to combine articles 2, 3, 7 and 12 of the original text, which permitted a better organization of the text of the draft, but she had not voted for the proposal (*ibid.*, para. 3) to combine articles 4 and 6, since that had had the effect of reducing the importance which each of them had had as separate articles.

25. She had voted in favour of retaining article 11, and her opposition to the inclusion in article 10 of the reference to the right of parents to determine freely and responsibly the number and spacing of their children had not prevented her from voting in favour of the article as a whole, in view of the importance of the other ideas it contained.

26. Her delegation regretted that the Committee had not been able to complete the elaboration of the draft Declaration and hoped that that task would be given high priority at the next session.

27. Mrs. OULD DADDAH (Mauritania) said that, for reasons beyond her control, she had not been able to participate in the voting on part I (Principles) of the draft Declaration. Had she done so, she would have voted in favour of it, because of the importance she attributed to the document under consideration. Although she believed that every one of the articles in the text served a useful purpose, she was particularly gratified at the inclusion of articles 1 and 13, the latter relating to international trade.

28. Miss CAO-PINNA (Italy) stated that her delegation had voted in favour of all the preambular paragraphs and all the articles of part I (Principles). It had abstained on the title of the document and on a few single sentences, and it had cast a negative vote only on the fragmentation of article 2, which had partially nullified the effort to group in one single article various interrelated principles. Her delegation

had been guided by its deep interest in the draft Declaration and by the importance it attached to it, as well as by its wish to co-operate with all members of the Committee. In the case of certain articles, however, its affirmative vote had been due to the merits of the ideas expressed rather than their relevance to social progress and development, which was much less direct and immediate than that of other factors which had not been mentioned. Some of those factors were the consequences of industrial development and the movements of workers from the agricultural sector, the rapid and uncontrolled expansion of peripheral urban areas, the increasing employment of women, the changes in the traditional structure of the family, and the problems of youth. She also emphasized the importance, as an obstacle to social development, of certain mental attitudes, such as the apathy of those who had no hopes or desires and the resistance of those who did not want any change.

29. She hoped that the Third Committee would make an effort, during the twenty-fourth session of the General Assembly, to carry forward its work on social development.

30. Mrs. LAWSON (Togo) said that she had voted in favour of the preamble and part I (Principles) of the draft Declaration, and would have voted for the instrument as a whole, because the main ideas expressed in it were fully in accord with the principles underlying the social development plan which her country was carrying out. She regretted that it had not been possible to complete consideration of the document at the twenty-third session, since she considered that the Declaration would serve as a stimulus to States in carrying out national development programmes.

31. Lady GAITSKELL (United Kingdom), speaking in exercise of her right of reply, said that her delegation did not accept the statements made by the representative of Spain at the 1588th meeting regarding Gibraltar, over which the United Kingdom had undoubted sovereignty. Spaniards working but not residing in Gibraltar were not discriminated against, but received the same treatment as Gibraltarians with respect to unemployment and industrial injury benefits, old age and widows' pensions, and maternity and death grants. There was nothing to prevent Spanish workers from joining the free Gibraltarian trade unions, except the fact that the Spanish *sindicatos* refused to allow it. If conditions were indeed bad, there would be no reason for 5,000 Spanish workers to continue to go into Gibraltar every day, despite the restrictions imposed by the Spanish authorities.

32. With respect to the comment that education in Gibraltar was adversely affected by an enforced bilingualism, she considered that, on the contrary, the ability to speak two languages was an appreciable advantage, since it opened the way to greater cultural enrichment. Expenditure on education in Gibraltar in 1966 had been over £280,000 (i.e., over 14 per cent of total public expenditure). Education in Gibraltar was free, universal and compulsory from the ages of five to fifteen, and its advantages were clear to those children living in Spain who attended schools in Gibraltar, despite the long journey they had to make as a result of the closing of the frontier by the Spanish authorities.

33. Mr. CABANAS (Spain) said he regretted that the preceding statement had raised a question so far removed from the subject under discussion, and reserved the right to reply to certain inaccuracies in it.

34. The CHAIRMAN stated that the Committee had concluded its consideration of item 50, subject to the reservation entered by the Spanish delegation.

AGENDA ITEM 55

Question of the punishment of war criminals and of persons who have committed crimes against humanity: report of the Secretary-General (continued)* (A/7174 and Add.1-3, A/7203, chap. XI, sect. H; A/C.3/L.1559, A/C.3/L.1568, A/C.3/L.1570/Rev.1, A/C.3/L.1571, A/C.3/L.1572, A/C.3/L.1574)

DRAFT OPTIONAL PROTOCOL TO THE DRAFT CONVENTION ON THE NON-APPLICABILITY OF STATUTORY LIMITATION TO WAR CRIMES AND CRIMES AGAINST HUMANITY (continued)**

35. The CHAIRMAN noted that the Committee had not completed its consideration of the question of

*Resumed from the 1574th meeting.

**Resumed from the 1573rd meeting.

the punishment of war criminals and of persons who had committed crimes against humanity, since it still had before it the draft optional protocol to the draft convention on the non-applicability of statutory limitation to war crimes and crimes against humanity submitted by Saudi Arabia (A/C.3/L.1570/Rev.1).

36. Mr. BAROODY (Saudi Arabia) said that his delegation had prepared the draft optional protocol because it wished to prevent any repetition of periods of post-war hatred of the kind that had found expression in the Nürnberg and Tokyo Tribunals, which should be a cause of shame to the international community, and to eliminate, with respect to war crimes, all discrimination against the defeated States and in favour of the victorious ones. After consultations with various delegations and United Nations bodies, he had decided to submit a draft resolution^{1/} concerning the protocol at the next meeting.

The meeting rose at 1 p.m.

^{1/} Subsequently circulated as document A/C.3/L.1618.