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Chairman: Mr. Humberto DIAZ CASANUEVA (Chile).

AGENDA ITEM 48

Draft International Covenants on Human Rights (A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/5411 and Add.1-2, A/5462, A/5503, chap. X, sect. VI; E/2573, annexes I-III; E/3743, paras. 157-179; A/C.3/L.1062) (continued)

PROPOSAL TO INCLUDE AN ARTICLE ON THE RIGHTS OF THE CHILD IN THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (concluded)

1. The CHAIRMAN invited delegations wishing to do so to explain their votes at the 1265th meeting.

2. Miss GROZA (Romania) said that her delegation had taken pleasure in voting for the article on the rights of the child to be inserted in the draft Covenant on Civil and Political Rights. It wished to thank the delegations which had worked on that text, and particularly the Polish delegation, whose proposal had been of inestimable assistance in solving one of the most moving problems confronting the conscience of man. The fact that there was a Declaration of the Rights of the Child and that the draft Covenant on Economic, Social and Cultural Rights contained some clauses relating to children was no excuse for the United Nations not to give legal confirmation to the rights of the child and enlarge their scope by inserting a special article on them in the draft Covenant on Civil and Political Rights.

3. One advantage of the new article was that it recognized the equality of legitimate children and children born out of wedlock; that was the first step towards the elimination of a great injustice. The Romanian family code had put an end to that iniquitous situation, for it proclaimed that all children must receive equal treatment in law without regard to their birth. Moreover, the State had taken pains to bring about the best possible conditions for the harmonious development of all children. Her delegation's vote was therefore in accord with the attitude of the Romanian Government and State, which were constantly concerned with protecting children.

4. Mrs. MANTZOULINOS (Greece) believed that, despite its undeniable importance, the article on the rights of the child was out of place in the draft Covenant on Civil and Political Rights, for the rights of the child bore no relation to the individual freedoms and human rights enunciated in that Covenant. Her delegation had nevertheless attended the meetings of the working group with a view to producing a text acceptable to all those delegations which favoured the insertion of such an article in the Covenant. If the working group's text (A/C.3/L.1174/Rev.1) had been satisfactory, her delegation would have been able to abstain in the voting. Unfortunately, the text was so vague and ambiguous that, although it had been the only one to do so, her delegation had had to oppose it because it would not associate itself with an action impairing the balance of the draft Covenant.

5. Miss ADDISON (Ghana) recalled that the traditional attitude towards children in Ghana was one of high regard, and that no child was without a name or a nationality. The day on which a child was born in itself constituted a name. Hence her delegation had voted for paragraph 3 of the revised proposal, chiefly in view of the difficulties which some countries might have. She stressed, however, that because of transportation problems and the shortage of health facilities in some developing countries, including Ghana, those countries could not give immediate effect to paragraph 2.

6. Mr. ELUCHANS (Chile) said he had voted for all the paragraphs of the new article in the conviction that it was just and necessary to include a special article on the rights of the child in the draft Covenant on Civil and Political Rights. His delegation nevertheless felt that the article adopted by the Committee had some shortcomings, due mainly to the fact that the authors had aimed at a compromise text reconciling very different views. It would have been better to include in the draft Covenant an article drafted in clearer and more definite language, providing in particular that States Parties would take the necessary measures to give to all minors, regardless of affiliation or status, a legal status calling for special protection on the part of the family, the society and the State. Chile had, however, refrained from submitting such a proposal, knowing that it would have met with strong opposition.

7. His delegation would also wish the article to contain a stronger provision on the right of the child to a name and a nationality, since that was a fundamental right which involved the dignity of the human person.

8. In conclusion, he thanked the eight delegations sponsoring the revised article and added that the insertion of an article on the rights of the child in the draft Covenant constituted a marked social advance.

