

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

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17 February 1948

ORIGINAL: ENGLISH

COMMITTEE ON ARRANGEMENTS FOR CONSULTATION
WITH NON-GOVERNMENTAL ORGANIZATIONS

(COUNCIL NGO COMMITTEE)

SUMMARY RECORD OF THE THIRTY-THIRD MEETING

Lake Success, New York

Monday, 16 February 1948, at 2 p.m.

Present:

Acting Chairman:	Mr. WU	(China)
	Mr. Lamarle	(France)
	Mr. Kobushko	(Union of Soviet Socialist Republics)
	Mr. Alexander	(United Kingdom)
	Mr. Kotschnig	(United States of America)

Consultants of Non-Governmental Organizations:

Miss Sender (American Federation of Labor)

Secretary: Mr. White (Non-Governmental Organizations
Section, Division of Co-ordination
and Liaison)

CONSIDERATION OF THE REPORT ON THE DISTRIBUTION OF DOCUMENTS TO CONSULTATIVE ORGANIZATIONS

Mr. KOTSCHNIG (United States of America) recalled that at its last meeting the Committee had agreed not to recommend that the right to propose items for inclusion on the agenda of the Council's functional commissions be granted to non-governmental organizations in categories B and C. Thus, rules 6 and 7 stood unchanged.

The United States delegation was in favour of notifying the appropriate non-governmental organizations in categories B and C, of the sessions of functional commissions and conveying to them the text of all decisions, reports, resolutions and recommendations adopted by such commissions or their subsidiary bodies. It had examined the costs involved, and had found that in practice most of these documents were already being distributed to these organizations.

/He therefore

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He therefore proposed to make the practice official by amending rules 5 and 44. The clause "and to the appropriate non-governmental organizations in categories B and C" could be inserted into rule 5 after the words "to the non-governmental organizations in category A", and the same clause could be added at the end of rule 44.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) stated that he would abstain from voting on the amendments.

The CHAIRMAN put to the vote the proposed amendments.

The United States amendment to rules 5 and 44 was adopted by four votes to none with one abstention.

CONSIDERATION OF THE "GUIDE FOR CONSULTANTS"

The representatives of the Union of Soviet Socialist Republics, of the United Kingdom and of France wished to have more time to study the voluminous document relating to the question. Since the matter did not present any great urgency, consideration of the guide might be postponed.

Mr. KOTSCHNIG (United States of America) wondered if the Committee should consider the Guide at all. The document had been prepared by the Secretariat. Each member might communicate his views to the Secretariat so as to introduce changes wherever necessary. It was not for the Committee to consider the document formally in order to approve or reject it, since the responsibility for its contents did not lay with the Committee.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) thought that members should first take cognizance of the contents of the document; they might then decide to adopt the course advocated by Mr. Kotschnig.

Consideration of the Guide was postponed to a later meeting.

CONSIDERATION OF THE REQUEST MADE BY THE AMERICAN FEDERATION OF LABOR FOR THE OPPORTUNITY TO PRESENT ITS VIEWS ON ITEM 30 OF THE COUNCIL'S AGENDA (PRINCIPLE OF EQUAL PAY FOR EQUAL WORK FOR MEN AND WOMEN WORKERS)

Mr. KOTSCHNIG (United States of America) said that in certain cases, the Committee could recommend to the Council to hear the views of a consultant of non-governmental organizations on an item of the agenda. The Committee's responsibility in that matter was defined in Part III of resolution 95 (V) adopted by the Council on 19 August 1947. A mistake had occurred, however, in the terms of the resolution, and therefore some confusion arose as to the procedure to be followed by non-governmental organizations in category A when requesting the NGO Committee to make such recommendations. As it stood, the fifth paragraph would oblige consultants to request the Council NGO Committee for a recommendation that they should be heard by the Council on items proposed by them; the request was to be

made not later than forty-eight hours after the adoption of the agenda by the Council. If that were the meaning of the resolution, no time-limit would appear to have been set for consultants who wished to speak on items which they had not proposed for inclusion on the Council's agenda.

Mr. Kotschnig thought that the fifth paragraph should have contained a reference to requests of non-governmental organizations referred to in paragraph 4, instead of in paragraph 2 as the printed text stated.

