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Chairman: Mrs. Turkia OULD DADDAH  
(Mauritania).

AGENDA ITEM 48

**Draft Declaration on Social Progress and Development  
(continued)** (A/7235 and Add.1 and 2, A/7648, A/C.3/  
L.1667, A/C.3/L.1668, A/C.3/L.1669 and Corr.1, A/C.3/  
L.1670, A/C.3/L.1671, A/C.3/L.1673/Rev.1 and Rev.1/  
Amend.1, A/C.3/L.1674, A/C.3/L.1677, A/C.3/L.1679-  
1684, A/C.3/L.1686, A/C.3/L.1688, A/C.3/L.1689/  
Rev.1, A/C.3/L.1690-1695)

PART II: OBJECTIVES (continued)

Paragraph 4 (concluded)

1. Mr. MOUSSA (United Arab Republic) said that it was essential for the Committee to arrive promptly at a clear and non-controversial formulation of paragraph 4 of part II, concerning the right to work. His country's prime concern was to free workers of everything that hindered their development and progress, to provide just and favourable conditions of work and to ensure that workers' rights were respected. Consequently, he felt that he was in a position to speak frankly on the sub-amendments to amendment A/C.3/L.1673/Rev.1/Amend.1 contained in documents A/C.3/L.1692 and A/C.3/L.1695. He was of the view that those sub-amendments contained undeniably valid concepts, but that they related to means and methods and in no sense constituted objectives. For example, the right to strike and the right to bargain collectively were means of securing the welfare of the workers which would not necessarily be used by all countries. He therefore appealed to the sponsors of the sub-amendments in question to withdraw their proposals and to reintroduce them during the consideration of part III, when the Committee would be discussing ways of ensuring the implementation of the objectives set forth in the draft Declaration.

2. Mrs. DE PINOCHET (Chile) said that her delegation was proposing a sub-amendment (A/C.3/L.1695) because it wished to supplement the text under consideration by

incorporating the principle of freedom of association, from which the right to strike and to bargain collectively derived. That principle was enunciated in article 20 and article 23, paragraph 4, of the Universal Declaration of Human Rights, and under article 8, paragraph 1 (d), of the International Covenant on Economic, Social and Cultural Rights the States Parties would undertake to ensure the right to strike, provided that it was exercised in conformity with the laws of the particular country. Again, ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, adopted in 1948, guaranteed the right to collective bargaining and aimed at promoting joint consultations between workers and employers, voluntary negotiations between workers' and employers' associations and the use of voluntary arbitration for the settlement of labour disputes, and also provided for the right to strike, which had thus been acknowledged as much as twenty-one years previously in international treaty law. A strike, or even the threat of one, was the most effective weapon available to workers, and without it they would never be able to seek real improvements in their conditions. However, that right was guaranteed subject to the proviso that it was exercised lawfully, and only then did it merit legal recognition and protection. Moreover, if the legal status of workers' associations was not recognized, they would have no legal way of giving weight to their views and would thus be totally ineffective.

3. Her delegation was introducing nothing new in its sub-amendment, but merely a right which had already been fully recognized in the documents she had cited. She could not agree with the representative of the United Arab Republic that the proposal should be included in part III; it involved a right, and should therefore be enumerated among the objectives.

4. She supported amendment A/C.3/L.1673/Rev.1/Amend.1 with the sub-amendments in documents A/C.3/L.1692, A/C.3/L.1694 and A/C.3/L.1695.

5. Mr. RESICH (Poland) supported the Mongolian-USSR amendment (A/C.3/L.1667) and the Mongolian sub-amendment (A/C.3/L.1694). Although the sponsors of the amendment in document A/C.3/L.1673/Rev.1/Amend.1 had done much to improve their text, particularly by incorporating an important part of the Mongolian-USSR draft, that amendment could have been still further improved by the incorporation of the sub-amendment in document A/C.3/L.1693, which, he felt, solved the controversy over the words "free choice of employment" by adding "in accordance with national resources and needs", an addition which was realistic and consistent with article 2, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights.

6. In his view, the ideas in the Chilean sub-amendment (A/C.3/L.1695), relating to freedom of association, more properly belonged to part III.

7. Mr. WARIS (Finland) said that his delegation had the same reservations regarding the words "establishment of a sufficiently high minimum wage" in amendment A/C.3/L.1673/Rev.1/Amend.1 as had been expressed by the representative of Sweden at the preceding meeting. Those words, almost by definition, suggested not a goal but a means which had to be adapted to the conditions prevailing in each country. He could, however, accept the term in a broader context as implying that the minimum wage could be established either by legislative action or by collective agreement between unions and employers.