9. Miss TABBARA (Lebanon) remarked that the article adopted by the Committee at its 1265th meeting was so vague that her delegation felt compelled to record its understanding of it. After asking for a separate vote on the words "national or", which might give the impression that for the purposes of the article there would be no discrimination between a child born of nationals and a child born of foreign parents, her delegation had accepted the Polish representative's explanation and withdrawn its request. In the light of that representative's explanation, it had also not pressed its request for a separate vote on the words "or birth" although, if the explanation was correct, the word "birth" coming after "social origin" and "property" was tautological. In the interests of clarity, the French delegation had asked for a separate vote on those expressions and her delegation had supported that request.

10. Her delegation would also have preferred paragraph 3 of the article to be deleted, but had not pressed the matter, in the belief that the paragraph did not oblige a State to give its nationality to a child born in its territory even if the child had no other nationality. As worded, paragraph 3 set forth a purely humanitarian principle and did not prejudge the solution of the legal problem involved. Her delegation felt that a statement of principle belonged in a declaration rather than in a legal instrument, and it had voted for the text purely in a spirit of conciliation.

11. Mr. YAPOU (Israel) explained that he had voted for the whole of the article on the rights of the child but had abstained in the separate vote on the Austrian amendment, feeling that "appropriate social institutions" could not be placed on the same level as "the family" and "the State", which were clearly defined legal concepts. If the word "society" had been voted on separately he would also have abstained because it was so vague.

12. He had voted for the retention of the words "national or" and "or birth" which raised no problem for his delegation. In a country where personal status so largely depended on religious communities' laws, the law of the Christian community in Israel made a distinction between children born out of wedlock and legitimate children, while rabbinical law, which applied to members of the Jewish community, the great majority of the people, made no such difference. The laws enacted by the State on relations between parents and children—such as the 1952 nationality act, the capacity and guardianship law, 1962, and the legislation on social security and pensions—were also free from that distinction.

13. His delegation attached great importance to the article adopted by the Committee, for there was as yet no international instrument on human rights defining adequately the rights of children as such. The State of Israel, for its part, was constantly concerned with the problem of children and was preparing a code of the child. The relevant laws already enacted dealt mainly with the status of the child, the protection of children and adolescents, the education of youth and work.

14. The article as adopted was a rather weak measure for the protection of children. This was explained by the wish to include in it only what most delegations were agreed on. The time had come however to draft a convention on the rights of the child, to follow up the Declaration, since the adoption of which five years had already elapsed.

15. Mr. ACOSTA (Colombia) thanked the members of the working group who, despite the difficulty of their task, had produced a compromise text which was as satisfactory as it could possibly be, in view of the complexity of the question dealt with.

16. His delegation, as a spokesman for the Christian and democratic sentiments of its Government and people, had voted for that text. Its attitude was also in accordance with the spirit of the Declaration of the Rights of the Child, the Universal Declaration of Human Rights, the relevant articles of the draft International Covenants on Human Rights, and lastly, the American Declaration of the Rights and Duties of Man, adopted by the Ninth International Conference of American States at Bogota in 1948. Under articles 7 and 19 of the last declaration, expectant and nursing mothers and children were entitled to special aid and protection; moreover, everyone had the right to a nationality under law and the right to change his nationality.

17. He recalled that, at the seventeenth session, his delegation had supported the draft article submitted by Poland and Yugoslavia (A/C.3/L.1014/Rev.1), and had amended it to read: "Every child shall be entitled from his birth not only to education and food, but also to a name and a nationality" (A/C.3/L.1021). His delegation had not reintroduced that wording at the present session in order to leave the working group full freedom of action. The article in its final form raised no problem where Colombian legislation was concerned, for it contained liberal provisions on nationality and the right of natural children to inherit from their father, and provided for the registration of children upon birth.

