



## ECONOMIC AND SOCIAL COUNCIL

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## CONTENTS

	Page
<i>Agenda item 16:</i>	
<i>Allegations regarding infringements of trade union rights (continued) . . . . .</i>	23
<i>Agenda item 18:</i>	
<i>Non-governmental organizations (continued) . . . . .</i>	23

*President:* Mr. Manuel PEREZ GUERRERO  
(Venezuela).

## AGENDA ITEM 16

Allegations regarding infringements of trade union rights (*continued*)\* (E/4459 and Add.1, E/L.1206)

1. The PRESIDENT invited the Chairman of the Ad Hoc Working Group of Experts established under resolution 2 (XXIII) of the Commission on Human Rights to introduce the report of the Ad Hoc Working Group (E/4459 and Add.1).

2. Mr. Ibrahima BOYE (Senegal), speaking as Chairman of the Ad Hoc Working Group of Experts, recalled the steps which had led to the request by the Commission on Human Rights that the Ad Hoc Working Group should investigate alleged infringements of trade union rights in South Africa. Those steps were recorded in chapter II of the report (E/4459). The Ad Hoc Working Group had met from 11 to 22 September 1967 in Geneva and had examined the allegations submitted by the World Federation of Trade Unions (WFTU), had studied the international standards relating to trade union rights as well as the relevant South African legislation, and had heard oral statements. The Working Group, which had been composed of eminent jurists, had been guided throughout its proceedings by a concern for objectivity and impartiality.

3. Chapter IV of the report dealt with international standards concerning trade union rights and related matters. It included relevant provisions of the Charter of the United Nations, the Constitution of the International Labour Organisation (ILO), the Declaration of Philadelphia and the Convention (No. 87) on Freedom of Association and Protection of the Right to Organize, adopted by the ILO in 1944 and 1948, respectively, the Universal Declaration of Human Rights and a number of other instruments.

4. In chapter V, the Ad Hoc Working Group analysed the findings and recommendations of the ILO Committee on Freedom of Association on fifteen previous cases relating to South Africa. In all those cases the Government of South Africa had refused to co-operate in the examination of the allegations.

5. Chapter VI contained an analysis of the relevant South African legislation including, in particular, the Industrial Conciliation Act, 1956, as amended, which

provided for the registration only of unions of "white" or "coloured" persons and "mixed" unions consisting of both "white" and "coloured" persons. The formation of "mixed" unions was discouraged, however, as it was provided that no new "mixed" unions could be registered after the enactment of the law and that existing ones were from that time on to have separate branches for "white" and "coloured" members. African trade unions, which in fact existed, could play no part in the collective bargaining machinery established by the Industrial Conciliation Act. Under section 7 of the Bantu Labour (Settlement of Disputes) Act, 1953, a procedure was established in which African trade unions were entirely unrepresented.

6. Strikes by "white" and "coloured" employees were governed by section 65 of the Industrial Conciliation Act, 1956, as amended, which recognized the right to strike, subject to certain limitations. Strikes by African employees, however, were totally prohibited by section 18 of the Bantu Labour (Settlement of Disputes) Act, 1953, as amended.

7. Reference was also made in chapter VI of the Suppression of Communism Act, 1950, as amended, the Terrorism Act, 1967, and various other provisions.

8. In chapter VII of its report the Ad Hoc Working Group of Experts had analysed the evidence which it had received. He did not wish to influence the judgement of the Council by commenting on the evidence, but would simply ask them to bear in mind the millions of human beings in South Africa who wished simply to be permitted to live in peace in their own homeland.

## AGENDA ITEM 18

Non-governmental organizations (*continued*) (E/4476 and Corr.1, E/4485 and Corr.1, E/L.1207/Rev.1)

9. Mr. HAMID (Assistant Secretary-General for Public Information), replying to questions raised at the preceding meeting, said that, as the Secretary-General's report (E/4476 and Corr.1) indicated, the basis for associating non-governmental organizations with the Office of Public Information was to encourage the widest possible public understanding of, and dissemination of, information about the United Nations. Organizations were associated either at United Nations Headquarters, where 204 organizations were listed with the Office of Public Information, or through the fifty United Nations Information Centres around the world. The procedures for maintaining co-operation with organizations through the Information Centres were less formal than those at Headquarters. In both cases, the policy of the Office of Public Information was the same—to maintain association with as many non-governmental organizations as possible, without distinction as to race, religion or colour, in order to encourage the widest possible dissemination of information about the United Nations. Because of the

\*Resumed from the 1520th meeting.

limited facilities at Headquarters, however, certain criteria had been established for the approval of applications by organizations not in consultative status with the Council. Those criteria, which were set out in paragraph 15 of the report, were intended to ensure the most effective use of the limited facilities at Headquarters. The criteria could be more flexible at the Information Centres, since the demand for association with them was not so great.