He suggested that the Committee should first deal with the error so as to correct it, and that it should then consider the request made by the American Federation of Labor.

Mr. KOBUSEKO (Union of Soviet Socialist Republics) submitted that any attempt at correcting a voted resolution raised a legal problem. The error should be brought to the attention of the Council through the proper channels, and rectified by the Council itself. To modify the meaning of the resolution, as voted, was not within the Committee's competence, and should it attempt to do so, it might be accused of tampering with the rules of procedure. He understood that, in its present form, the resolution did not allow the Committee to consider the request made by the AFL. The Committee was bound to enforce the resolution and therefore could not consider that request. Consequently he moved the closure of the debate.

If the terms of the resolution were contested, the question should be solved in accordance with the rules of procedure.

Mr. KOTSCHNIG (United States of America) opposed the motion to close the debate. The resolution in its present form did not prevent the Committee from recommending that the AFL should be heard. As it stood the last paragraph prevented the Committee from recommending that the Council should hear the organization which had proposed item 30 for inclusion on the agenda. The World Federation of Trade Unions had proposed the item and not the American Federation of Labor so that nothing could prevent the Committee from hearing the consultant of the AFL if the resolution were to be taken literally.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) understood the text to mean that the American Federation of Labor should have made its request to the Committee within forty-eight hours after the adoption of the agenda by the Council. It had not done so.

The CHAIRMAN observed that the terms of the resolution did not prevent the consultant of AFL from speaking before the Committee. The question was whether the Committee could recommend that the Council should hear the views of the AFL on item 30 of the Council's agenda.

/Mr. KOBUSHKO

Mr. KOBUSHKO (Union of Soviet Socialist Republics) said that the consultant of AFL wished to be heard by the Committee in order to speak in the Council on item 30. However, the consultant had not presented its request within the prescribed time-limit, hence the Committee had no right to recommend that the Council should hear the consultant. No purpose would be served by hearing the consultant in Committee, unless he were not to speak on item 30.

He insisted that the debate should be closed.

Mr. LAMARLE (France) agreed with the representative of the Union of Soviet Socialist Republics on the question of substance. The Committee had no right to hear the consultant. He thought, however, that the AFL consultant could be asked why she had not presented her request within the set time-limit.

Mr. KOTSCHNIG (United States of America) favoured a course which would allow the consultant to speak to the Committee. He could not prejudge the questions she wanted to raise.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) understood that Mr. Kotschnig might want to hear the consultant if he wished to find out what the consultant had to say.

He asked the Chairman to warn the consultant that she could not speak on her request to be heard by the Council on item 30, since she was not entitled to ask for a discussion on an agenda item not proposed by her, but that the Committee would hear her on any other question she might wish to raise.

Mr. ALEXANDER (United Kingdom) pointed out that the AFL request had been referred to the Committee by the Council. The Committee could not ask the AFL consultant to refrain from speaking on that request.

Some Committee members wished to know how the Council had referred the request to the Committee since the forty-eight hour limit had elapsed.

The Secretary read the letter from the President of the Council to the consultant answering her request to be heard as follows:

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12 February 1948

Miss Tony Sender
Freedom House
20 West 40th Street
New York, N. Y.

Dear Miss Sender:

In reply to your letter dated 12 February, I wish to say that a meeting of the Council NGO Committee will be held on Monday 16th February, convening at 10:30 a.m., at Lake Success.

I will propose to the Committee that an opportunity of hearing the views of the American Federation of Labor on Item 30 of the Agenda of the Council

(Principle of Equal Pay for Equal Work for Men and Women Workers) should be given during this meeting and I should, therefore, be glad if the consultant of the Federation could be available for this purpose Monday morning.

President,
Economic and Social Council

Mr. LAMARLE (France) remarked that the letter did not point out that the time limit had lapsed. In the circumstances he considered it difficult to refuse the consultant's request to be heard by the Committee.

The SECRETARY explained that the consultant stated that she had notified the Secretary of the Council of her request verbally. The Secretary of the Council, however, states that he had not understood at the time that a request had been made.