18. His delegation had therefore voted for the article and for the addition of the words "as a minor" after "his status" in paragraph 1. It had not pressed for the deletion of the word "acquire" in paragraph 3. The deletion would have strengthened the text, but his delegation had accepted the compromise solution proposed by the Lebanese delegation, which had originally asked for the deletion of the entire paragraph. He hoped that the present wording, which was rather weak, would be strengthened later.

19. The Third Committee had done a humanitarian act by adopting the article on the rights of the child; it had supported the rights of children born of unknown fathers and had given proof of its concern for abandoned children.

20. Mr. PONCE CARBO (Ecuador) said that his delegation had not spoken in the debate on the article on the rights of the child, but had reserved the right to explain its position when explaining its vote. The first reason for its attitude was that in Ecuador children were effectively protected by the law; the second was related to the position his delegation had adopted in the Commission on Human Rights during discussion of a proposal for a new article on the rights of the child. His delegation had raised serious objections to that text and had been unable to vote for it, for several reasons. In the first place, it had felt that the proposed article did not belong among the civil and political rights enunciated in the Covenant, because political

rights—with the exception of the right to a nationality—did not apply to children and the civil rights of children were too vast a subject to be dealt with effectively in a single article. Second, the Covenant would be of such importance internationally that his delegation did not believe that any clause of a declaratory character should be included in it. Third, the fact that the draft Covenant on Economic, Social and Cultural Rights contained provisions relating to children was no reason for including a similar article in the draft Covenant on Civil and Political Rights, since the two Covenants were very different. Last, the proposed article had not taken into account the fundamental distinction that should be drawn between the rights of the child as such and the rights of the child as the offspring of his parents.

21. His delegation had been pleased to note, however, that the new article drafted by Poland in collaboration with other delegations (A/C.3/L.1174/Rev.1) omitted those points to which it had had serious objections. While it did not represent an ideal solution, in that it was again of a primarily declaratory character, the latest version did not in any way conflict with existing legislation in Ecuador, and his delegation had therefore been able to vote for it without taking a position at variance with that which it had adopted in the Commission on Human Rights.

22. His delegation had had no difficulty in voting for paragraph 3 of the article, since the right to acquire a nationality automatically entailed the right to change one's nationality. In that connexion he drew the Committee's attention to the violations of the right to a nationality enunciated in article 15 of the Universal Declaration of Human Rights which resulted from the fact that, under the laws of some States, the right to change one's nationality was subject to the sovereign will of the State. It was impossible, therefore, to stress the right to acquire a nationality, without at the same time stressing the right freely to change one's nationality.

23. Mr. UNG MUNG (Cambodia) said that he had abstained in the vote on the words "national or" in the interest of clarity and because equivocal wording should be shunned in a text which imposed legal obligations. The term "national origin" might lead to difficulties of implementation, and there was reason to fear that the future generations, for whom the draft Covenants were intended, might hesitate between a literal and a more flexible interpretation of the text handed down to them. It was better to anticipate problems of that kind and to opt for precision in drafting, in preference to ambiguous phrases which might be a source of misunderstandings prejudicial to good international relations; the more so since signatory States would be bound by the provisions of the draft Covenants and must know exactly what obligations they were assuming, failing which there would inevitably arise disputes necessitating recourse to international jurisdictions and the application of lengthy and, at times, ineffectual procedures. It would therefore have been better to avoid the term "national origin" and to use instead the words "ethnic origin", for instance, if that was the idea to be expressed.

24. In positive law, children born in a given country of alien parents were subject to the law of the country of which their parents were nationals; at least, that was the principle generally accepted in international private law. That was why, under international public law, every State protected the interests and lives of its nationals abroad through its embassies, consulates or diplomatic missions. Thus the provisions of international private law, combined with those of international public law, had the effect of leaving the protection of the interests of a child born abroad in the hands of his State of origin. Since the term "national origin" might be interpreted by some as referring to persons belonging to a foreign State, and by others as referring to persons belonging to an ethnic group, the article as adopted would not make it possible to determine in which cases a child was entitled to the protection of a given State.