8. In his view, the words "free choice of employment in accordance with national resources and needs" in sub-amendment A/C.3/L.1693 clearly connoted means and methods and should be discussed in connexion with part III.

9. The term "level of living", which was a precise scientific term whose meaning had been agreed upon by a committee of experts for United Nations use, should be employed in amendment A/C.3/L.1673/Rev.1/Amend.1 in place of "standard of living", which was a popular journalistic term having no definite meaning.

10. Mr. LORCH (Israel) supported the sub-amendments in documents A/C.3/L.1692 and A/C.3/L.1695. While it was theoretically possible that better instruments than such rights as the right to freedom of association and the right to strike might exist, those rights had an intrinsic value and belonged as objectives to part II. Although the two sub-amendments were very similar, the one submitted by Chile was somewhat broader, since the other did not explicitly refer to the right to strike. He therefore suggested that the Committee should vote first on the sub-amendment A/C.3/L.1692 and then on the Chilean sub-amendment (A/C.3/L.1695).

11. Miss CAO-PINNA (Italy) said that virtually all the sub-amendments submitted to the amendment in document A/C.3/L.1673/Rev.1/Amend.1 were, in principle, acceptable to her delegation; however, if they were all incorporated in the text, the result would be an unduly long article. The Committee should carefully evaluate the usefulness of each proposal relating to paragraph 4 of part II and transfer to part III all extraneous or repetitious ideas.

12. The sub-amendments in documents A/C.3/L.1692 and A/C.3/L.1695 were very similar and could be consolidated; the former, which was the shorter, would be preferable if it included a reference to the right to strike. The representative of Chile might wish to consider proposing that her text should be inserted, not after the words "all levels" in document A/C.3/L.1673/Rev.1/Amend.1, but after "elimination of unemployment and underemployment", in order not to break the continuity of thought.

13. The Mongolian-USSR amendment (A/C.3/L.1667) was the specification of a principle and should be placed in part III. She asked whether the sponsors were maintaining that amendment, since part of its wording appeared in the Mongolian sub-amendment in document A/C.3/L.1694.

14. Mr. PAOLINI (France) said that, while his delegation agreed with all the ideas in the sub-amendments (A/C.3/L.1692-1695) to amendment A/C.3/L.1673/Rev.1/Amend.1, because all of them were embodied in French legislation, he would have to vote against them because they had no place in part II or in an article concerned with ensuring full productive employment.

15. The reference to urban and rural workers contained in sub-amendments A/C.3/L.1693 and A/C.3/L.1695 was covered by article 8 of part I, which applied to the draft Declaration as a whole and there was therefore no need to repeat it. Moreover, the Committee had adopted paragraph 3 of part II without adding any reference to urban and rural areas. The right to the free choice of employment was already referred to in article 6 of part I and was implicit in the amendment under discussion; moreover, the basic text on the subject, namely, ILO Convention No. 122 concerning Employment Policy, adopted in 1964, showed that free choice could be exercised only "within the framework of a co-ordinated economic and social policy" which, under the terms of the Convention, was clearly a matter of "means and methods". The substance of the Mongolian sub-amendment (A/C.3/L.1694) was already covered by paragraph 18 of part III and the substance of the provisions concerning freedom of association in sub-amendments A/C.3/L.1692 and A/C.3/L.1695 was covered by paragraph 26 of part III. Moreover, it could hardly be said that strikes were an objective of social development. While he agreed on the desirability of recognizing broad trade union rights in the Declaration, he felt that the proper place for those amendments was part III. Delegations wishing to spell out the details of such rights should submit amendments to part III, where the sponsors of the amendment in document A/C.3/L.1673/Rev.1/Amend.1 would be prepared to consider them favourably. If, on the other hand, they pressed their proposals as amendments to part II, they would eventually rob part III of all its substance. He would therefore vote against all the sub-amendments.

