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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.1698, A/C.3/L.1707, A/C.3/L.1712, A/C.3/L.1716,
A/C.3/L.1720, A/C.3/L.1723, A/C.3/L.1726, A/C.3/
L.1729, A/C.3/L.1730 and Corr.1 and 2, A/C.3/
L.1730/Add.1)**

PART III: MEANS AND METHODS (continued)

Paragraph 26 (concluded)

1. Mrs. KVASHNINA (Byelorussian Soviet Socialist Republic) introduced the revised text of her amendment (A/C.3/L.1707), which incorporated the basic ideas of the amendment submitted by Chile (A/C.3/L.1716), the amendment submitted by Poland and Syria contained in document A/C.3/L.1698 and the amendment contained in document A/C.3/L.1723. The new text read as follows:

"The provision of full democratic freedoms to trade unions, including the right to bargain collectively and to strike, recognition of the right to form other organizations of working peoples; the provision for the growing participation of trade unions in economic and social development, in particular their influence upon the distribution of national income; effective participation of all members of trade unions in the deciding of economic and social issues which affect their interests".

2. Mr. UMRATH (Netherlands), supported by Mr. PAOLINI (France), said he did not believe that the revised Byelorussian amendment was a satisfactory solution, since it repeated some of the ideas expressed in one of the new paragraphs to follow paragraph 10 of part III, in which reference was already made to the effective participation of "all the elements of society"—including, of course, trade unions—in the preparation and execution of national plans and programmes of economic and social

development, which implicitly covered the question of the distribution of national income.

3. On the other hand, he supported the Chilean amendment, which not only followed the terminology used in other international instruments dealing with labour legislation but also introduced a new and very important element, namely, protection of the right to strike.

4. Mr. RESICH (Poland) stated that, in view of the difficulties which had arisen, he would have no objection to the deletion from the revised Byelorussian text of the phrase relating to the participation of trade unions in the distribution of national income, which had been proposed by his delegation and that of Syria.

5. Mrs. KVASHNINA (Byelorussian Soviet Socialist Republic) agreed to the suggestion made by the representative of Poland to delete the words "in particular their influence upon the distribution of national income", but observed that if any more ideas were deleted from her text it would be better to adopt the original text of paragraph 26 as it appeared in the draft Declaration (see A/7648, annex II), which was broader and gave no difficulty.

6. Mr. HJELDE (Norway) stressed that, despite the changes made in it, the Byelorussian text still reiterated ideas that were covered by other paragraphs of the draft Declaration. He would therefore be unable to vote for the amendment.

7. Mrs. DE PINOCHET (Chile) read out the revised text of her amendment, which now incorporated the suggestion made by the representative of Uganda at the preceding meeting. The text was as follows:

"The granting of full democratic freedoms to trade unions, freedom of association for all workers, including the right to organize, and to bargain collectively, and the recognition of the legal status of their organizations; the right to strike, provided that it is exercised in conformity with the laws of the particular country; ensuring the workers' participation in the formulation of national policies and programmes leading to social and economic progress".

8. Mr. JHA (India) said, with regard to the text read out by the representative of Chile, that he considered it dangerous to state that the right to strike should be exercised "in conformity with the laws of the particular country", because it was common knowledge that the exercise of that right was prohibited by law in some countries. If the amendment sought to prevent the right to strike from being used as a means of violating the law and causing disorder, it should be very clearly worded because,

as it was now drafted, the paragraph seemed self-contradictory and might be counterproductive.

9. Mrs. DE PINOCHET (Chile) said that the terminology employed in her amendment was that used in article 8, paragraph 1 (*d*), of the International Covenant on Economic, Social and Cultural Rights. The right to strike was a fundamental and universally accepted right, and her delegation's intention was to reaffirm it, and not to limit the exercise of it.

10. Miss MARTINEZ (Jamaica) said that she considered both the Byelorussian amendment, as revised, and the Chilean amendment, which had also been orally revised, acceptable.

11. Mr. UMRATH (Netherlands) proposed, as a sub-amendment to the revised Byelorussian amendment, that the words "freedom of association for all workers" should be inserted between the words "trade unions" and "including".

12. Mrs. KVASHNINA (Byelorussian Soviet Socialist Republic) said that her formulation, as orally revised, already included the idea which the Netherlands oral sub-amendment sought to insert, namely, the idea of freedom of association for all workers. She added that she would be prepared to withdraw her amendment in favour of the original text of paragraph 26, provided that the Chilean delegation would do likewise.

13. Mr. PAOLINI (France), supported by Mr. SHERIFIS (Cyprus), said that he would like the representative of the International Labour Organization to explain the difference between "freedom of association" and "the right to organize", which were mentioned in the revised Chilean amendment.

14. Mr. JONKER (International Labour Organisation), speaking at the invitation of the Chairman, said that according to the relevant ILO Convention, freedom of association meant freedom of association as such, while the term "the right to organize" referred to the exercise of trade union rights.