25. Consequently the new article, instead of facilitating a solution of the current problems, might make them even more difficult. His delegation had therefore had to abstain in the vote on the words "national or"; but it had voted for the article as a whole, which it considered to be of the greatest importance from the standpoint of the protection of children, irrespective of their birth.

26. Mr. BASSO (Argentina) said that he had been unable to vote for the article on the rights of the child. He appreciated that the human being, during the earliest phase of his life, needed special protection, which was provided under different legal systems by all kinds of institutions and measures, such as paternal authority, guardianship, regulation of child labour, and juvenile courts. In the view of his delegation, however, it was not good drafting to introduce into the draft Covenants an article of the kind adopted at the 1256th meeting. The purpose of the draft Covenants was to guarantee to all individuals certain minimum rights and freedoms, under international supervision; they should therefore be clearly drafted and impose precise obligations, so that any violations would be easily identifiable. It would have been better, therefore, to supplement the Declaration of the Rights of the Child by a convention, rather than adopt a feebly-worded text containing expressions—such as the word "society"—of dubious legal import. However, his delegation had voted for paragraph 2, which although not entirely satisfactory—the word "immediately" was not very felicitous—at least enunciated a positive and specific requirement. On the other hand, while every child unquestionably had the right to a nationality, there was reason to doubt whether paragraph 3 provided an acceptable basis for solving the nationality problem. In conclusion, he emphasized that the system for implementing the Covenants might have major international consequences, and every article should therefore have a precise legal significance.

27. Mr. GORIS (Belgium) said that he had abstained in the vote on the article on the rights of the child, which in his view was out of place in so general an instrument as the draft Covenant on Civil and Political Rights. There was no reason to adopt special provisions in favour of one category of individuals; otherwise, why should a further article not be devoted to the rights of handicapped persons or the rights of the aged? It was an undoubted fact that the various countries represented in the Committee had very divergent outlooks on life, and that was not a cause for regret. Every delegation had something to learn from the rest; but he noted that, for the second time within a very short period, some countries were being driven to make a very difficult choice. Because of the strategy employed when the Declaration on the Elimination of All Forms of Racial Discrimination had been adopted, and again at the 1265th meeting, those States, which included Belgium, had been faced with a most difficult

decision. The Soviet Union representative had rightly complained of the slow pace of the work, but those countries were certainly not to blame for that. He failed to see what hope there could be of an immediate change in the prevailing climate of ideas concerning the differences in status between legitimate children and children born out of wedlock. He was aware that those differences were shocking, but societies were based on certain moral and legal principles which it was impossible to wipe out overnight.

28. As a result of the adoption of the article on the rights of the child it would be difficult for Belgium to sign the Covenant unless it were allowed to make express reservations, and that was quite deplorable.

29. Mrs. AISHAH (Malaysia) acknowledged that the rights of the child must be protected, but felt that the article adopted by the Committee lacked precision. For instance, it failed to specify what measures States should take to give effect to the provisions of paragraph 1, in which, moreover, her delegation regretted the inclusion of so vague a word as "society". Again, the question of the inheritance rights of children born out of wedlock was not settled, nor could it be settled in one article, particularly since the traditions and religious outlook of each State must be taken into account. Paragraph 3 raised an extremely complex question: it was, of course, desirable to try to prevent statelessness as far as possible, but the diversity of national legislation on the subject was a source of serious difficulties. That being so, the Malaysian delegation, although in agreement with the spirit of the proposed text, had had to abstain from voting.

30. Mr. GILCHRIST (Australia) said that, by abstaining, his delegation had certainly not meant to oppose the ideas on which the article adopted was based. On the contrary, it had welcomed the action taken by the sponsors of the text—even though, in its view, the protection of the child was already assured through the other provisions of the draft Covenant—and it thanked all those who had worked on the drafting of a compromise text. Legislation relating to children was very advanced in the seven constituent states of Australia, and he had had to abstain simply because of his doubts about the legal implications of paragraph 3 and because, not having had the time to request precise instructions from his Government, he had considered it more prudent not to assume a commitment of which the exact dimensions were not clear to him.

