

ECONOMIC
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ECONOMIC AND SOCIAL COUNCIL

SEVENTH SESSION

AGENDA COMMITTEE

SUMMARY RECORD OF THE NINTH MEETING

hold at the Palais des Nations, Geneva,
on Friday, 16 July 1948, at 3 p.m.

CHAIRMAN:

Dr. Charles MALIK (Lebanon)
President of the Council

Present:

First Vice-President
of the Council:

Mr. SANTA CRUZ (Chile)

Second Vice-President
of the Council:

Mr. KAMINSKY (Byelorussian SSR)

Netherlands:

Mr. PATIJN

New Zealand:

Mr. THORN

Also present:

Representatives of Non-Governmental Organizations:

American Federation of Labor: Mr. CRUIKSHANK

World Federation of Trade Unions: Mr. FISCHER

Secretariat:

Mr. LAUGIER

Assistant Secretary General
for Social Affairs

Mr. YATES

Secretary of the Council

DISCUSSION ON THE PROVISIONAL AGENDA FOR THE SEVENTH SESSION
OF THE ECONOMIC AND SOCIAL COUNCIL (DOCUMENT E/830) (continued)

On the invitation of the Chairman, Mr. CRUIKSHANK,
representative of the American Federation of Labor, took his
place at the committee table.

Mr. CRUIKSHANK (American Federation of Labor) urged the retention of Item 2 of the Provisional Agenda for the Seventh Session (Survey of forced labour and measures for its abolition), which had been proposed by the organization he represented. He hoped that it would not be placed so low on the agenda that discussion of it would be postponed, as had been the case at the sixth session.

It was laid down in the constitution of the American Federation of Labor that that body should study the problem of forced labour. As far back as 1881, it had protested against the manner in which the United States' authorities were then employing prison labour, on the grounds that such employment constituted unfair competition with free labour and threatened to lower the living standards of free workers. The American Federation of Labor had fought to improve the working conditions of merchant seamen; during World War II it had opposed the manpower policy of the United States Government in respect of prisoner of war labour, even though that policy had complied with the liberal safeguards laid down in the Geneva Convention. The American Federation of Labor, therefore, could not be accused of showing, for political reasons, a sudden interest in the problem of forced labour. The existence of forced labour in many parts of the world threatened the economic and social security of working people everywhere. When the Economic and Social Council had been established, it had been recognized that peace could only be secured if there

were international co-operation in the economic and social fields. The Economic and Social Council could not ignore the existence of the forced labour problem. The American Federation of Labor did not wish in any way to prejudice the solution of that problem, but urged the Economic and Social Council to request the appropriate specialized agency, the International Labour Office, to investigate the matter of forced labour with a view to its elimination.

Mr. THORN (New Zealand) pointed out that the New Zealand Government believed that it was better for convicts to be employed in occupations such as afforestation rather than to be confined in town prisons. Did the American Federation of Labor aim at preventing the occupational employment of convicts? Prisoners of war in New Zealand had been employed in a manner to which the American Federation of Labor might perhaps have taken exception.

Mr. CRUIKSHANK (American Federation of Labor) agreed that enforced idleness was bad for convicts, and that it was better that they should be usefully employed, but he objected to their being employed in any way which might harm the interests of free workers. It was proposed that the problem be referred to the International Labour Office, since that organization would be aware of what was meant by forced labour.

The SECOND VICE-PRESIDENT urged the deletion of Item 2 from the provisional Agenda. In any case, the Economic and Social Council was not competent to discuss the employment of prisoners of war. Drawing attention to the fact that the main proposal of the American Federation of Labor was the collection of international statistics on forced labour, he pointed out that the International Labour Office already collected and published

such statistics regularly; moreover, member governments already possessed statistics on forced labour.

Mr. CRUIKSHANK (American Federation of Labor) said that such statistics by no means covered all cases of forced labour.

Mr. CRUIKSHANK, representative of the American Federation of Labor, withdrew.

On the invitation of the Chairman, Mr. FISCHER, representative of the World Federation of Trade Unions, took his place at the committee table.

Mr. FISCHER (World Federation of Trade Unions) wished to put forward certain reasons supplementary to those appearing in Document E/822, why the World Federation of Trade Unions had requested the inclusion of Item 49 (Infringement of Trade Union Rights) in the Agenda of the Seventh Session.