16. Mr. KRAVETS (Ukrainian Soviet Socialist Republic) regretted that the Committee seemed to be making little progress. Paragraph 4 of part II of the draft Declaration should be a simple and clear formulation concerning the regulation and safeguarding of the right to work. Those objectives were well formulated in the original text (see A/7648, annex II), as amended by Mongolia and the USSR (A/C.3/L.1667), and in the amendment in paragraph 6 of document A/C.3/L.1689/Rev.1. Nevertheless, the Committee had seemed to be approaching a vote on amendment A/C.3/L.1673/Rev.1/Amend.1, with the incorporation of a number of sub-amendments, but the current discussion showed that unanimity was becoming impossible and that some delegations were insisting on provisions which reflected only the internal system of their own countries for the protection of workers. He appealed to the sponsors of such proposals not to press them.

17. He hoped, for example, that the representative of Chile would not press her sub-amendment (A/C.3/L.1695). He did not understand what was meant by workers' "associations"; were they similar to, or different from trade unions? Again, as the representative of a socialist country, he was not opposed to the use of strikes in countries where

ownership of the means of production was not in the hands of the workers, but in those of private entrepreneurs. Nevertheless, he was not in favour of a reference to the right to strike in the draft Declaration, as the Marxist countries did not consider strikes a basic factor in the struggle of the working classes for liberation. Indeed, economic measures alone would never lead to the social and political liberation of the workers and should only be considered an auxiliary force to political struggle. His delegation would, however, refrain from introducing a sub-amendment calling for the transfer of ownership of the means of production to the workers, since it was for the workers in each country to adopt the system they considered most suitable for them.

18. Mrs. IDER (Mongolia) introducing the sub-amendment in document A/C.3/L.1694, said that it was designed to provide increased protection for the labour force and to eliminate occupational hazards and bad working conditions. After consultation, the sub-amendment had been changed to read "the improvement of health and safety conditions of work".

19. Mrs. DE PINOCHET (Chile) said that, in a spirit of co-operation, her delegation was withdrawing sub-amendment A/C.3/L.1695, on the understanding that, when the Committee discussed means and methods, it could be resubmitted for inclusion in part III of the draft Declaration.

20. Mr. SANON (Upper Volta) welcomed the Chilean delegation's decision to withdraw its amendment.

21. His delegation believed that certain ideas belonged to part III, and it was therefore unable to vote for the inclusion in part II of the sub-amendment proposed by Mongolia (A/C.3/L.1694) or the one in document A/C.3/L.1692, although it fully appreciated the concerns which had prompted their submission. Sub-amendment A/C.3/L.1693 went into too much detail; the principles set out in it had already been adopted by the United Nations, and the provisions of the second part of the sub-amendment were amply covered by an ILO Convention. His delegation therefore considered that that sub-amendment, like the others, was more suitable for inclusion in part III.

22. He hoped that the delegations in question would withdraw their sub-amendments, and he formally moved the closure of the debate, on the understanding, however, that the sponsors of amendments and sub-amendments would be allowed to speak again if they so wished.

23. Mr. KALPAGE (Ceylon) said that his delegation could not understand the opposition to the concept of "free choice of employment in accordance with national resources and needs". Nevertheless, the sponsors of sub-amendment A/C.3/L.1693 were prepared to withdraw their proposals, but they would resubmit them for inclusion in part III.

24. Mr. EVDOKEEV (Union of Soviet Socialist Republics) opposed the closure of the debate, since his delegation had been asked to clarify certain points in the amendment it had co-sponsored and also wished to state its position regarding other amendments and sub-amendments.

*The motion for the closure of the debate was adopted by 39 votes to 14, with 32 abstentions.*

25. Mr. EVDOKEEV (Union of Soviet Socialist Republics) noted that the representative of the Upper Volta, in moving the closure, had made the proviso that sponsors of proposals should be given an opportunity to express their views. His delegation felt that the Mongolian-USSR amendment (A/C.3/L.1667), designed to combine paragraph 4 of part II with paragraph 18 of part III, contained extremely important provisions which were not included in any other amendment or in the original text. The provisions, particularly those relating to the improvement of occupational health, were designed to protect the interests of workers. Unless the sponsors of other amendments agreed to include them in their texts, the sponsors of that amendment would not be in a position to withdraw it and would request that it should be put to the vote first, in accordance with established procedure.

26. His delegation could support sub-amendment A/C.3/L.1692 if it were amended to read "the right of everyone to form trade unions and to bargain collectively".

27. Miss MELLOWES (Barbados) said that, in order to accommodate suggestions made during the debate, the sponsors of sub-amendment A/C.3/L.1692 had agreed to reword it as follows: "the right of everyone to form trade unions and workers' associations and to bargain collectively".