31. Mr. CAPOTORTI (Italy) emphasized that, in the view of his delegation, the adoption of the words "national or" by the Committee in no way obliged States to apply the same legal régime to aliens as to their own nationals, although they must adopt measures for the protection of alien children. Again, the word "birth", as interpreted by the Italian delegation, did not refer to the case of children born out of wedlock, although in that respect also States were required to adopt measures of protection.

32. He had voted against paragraph 3, which he considered controversial and which might be interpreted as obliging States to change their nationality laws. His delegation noted that its misgivings were well-founded, since divergent views had now been expressed on the scope of paragraph 3. He had therefore felt unable to assume any commitment respecting changes in the Italian nationality laws and had preferred to abstain, even though he had taken part in the deliberations of the working group which had drafted the text finally adopted by the Committee.

33. Mr. ATAULLAH (Pakistan) said that he had abstained in the vote on the article on the rights of the child, to which his delegation had no objection but which added nothing vital to the other provisions of the draft Covenant.

Organization of work

34. Mr. SHERVANI (India) proposed that the Committee, in order to hasten its work, should decide which matters it could not debate at the present session and settle its work programme for the remaining twenty or twenty-five meetings. It should vote before the end of the 1267th meeting on the draft article concerning the right to freedom from hunger. It could then have a general debate on the implementation clauses, to which it would allocate four meetings which it would probably have to interrupt in order to devote another four meetings to the report of the United Nations High Commissioner for Refugees (agenda item 38). That would be followed by item 47 (four meetings), item 79 (two meetings), item 41 (two meetings) and item 40 (four meetings). The consideration of items 42, 44, 45 and 46 would be postponed until the nineteenth session: that of item 42 because very many Governments had not yet supplied the requested information, that of item 44 because the Committee had no draft declaration before it, and that of items 45 and 46 because the Committee, in the short time at its disposal, could hardly hope to achieve any very appreciable results.

35. Mr. OSTROVSKY (Union of Soviet Socialist Republics) appreciated the concern of the Indian representative, for the session was already very far advanced and the Committee had many important matters on its agenda. But the Indian delegation's proposals elicited certain objections: if the Committee adopted them, it would devote only a very few meetings to the implementation clauses. When it had organized its work at the beginning of the session (1212th meeting), it had allowed twenty-five meetings for the draft Covenants, which were not only very important in themselves but concerned world public opinion. The General Assembly had devoted a great deal of time and effort to them, and if it took too long to finish drafting them, its prestige throughout the world would suffer; but, even more than the prestige of the General Assembly and of the Third Committee, the very usefulness of United Nations work on human rights was at stake. Consequently it would be infinitely regrettable if the Committee had not time to examine the implementation clauses seriously, and he hoped that his words would meet with a response from the Indian delegation.

36. Furthermore, it was an easy matter to draw up a working programme in the abstract, as the Committee had done at the beginning of the session; but a rigid framework fixed in advance could not withstand practical necessity. What, then, was the point of wasting precious time in drawing up a working programme which, in all probability, would not be followed any more faithfully than the programme drawn up at the beginning of the session? He therefore asked the Indian representative not to insist on his proposals, which might involve the Committee in a stormy procedural debate of which the positive results would be very doubtful. The delegations could then agree unofficially on their working programme, and thus avoid pointless discussions during official meetings. The Committee should therefore continue its work on the draft con-

cerning the right to freedom from hunger, and then have a general debate on the implementation clauses. By the end of the debate the unofficial talks would no doubt have reached a conclusion, and the Committee could easily settle the problem of work organization with the co-operation of all delegations.