15. Mr. PAOLINI (France) requested, in view of the explanation given by the representative of the ILO, that the term "the right to organize" should be translated, in the French version of the Chilean amendment (A/C.3/L.1716), as orally revised, by "*droit syndical*".

16. Mr. KRAVETS (Ukrainian Soviet Socialist Republic) said that in its proposed formula for paragraph 26 (A/C.3/L.1707), as orally revised, the Byelorussian delegation had tried to combine the main elements of the original text and of the other amendments to it, together with a number of points that had been raised during the debate. The result was a text which was both broad and specific and which satisfactorily fulfilled the aims of the paragraph.

17. On the other hand, the Chilean amendment (A/C.3/L.1716), as orally revised, which incorporated only some of the new ideas advanced during the discussion of the paragraph, was marred by a serious contradiction. In specifying that workers could strike only in conformity

with the laws of the particular country, it severely limited that right and ultimately limited the democratic freedoms of trade unions and other labour organizations, especially since there were some countries whose laws imposed considerable restrictions on strike action or even prohibited it completely.

18. For those reasons, his delegation supported the Byelorussian amendment but considered the formulation proposed by Chile unsatisfactory.

19. Mr. BAROODY (Saudi Arabia) observed that, if the wording of the draft Declaration was made too detailed, there was a danger of its becoming like a convention, from which it should differ precisely in that its provisions were of a more general nature. For that reason, he preferred the original text of paragraph 26 and would not support any of the amendments that had been submitted. He moved that the debate should be closed and that the Committee should proceed to vote.

20. Mrs. DE PINOCHET (Chile) and Mr. TEPAVICHAROV (Bulgaria) supported the motion.

The motion for the closure of the debate was adopted by 82 votes to none, with 13 abstentions.

21. The CHAIRMAN put to the vote the Netherlands sub-amendment for the insertion of the word, "freedom of association for all workers" between the words "trade unions" and "including" in the Byelorussian amendment (A/C.3/L.1707), as orally revised (see paras. 1 and 5 above).

The sub-amendment was adopted by 19 votes to 4, with 68 abstentions.

22. The CHAIRMAN put to the vote the text of paragraph 26 proposed in the Byelorussian amendment (A/C.3/L.1707), as orally revised and as amended.

The amendment, as orally revised and as amended, was adopted by 39 votes to 17, with 36 abstentions.

23. Mr. PAOLINI (France) said that he had abstained from voting on the Netherlands sub-amendment because he had considered it unnecessary to insert the proposed wording. He had voted in favour of the Byelorussian amendment, as revised and amended, but he would also have supported the Chilean amendment (A/C.3/L.1716), as orally revised, if it had been put to the vote, since in his view the two texts contained very similar ideas.

24. Mrs. BLACK (United States of America) said that she had voted against the Byelorussian amendment because she had considered the Chilean text better worded and had intended to vote for it.

25. Mr. CALOVSKI (Yugoslavia) said that he had abstained from voting on the Netherlands sub-amendment because the idea expressed in it was already covered by the Byelorussian text and its inclusion in the latter was therefore a redundancy. He had had no objection to the Chilean amendment and would have voted for it if it had been put to the vote first.

26. Mr. TEPAVICHAROV (Bulgaria) said that he had voted against the Netherlands sub-amendment, as he had felt that it entailed a repetition of matter already contained in the Byelorussian amendment.

27. Mr. LEW (China) said that the two amendments submitted to the Committee had been similar in substance, and he had voted in favour of the Byelorussian formulation simply because it had been put to the vote first.

28. Mrs. BARISH (Costa Rica) said that the reason why she had voted against the Byelorussian amendment was not that she had disagreed with the ideas expressed in it but that she had considered the Chilean formulation more satisfactory, since, unlike the Byelorussian text, it included the important concept of recognition of the legal status of workers' associations.

29. Mr. DAES (Greece) said that she had abstained from voting on the Byelorussian amendment because, in her view, the Chilean text was a better formulation of the rights of workers and of labour associations and was more in line with the provisions of the relevant United Nations and ILO instruments. In that connexion she pointed out that, while freedom of association and freedom to organize were classified as human rights, the right to strike was an instrument for enforcing those rights—a distinction which had been recognized in the Chilean formulation.

30. Mr. SHERIFIS (Cyprus) said that he had voted for the Netherlands sub-amendment because he fully agreed with the concept which it introduced into the Byelorussian amendment.

31. Mrs. DE BROMLEY (Honduras) said that she had voted against the Byelorussian formulation because she had considered the Chilean text to be preferable.

32. Miss ARGUELLO (Nicaragua) said that her delegation had voted against the Byelorussian amendment, not because it had had any objection to the ideas expressed in it, but because it had preferred the Chilean formulation, which it considered more concise.