The World Federation of Trade Unions had requested the inclusion in the Agenda of the Fourth Session of the Economic and Social Council of a question of a general nature concerning trade union rights as a whole. The question proposed for inclusion in the Agenda of the Seventh Session differed from the earlier one in that it dealt with precise facts relating to specific countries.

The World Federation of Trade Unions would request the adoption at the Seventh Session of a recommendation that Member Governments of United Nations should put into effect as early as possible the principles stated by the organs of the United Nations in connection with Trade Union rights, and that, under Article 64 of the Charter, those Governments should report to the Eighth Session of the Economic and Social Council on steps they had taken in that connection. In view of the provisions of Article 64 of the Charter, and of Resolution 119 (II) of the General Assembly, the Council

could not ignore its obligation to obtain such reports. How then could it refuse to discuss Item 49 of the Agenda for the current Session? The fact that, under the Charter, the Council had been allotted the task of making recommendations for promoting universal respect for rights and liberties and fundamental freedoms for all, clearly implied that the Council was competent to examine concrete cases concerning specific countries. The Council could not ignore the facts given in the Report submitted by the World Federation of Trade Unions (Doc. E/822) since those facts reported violations of principles which the Council itself had recognized at its Fifth Session, or which the General Assembly had adopted at its Second Session. By adopting Resolution 119 (II), the latter Body had underlined the necessity of Member States implementing recommendations on economic and social matters.

It would be wrong to send the report submitted by the World Federation of Trade Unions straight to the International Labour Office, since the Council could take appropriate action which would prove beyond the competence of the latter; nor would the procedure followed by the latter body permit proper discussion of the problem. Not only did the problem fall within the competence of the Council, but the procedure followed by that body would enable the matter to be discussed dispassionately, and would lead by way of conciliation to useful results.

The item proposed by the World Federation of Trade Unions had already received much public attention and was the keen concern of the press and all the trade unions represented in the Federation. He hoped that the Council would not betray the simple trust of the masses. Moreover, refusal by the

Council to discuss the item, with the degree of publicity desirable, would be interpreted as an admission of guilt by the governments concerned. The Federation desired only that the correct conclusions should be drawn from the replies of the governments concerned, and that the truth should be established through a dispassionate exchange of views.

A further reason for the inclusion of the item in the agenda was that, as laid down in Article 71 of the Charter, non-governmental organizations, as representing public opinion, should play their part in the work of United Nations through co-operation with the Economic and Social Council. The real measure of the contribution of non-governmental organizations was, perhaps, not apparent to governments, and deletion of the item from the agenda would bring into question the role played by non-governmental organizations generally.

Moreover, could the Council justifiably refuse to discuss Item 49, in view of the fact that the Charter laid down that the United Nations should promote better standards of life, full employment and economic and social development, all of which could be secured by development of the trade union movement? In Resolution 128 (II) adopted by the General Assembly, it was said "that the inalienable right of trade union freedom of association is, as well as other social safeguards, essential to the improvement of the standard of living of workers and to their economic well-being." A common denominator must be found between the various systems currently in force throughout the world and the view of those governments which recognized that inalienable right of trade unions.

In the French Delegation's proposal for modifying the Council's rules of procedure, it was recognized that certain items should continue to be dealt with in accordance with previous procedure. Trade unionism was clearly one of those matters, since it was inconceivable that social and economic policy could be determined either on the domestic or international level without reference to trade unions.

The new development in international affairs which emerged at San Francisco, in 1945, was the agreement that peace must be secured through economic co-operation, and the representative of the United States of America had there pointed out that if the Economic and Social Council accomplished the tasks allotted to it by the Charter, the task of the Security Council would be lightened accordingly. It was in that spirit that the World Federation of Trade Unions had submitted its report on attacks on trade union rights, in the hope that the Council would deal with the problem by adopting the draft resolution which appeared in Part IV of the Report.

Mr. FISCHER, representative of the World Federation of Trade Unions, withdrew.