37. The CHAIRMAN gathered that the purpose of the Indian proposal was to enable the delegations to prepare themselves in good time to consider each item on the agenda, so as to avoid wasting time at the debate. He did not consider that the programme proposed by the Indian representative could be applied rigidly; as the Committee's experience had shown, and as the USSR representative had aptly pointed out, it was not always possible in practice to adhere to a programme drawn up in advance.

38. He did not think that the Committee would be able to devote sufficient time to item 45 (Draft Declaration on the Right of Asylum) and item 46 (Freedom of information), to discuss them profitably. It could also postpone discussion of religious intolerance, on which it had no text before it, and of the draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (agenda item 40), which was not urgent since the relevant convention had already been adopted. Consequently it should not need another discussion on the programme drawn up at the beginning of the session (A/C.3/L.1063), to which it could adhere by following as closely as possible the schedule proposed by the Indian representative, deleting the items which it would not have time to consider, and remembering that it should concentrate on making progress with the draft International Covenants on Human Rights.

39. Mr. BAROODY (Saudi Arabia) substantially agreed with the opinions expressed by the Chairman and by the Soviet representative. In his view the Committee should not reduce the number of meetings, twenty-five, which it had decided to devote to the draft Covenants. However, the general debate, which it had decided to hold on the implementation measures, would certainly be very fruitful and would facilitate the adoption of those articles at the nineteenth session, if they could not be adopted at the present one.

40. Unlike the Chairman, he did not consider that the study of the draft Convention on Freedom of Information should be postponed. That important problem had been under study since 1947, constructive work had already been done on it, and adoption of only one or two articles would constitute not inconsiderable progress. Consequently he felt that the Committee should continue its work, in accordance with the programme it had drawn up at the beginning of the session, on the understanding that it would break off to examine the report of the United Nations High Commissioner for Refugees at a time convenient to the Commissioner. If necessary, it would set aside the last items on its agenda, including the draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, the two items concerning religious intolerance (agenda items 42 and 44), and the measures to accelerate the promotion of respect for human rights and fundamental freedoms (agenda item 41), which were matters less urgent than the adoption of the draft Covenants. The item concerning the designation of 1968 as International Year for Human Rights (agenda item 79) could also be postponed, since the Committee still had five years in which to study it.

41. In conclusion, he asked how many meetings the Committee still had free for debate on the draft Covenants, and when the United Nations High Commissioner for Refugees would submit his report.

42. Mr. DAS (Secretary of the Committee) stated that, if the General Assembly was to finish its work on 14 December as planned, the Committee should finish on 10 December; therefore about twenty-two or twenty-three meetings remained before the end of the session. So far it had devoted eleven meetings to a study of the draft Covenants. It would hear the United Nations High Commissioner for Refugees on Wednesday afternoon, 20 November, since the draft Declaration on the Elimination of All Forms of Racial Discrimination was to be examined in plenary that morning.

43. Mrs. FRANCIS (Jamaica) recalled that her delegation had proposed the addition to the agenda of the item concerning the designation of 1968 as International Year for Human Rights. She insisted that the Committee should devote at least a short debate to that item at the present session, so that certain measures might be taken immediately; otherwise the objectives which ought to be fixed for 1968 could not be achieved.

44. Mr. ATTLEE (United Kingdom), while appreciating the concern of the Indian representative, felt that the Committee should retain some flexibility in its work, and decide as it went along how many meetings should be allocated to each question.

45. Like the USSR representative, he felt that the Committee should, in view of world opinion, make progress toward the adoption of the draft International Covenants on Human Rights. He expressed the hope that it might adopt, even at the current session, the implementation measures of the draft Covenant on Economic, Social and Cultural Rights, for the Commission on Human Rights had drafted them excellently.

46. He appreciated the concern of the Jamaican representative, but pointed out that the Committee still had five years before the twentieth anniversary of the Universal Declaration of Human Rights, and had perhaps better examine the measures to be taken for that occasion in the light of the experience gained at the fifteenth anniversary of the Declaration.