33. Mrs. CABRERA (Mexico) said that she had had no objection to the Byelorussian amendment, but had voted against it because she considered the Chilean text more in line with Mexican legislation on the subject.

34. Mrs. CADIEUX (Canada) observed that both amendments had contained the same basic concepts, and said that she had voted for the Byelorussian wording because it had been put to the vote first.

35. Mr. TEKLE (Ethiopia) said that he had abstained from voting either on the Netherlands sub-amendment or on the Byelorussian text, since the Chilean amendment had been more acceptable to his delegation.

36. Miss CAO-PINNA (Italy) said that she could have voted in favour of all the amendments that had been submitted to paragraph 26; that being so, she had voted for the first one put to the vote, which had been the Byelorussian text.

37. Mr. CHIPESO (Zambia) said that he had abstained on both votes because he had regarded the Byelorussian and Chilean amendments as equally acceptable; consequently, he had not been able to support one of them over the other.

38. Mr. TORRES (PHILIPPINES) said that he had had to abstain on the votes that had just been taken because he regarded the original wording of paragraph 26, in which the word "broad" would simply have been replaced by the word "full", as preferable.

39. Mr. KALANGARI (Uganda) said that he had voted against the Byelorussian amendment because it had omitted the fundamental concept of workers' participation in formulating national economic and social development policies and plans.

40. Mrs. DE PINOCHET (Chile) said that she had voted against the Byelorussian formulation because, for obvious reasons, she had preferred her own delegation's text.

41. Mr. BASCON (Bolivia) said that none of the texts proposed for paragraph 26 had referred to recognition of the trade union status of leaders elected by the trade unions, which was a basic factor in the relations between government, employers and workers. The frequency with which authorities had resorted to the imprisonment of trade union leaders in order to break strike movements showed clearly how vital that guarantee was.

Paragraph 27

42. After a procedural discussion in which the CHAIRMAN, Mr. EL SHEIKH (Sudan), Miss CAO-PINNA (Italy), Mr. MOUSSA (United Arab Republic), Mr. MAHMASSANI (Lebanon), Mr. BAROODY (Saudi Arabia), Mr. EL-FATTAL (Syria), Mrs. BLACK (United States of America), Mr. KALPAGE (Ceylon) and Mr. PAOLINI (France) took part, Mr. ARCHER (United Kingdom) proposed that the Committee should hold a debate on paragraph 27, to which no amendments had been submitted.

43. The CHAIRMAN put to the vote the United Kingdom representative's motion that the Committee should hold a debate on paragraph 27.

At the request of the United Kingdom representative, the vote was taken by roll-call.

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

In favour: Netherlands, New Zealand, Nicaragua, Norway, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America, Argentina, Australia, Belgium, Bolivia, Canada, China, Costa Rica, Denmark, Ecuador, France, Iceland, Ireland, Israel, Italy, Japan, Luxembourg.

Against: Morocco, Nigeria, Pakistan, Peru, Poland, Romania, Saudi Arabia, Senegal, Somalia, Southern Yemen, Sudan, Syria, Togo, Trinidad and Tobago, Tunisia, Uganda,

Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia, Zambia, Afghanistan, Albania, Algeria, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Ceylon, Colombia, Congo (Brazzaville), Czechoslovakia, Ethiopia, Guinea, Guyana, Hungary, India, Indonesia, Iraq, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia.

Abstaining: Nepal, Philippines, Rwanda, Singapore, Spain, Sweden, Thailand, Turkey, United Republic of Tanzania, Uruguay, Venezuela, Austria, Barbados, Brazil, Burma, Central African Republic, Chad, Chile, Congo (Democratic Republic of), Cuba, Cyprus, Dahomey, Dominican Republic, Finland, Ghana, Greece, Guatemala, Honduras, Iran, Ivory Coast, Jamaica, Laos, Lesotho, Liberia, Mexico.

The Committee decided by 51 votes to 24, with 35 abstentions, not to hold a debate on paragraph 27.

44. The CHAIRMAN put to the vote paragraph 27 of part III of the draft Declaration on Social Progress and Development (see A/7648, annex II).

At the request of the Algerian representative, the vote was taken by roll-call.

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

In favour: Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Peru, Poland, Romania, Saudi Arabia, Senegal, Somalia, Southern Yemen, Spain, Sudan, Syria, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Uruguay, Yemen, Yugoslavia, Zambia, Afghanistan, Albania, Algeria, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Ceylon, Congo (Brazzaville), Cuba, Cyprus, Czechoslovakia, Ecuador, Ethiopia, France, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lebanon, Libya.

Against: None.

Abstaining: Madagascar, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Philippines, Portugal, Rwanda, Singapore, Sweden, Thailand, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Venezuela, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Dahomey, Denmark, Dominican Republic, Finland, Ghana, Greece, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Laos, Lesotho, Liberia, Luxembourg.

Paragraph 27 was adopted by 58 votes to none, with 51 abstentions.

The meeting rose at 1.5 p.m.