Mr. ALEXANDER (United Kingdom) doubted that resolution 95 (V) as it reads at present could be applied to the case and advocated that the Committee adopt a common sense interpretation of its purpose. He submitted that every non-governmental organization had the right to be heard by the Committee. He proposed that the consultant be heard; the Committee would then decide whether or not it should recommend that the consultant be heard by the Council.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) stated that resolution 95 (V) was couched in clear terms and obliged the Committee to rule that the consultant of AFL could not be heard by the Council. The Committee could adopt no other course until the resolution had been amended.

Mr. KOTSCHNIG (United States of America) observed that if the representative of the USSR insisted that the resolution should be applied as worded at present, every legal adviser would be bound to admit that the forty-eight hour time limit did not apply to the AFL request, he would then move that a vote be taken to allow the AFL to present its case to the Committee.

Mr. LAMARLE (France) understood that the time-limit did not apply precisely on account of the error made in the wording of the resolution.

The Committee decided by three votes, with two abstentions, to invite the AFL consultant to the Council NGO Committee.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) abstained in view of the letter to Miss Sender from the President of the Council, although he felt that the AFL had no right to speak since forty-eight hours had elapsed after the adoption of the agenda by the Council.

Miss SENDER (American Federation of Labor) stated that she had advised the Secretary of the Council of her desire to speak on item 30

at the end of the meeting when that item was included on the agenda. Although she was advised that the request should be formulated in writing, she had been under the impression that the Secretariat had taken note of her request.

She pointed out that the text of resolution 95 (V) was not clear. It would mean that a consultant speaking on an item he had himself proposed would have to apply to the NGO Committee for the right to be heard.

Item 30 - the question of Equal Pay for Equal Work for men and women workers was within the competence of the AFL, and its activities were such that it should be heard. She would welcome the opportunity of making a statement in Council during discussion of that question in plenary meeting.

Mr. KOBUSEKO (Union of Soviet Socialist Republics) remarked that the consultant was aware of the forty-eight hour time-limit; hence she could not be heard by the Council.

Mr. ALEXANDER (United Kingdom) explained to the consultant that according to the present text of the resolution, the forty-eight hour time-limit applied only to such organizations as had proposed an item for the agenda and wished to speak in connection with that item. According to the third clause of the resolution as it reads at present the AFL consultant would not need to apply to the NGO Committee at all. If the Soviet representative insisted as apparently he did on the application of the letter of the Resolution the answer was clear: the AFL could speak. If the intention of the Council was to be applied then there was an understandable misunderstanding and the AFL should not be penalized for a printing or drafting error on the part of the Secretariat.

Mr. KOBUSEKO (Union of Soviet Socialist Republics) considered that this opinion was that of Mr. Alexander and not that of the Committee.

Mr. KOTSCHNIG (United States of America) agreed with the representative of the United Kingdom. The time-limit did not apply to the request of the AFL. The Committee was entitled to recommend that the AFL consultant present the Council its views on the question of equal pay. That organization was certainly qualified to make a statement on the subject, and he moved that the Committee recommend that the Council should hear the AFL consultant.

At the same time, Mr. Kotschnig undertook to notify the Secretariat of the error which had occurred in the wording of the third part of resolution 95 (V).

In answer to a question asked by Mr. KOBUSEKO (Union of Soviet Socialist Republics), Mr. KOTSCHNIG (United States of America) explained that the decision taken would be based on the last clause of the third part of

The Committee decided by four votes to one, to recommend that the Council should hear a statement to be made by the AFL consultant on the question of Equal Pay for Equal Work for Men and Women Workers, when the question came back for discussion in the plenary meeting.

Mr. KOBUSEKO (Union of Soviet Socialist Republics) thought that the Committee in its report should explain why it had taken a decision contrary to the resolution adopted by the Council.

Mr. KOTSCHNIG (United States of America) agreed that it would be useful to explain on what basis the Committee had made its decision.

ADOPTION OF THE COMMITTEE'S REPORT TO THE COUNCIL (document E/706).

The CHAIRMAN reminded members that the draft report, discussed at the morning meeting had not yet been formally adopted.

The Committee adopted the report by four votes and one abstention.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) explained that he had abstained from voting because a number of amendments which he considered necessary and which he had proposed had not been included in the report.

The meeting rose at 3.40 p.m.