47. The CHAIRMAN said that, to prolong debate on the organization of work, would waste valuable time. It would be preferable if the various delegations could come to an agreement in unofficial consultations. Consequently he appealed to the Committee to pass on immediately to consider the insertion in the draft Covenant on Economic, Social and Cultural Rights of provisions stating the right of everyone to be free from hunger.

48. Mr. SHERVANI (India) stated that the sole purpose of his proposal was to fix approximate dates for consideration of the various items on the agenda, so that delegations could obtain instructions from their Governments in good time. However, in view of the very clear explanation which the Chairman had given and the objections raised by the Soviet representative, he withdrew his proposal.

49. Mr. YAPOU (Israel) wholeheartedly supported the proposals made by the Chairman and by the Soviet and United Kingdom representatives, to which the Indian representative had just acceded. However, the importance of the questions which the Committee

would not have time to examine must not be underrated, and he suggested that, at the end of the session, several meetings should be reserved to enable delegations to make statements, and if necessary to present draft resolutions, on those questions in which they were most interested.

50. The CHAIRMAN stated that the Israeli suggestion might be examined later in accordance with the time at the Committee's disposal.

AGENDA ITEM 48

Draft International Covenants on Human Rights (A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/5411 and Add.1-2, A/5462, A/5503, chap. X, sect. VI; E/2573, annexes I-III; E/3743, paras. 157-179; A/C.3/L.1062, A/C.3/L.1172, A/C.3/L.1175 and Add.1) (continued)

PROPOSAL TO INCLUDE AN ARTICLE ON THE RIGHT TO FREEDOM FROM HUNGER IN THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

51. Mr. ELUCHANS (Chile) stated that the sponsors of the two proposals before the Committee (A/C.3/L.1172 and A/C.3/L.1175 and Add.1) had consulted the representatives of the delegations which had commented on them, and had drafted a joint text which would be distributed to the members of the Committee at the beginning of the afternoon meeting. He would therefore wait until that meeting to present the draft text.[1/]

52. Mr. POPESCU (Romania) emphasized the seriousness of the problem of poverty and hunger in the world. At a time when some groups of countries were enjoying abundance, and when scientific and technical progress had opened immense horizons, it was intolerable that the number of people suffering from poverty and hunger was continually increasing. That situation was contrary to the clearly understood interests of all countries and must be ended.

53. United Nations statistics indicated that about two-thirds of mankind were undernourished and that a greater number of human beings had died of hunger in 1963 than ever before. Professor Jan Tinbergen had stated in a recent work that the amount consumed by the majority of the people of Asia, Africa and a large part of Latin America was only approximately 10 per cent of that consumed by the people of the developed countries; and the Report on the World Social Situation, 1963, (E/CN.5/375 and Add.1-2) pointed out that malnutrition was especially acute in the Far East. That was, of course, a consequence of the colonialist system to which many of those territories had until recently been subjected and which continued to exist in several countries. Despite the improvement recently noted in the quantity of food, its equality still left much to be desired and protein deficiencies caused a great many illnesses, especially among children.

54. That disquieting situation had aroused world public opinion and led to the adoption of a series of measures. The present level of technical development made victory possible in the battle against hunger, if governments acted jointly with international organizations. Nevertheless, no action to that end could be fully successful so long as a considerable proportion of material resources and scientific work continued to be devoted to armaments. An effort must be made to divert to economic and social development the resources at present used for military purposes and, above all, to solve the fundamental problem of hunger.