The FIRST VICE-PRESIDENT said that Item 49 of the provisional agenda had been proposed by the World Federation of Trade Unions for political reasons, perhaps in order to exclude Item 2 from the agenda. The nature of Item 49 differed from that of the item which the World Federation of Trade Unions had proposed for discussion at the Fourth Session, in that charges were made against certain countries, among them Chile. In fact, the government of Chile recognized the rights of trade unions, but the latter were not permitted to abuse those rights in order to promote

international political aims. The World Federation of Trade Unions had indeed given wide publicity to Item 49. Since the matter was far too important to be ignored, he urged that both Items 2 and 49 should be discussed by the Council; but he doubted whether the outcome of the discussion of Item 49 would please those who had proposed it.

The CHAIRMAN said that if Item 49 were discussed by the Council, all the governments accused by the World Federation of Trade Unions would have the right to attend.

Mr. PATIJN (Netherlands) said that both Items 2 and 49 properly fell within the competence of the International Labour Organization. Their inclusion in the agenda of the Council would provoke acrimonious and unprofitable discussion, which could only impair the Council's work, and both should either be deferred until another session of the Council or deleted from the agenda.

Mr. THORN (New Zealand) urged the postponement of Item 49. When the International Labour Organization had discussed Trade Union rights recently, workers' delegates had accused two governments of preventing freedom of association, but the governments concerned had denied the charges. The Council possessed even less power than did the International Labour Organization to ensure that governments acted on its decisions. The Council had already referred to the International Labour Organization the essence of Item 49, and the International Labour Organization was preparing a draft convention on freedom of association, which would eventually be submitted to the Council. Item 49 had been proposed for political reasons.

The SECOND VICE-PRESIDENT said that the decision on Item 49 should be based on the resolutions already passed by the General Assembly and the Council. He would abstain from

voting on whether Item 49 should be excluded.

The CHAIRMAN was in favour of including both Items 2 and 49 in the agenda for the Seventh Session.

The Committee decided by 3 votes to 2 to recommend to the Council that Item 2 of the provisional agenda be deferred until another session.

After some discussion, it was agreed to make no recommendation in regard to Item 49 of the provisional agenda.

On the proposal of the CHAIRMAN, it was agreed that, since a representative of Peru was not able to present to the Committee the views of the Government of Peru on Item 50, which that Government had proposed, it should be left to the Council to determine whether or not discussion on Item 50 should be deferred to the next Session.

The CHAIRMAN suggested that all members of the Council should be represented on the Economic and Social Committees. He agreed with the representative of New Zealand that a Committee on Procedural Matters should be set up, and suggested that China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America should be represented both on the Committee on Procedural Matters and the Committee on matters relating to Co-ordination; and that other members of the Council should be represented on either one or the other of those two Committees.

The SECOND VICE-PRESIDENT said it was desirable that all Member Governments of the Council should be represented on the Committee on matters relating to Co-ordination. Although the Committee on Procedural Matters should be smaller, all Member Governments should have the right to be represented.

The FIRST VICE-PRESIDENT and Mr. PATIJN (Netherlands) agreed to the setting-up of the four Committees named by the

Chairman.

Mr. THORN (New Zealand) recalled his suggestion that a Human Rights Committee be set up in order to lighten the heavy task with which the Social Committee was faced.

Replying to the First and Second Vice-Presidents, the CHAIRMAN agreed that there was no necessity for the Committee to make recommendations to the Council on matters other than those directly affecting the Agenda.

He pointed out that comments on the draft questionnaire referred to the Council by the Trusteeship Council were contained in several reports of the Commissions, which appeared as separate items of the Agenda. He would call on the Council to take action on the questionnaire as a whole at the appropriate moment, but that would not constitute an additional item on the Agenda.

As regards Item 30, he would suggest to the Council that the Committee on Negotiations with Specialized Agencies should, in accordance with the wishes of the World Health Organization, negotiate an agreement concerning the permanent Headquarters of the World Health Organization before the conclusion of the First World Health Assembly and, if necessary, before the report of the Committee on Negotiations with Specialized Agencies was considered by the Council.

On the proposal of Mr. THORN (New Zealand), it was agreed that an explanation of the division of the items of the Agenda into the different categories proposed by the Committee should be included in the Committee's report to the Council on the lines of the explanation in the New Zealand delegation's proposal (Document E/C.3/10).

It was agreed to instruct the Secretariat to submit to the Council, after approval by the Chairman and the Second Vice-President, a report on the recommendations which the Committee had decided to make to the Council.

The meeting rose at 5.20 p.m.