28. Mr. EVDOKEEV (Union of Soviet Socialist Republics) said that his delegation preferred the wording he had suggested. However, the sponsors of amendment A/C.3/L.1667 would be willing to withdraw their proposal if the sponsors of sub-amendment A/C.3/L.1692 withdrew theirs.

29. Mr. MOUSSA (United Arab Republic) said his delegation considered that collective bargaining should be included among the means and methods. He appealed to the sponsors of amendment A/C.3/L.1667 and sub-amendment A/C.3/L.1692 to consider submitting their texts for inclusion in part III.

30. Mr. KALANGARI (Uganda) said he believed that sub-amendment A/C.3/L.1692, as orally revised, could be adopted unanimously if the reference to workers' associations was deleted.

31. The CHAIRMAN invited the Committee to vote on paragraph 4 of part II of the draft Declaration (see A/7648, annex II) and the amendments and sub-amendments thereto.

*Amendment A/C.3/L.1667 was rejected by 30 votes to 18, with 48 abstentions.*

32. The CHAIRMAN noted that, in accordance with a request made by the representative of the United Arab Republic, a separate vote would be taken on the words "and to bargain collectively" in sub-amendment A/C.3/L.1692, as orally revised (see para. 27 above).

*The words "the right of everyone to form trade unions and workers' associations" were adopted by 64 votes to 1, with 24 abstentions.*

*The words "and to bargain collectively" were adopted by 42 votes to 5, with 50 abstentions.*

*Sub-amendment A/C.3/L.1692 as a whole, as orally revised, was adopted by 67 votes to 3, with 27 abstentions.*

33. Mr. PAOLINI (France), speaking on a point of order, said that it was not possible to vote on sub-amendment A/C.3/L.1694, as it repeated a proposal contained in amendment A/C.3/L.1667, which had already been rejected.

34. The CHAIRMAN pointed out that the sub-amendment in question had been orally revised (see para. 18 above).

*Sub-amendment A/C.3/L.1694, as orally revised, was adopted by 66 votes to 6, with 22 abstentions.*

*Amendment A/C.3/L.1673/Rev.1/Amend.1, as sub-amended, was adopted by 98 votes to none, with 1 abstention.*

35. Mr. LEMAITRE (Colombia), speaking in explanation of vote, said he believed that all the amendments submitted were worthy of respect. However, he agreed with the representative of France that a number of proposals either appeared in part I or constituted means and methods and should therefore be considered in connexion with part III. His delegation had voted against some of the amendments not because of their content, but because it had felt that they were redundant.

#### *Proposed new paragraph after paragraph 4*

36. Mrs. DE PINOCHET (Chile) said that her delegation was withdrawing its first amendment (A/C.3/L.1682, para. 1). The second amendment reflected her delegation's conviction that a rational solution to the problems of the world could be achieved only if all sectors of the population participated in the economic, social, civic, cultural and political life of their respective countries. In order that the Committee might have advance notice of a

change in the third amendment, which called for the insertion of a new paragraph after paragraph 11 of the draft Declaration, she said that the words "are provided with the necessary legal aid in the exercise of their rights" would be replaced by "are fully aware of policies affecting social conditions and of their rights and obligations and are provided with the necessary legal aid in the exercise of their rights; assurance that the rights of individuals are safeguarded in the implementation of social policies".

37. Mr. ARCHER (United Kingdom) said that, since the United Kingdom proposals (A/C.3/L.1674) had been incorporated in the orally revised version of the Chilean amendment (A/C.3/L.1682, para. 3), they were being withdrawn and his delegation wished to co-sponsor the formulation which had been submitted by Chile.

38. Mr. EL SHEIKH (Sudan) said that he experienced some difficulty with regard to the Chilean amendment now under discussion (A/C.3/L.1682, para. 2). It had been stated that the draft Declaration should be written in clearly understandable language, and he wondered whether the ordinary man would be able to comprehend the idea underlying the proposed paragraph.

39. Mr. PAOLINI (France) said that the Chilean amendment contained very important ideas, but in his view they had already been expressed in part I, particularly in article 5.

40. Mrs. DE PINOCHET (Chile) said that it was true that the main ideas in the amendment were already set forth in article 5 of part I. While she still believed that it was important to place emphasis on them in the objectives, she would none the less withdraw the proposal (A/C.3/L.1682, para. 2), in order to reduce the number of amendments and to shorten the text.

*The meeting rose at 6 p.m.*