55. Some important measures had already been taken by various international organizations, especially by FAO, which had launched a world campaign against hunger, to include the World Food Programme within its framework. That organization had also taken steps to send food surpluses to countries in which the population was chronically undernourished. Such measures, however, could only be expedients, because, as Mr. Josue de Castro, Independent Chairman of the Council of FAO for 1951-1952, had said, hunger could not be combated effectively by paternalistic measures designed solely to mitigate the gravity of the problem and to avert a revolt of the starving. For an effective remedy to that evil it was essential to accelerate economic development in general and agricultural production in particular. It was therefore essential to carry out effective agrarian reform, to apply modern techniques to the extraction of natural wealth, to train technical and administrative personnel in sufficient quantities and, in addition, to inculcate sound nutritional principles in the people.

56. Mr. B. R. Sen, the Director-General of FAO, had recently (1232nd meeting) drawn the Committee's attention to the fact that, while the adoption of the Universal Declaration of Human Rights had done much to ensure the observance of civil and political rights, it had not achieved the same success for economic and social rights. The reason might be that the Universal Declaration did not include the right to freedom from hunger among the fundamental human rights. His delegation therefore considered it essential to include in the draft Covenant on Economic, Social and Cultural Rights provisions setting forth the main methods on which the Freedom from Hunger Campaign could be based, in order to give the necessary legal force to the measures already undertaken in that field.

57. Mr. BEAUFORT (Netherlands) recalled the figures which the Director-General of FAO had quoted in his remarkable address to the Third Committee: nearly 500 million persons were going hungry and over 1,000 million more suffered from malnutrition. In the circumstances it was not surprising that FAO had already launched its Freedom From Hunger Campaign, and it was gratifying to note that world leaders had begun to concern themselves seriously with that situation, as could be seen from the encyclical Pacem in Terris, which stated that everyone was entitled to living conditions compatible with his dignity, and from the declaration issued in June 1963 by the World Food Congress, which had declared that the persistence of hunger and malnutrition was incompatible with man's dignity.

58. It was quite understandable that Mr. Sen had made suggestions to the Committee on how its present work might help to solve the problem. That had been the origin of the two proposals now before the Committee.

59. His delegation shared Mr. Sen's concern and was prepared wholeheartedly to support him in his efforts to combat hunger. Nevertheless, it felt certain doubts with regard to the insertion in the draft Covenant on Economic, Social and Cultural Rights of an article on the right of everyone to be free from hunger, and especially of a detailed enumeration in

1/ Subsequently circulated as A/C.3/L.1177.

the article of ways and means to ensure the exercise of that right. While the provisions of that Covenant need not be as strictly defined as those in the draft Covenant on Civil and Political Rights, he feared that the enumeration of measures in the two proposals before the Committee, especially in the Saudi Arabian proposal (A/C.3/L.1172), was too detailed. There should be a clear distinction between the enunciation of a right and a summing-up of the various means of realizing it, and he doubted whether the latter should be included in the draft Covenant.

60. Moreover, there might be some misgiving about the competence of the Third Committee to enumerate such measures which, particularly in paragraph 2 (a) of the five-Power proposal (A/C.3/L.1175 and Add.1), seemed rather to fall within the competence of FAO, WHO and the leaders of the World Food Programme.

61. Furthermore, the five-Power proposal called for the addition of a second paragraph to the combined articles 11 and 12 of the draft Covenant on Economic, Social and Cultural Rights. A problem of method arose in that regard, because that text recognized a certain number of rights and it would be inconsistent to single out only one of them in the second paragraph of the same article.

62. Last, the measures envisaged in paragraph 2 (b) of the five-Power proposal seemed to be too sweeping and to fit more appropriately in a declaration than in a legally-binding instrument.

63. His delegation therefore could not, to its great regret, vote for either of the two proposals before the Committee, but sincerely hoped that their sponsors would reconsider them and produce a text clearly enunciating the right of everyone to be free from hunger, and the duty of the States Members of the United Nations and the specialized agencies to take, in consultation with FAO, WHO, the World Food Programme and other appropriate bodies, the necessary steps to enable that right to be exercised to the widest possible extent.

The meeting rose at 12.55 p.m.

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