10. It had been suggested that the Office of Public Information had deliberately excluded from association the representatives of black people in the United States of America, and in that connexion the Southern Christian Leadership Conference and the National Urban League had been specifically mentioned. The Southern Christian Leadership Conference had, in fact, never applied for association. The National Urban League was on the list, and its representative was an honoured member of the Non-Governmental Organizations Executive Committee. The review committee in the Office of Public Information had at no time rejected any application on grounds of colour, and a directive to the Office of Public Information to accord association to such organizations was as unnecessary in practice as it was unjust in implication.

11. The non-governmental organization must, of course, first make known to the Office of Public Information its desire to become associated. The Office of Public Information was eager to encourage association, which it considered a legitimate, useful and indeed necessary means of disseminating information about the United Nations. The only reasons for which applications had been rejected were that the membership of the organization was local rather than broadly national, or that the organization did not have the desire or the means to disseminate information about the United Nations. Even if its application was rejected, a non-governmental organization was rarely sent away empty-handed; it would be advised to keep in touch with the Information Centre at Washington.

12. The list was reviewed from time to time, taking into account how far each organization was actually making use of the facilities offered. Thus, the National Association for the Advancement of Colored People, which had been on the list, had recently informed the Office of Public Information that, because of its limited staff and its heavy commitments in other areas, it would not be in a position to disseminate United Nations information. Consequently, that organization could not be continued on the list.

13. With reference to operative paragraph 3 of the revised draft resolution submitted by the United Republic of Tanzania (E/L.1207/Rev.1), he said that, as indicated in paragraph 40 of the Secretary-General's report (E/4476 and Corr.1), the Office of Public Information was anxious to enlarge its contacts with national non-governmental organizations in all regions of the world. Liaison with national organizations in Africa would normally be established through the closest regional Information Centres, since that would be more economical and effective than action at Headquarters. In paragraph 12 of annex I to General Assembly resolution 13 (I) of 13 February 1946, the Secretary-General, and through him the Office of Public Information, had been entrusted with the task

of assisting and encouraging non-governmental organizations of all kinds interested in spreading information about the United Nations. Certain criteria had been adopted to that end. Operative paragraphs 3 and 4 of the revised draft resolution would therefore raise constitutional and practical difficulties. Moreover, mandatory provisions of the type contained in those paragraphs were not necessary.

14. Some representatives had made the point that it would be more appropriate for the regional conferences of non-governmental organizations referred to in paragraph 41 of the Secretary-General's report to be organized by the non-governmental organizations themselves. While it agreed with the idea behind that suggestion, the Office of Public Information had found, from its considerable experience in relations with non-governmental organizations, that it could not remain aloof from such an enterprise but must provide stimulation and limited practical assistance. The financial implications were not large, particularly when the results that would be achieved were taken into account.

15. Regarding operative paragraph 8 of the revised draft resolution, he pointed out that the Secretary-General submitted an annual report to the General Assembly on the work of the Organization. It included a section on public information activities and a subsection on non-governmental organizations.

16. Mr. ALLEN (United Kingdom) said that, when his delegation had asked at the 1521st meeting whether the application of any non-governmental organization in the United Kingdom for association with the Office of Public Information had been rejected, it had not realized that such applications were usually handled by the nearest regional United Nations Centre, and that the information might therefore not be readily available at Headquarters. His delegation would, however, welcome more detailed information on procedures for the submission and handling of such applications at the regional level.

17. Mr. GOLDSCHMIDT (United States of America) asked whether the list of organizations contained in the annex to the Secretary-General's report (see E/4476 and Corr.1) included those associated with the Office of Public Information through regional centres and offices.

18. Mr. COX (Sierra Leone) asked whether any organization of the type mentioned in operative paragraph 4 of the revised draft resolution (E/L.1207/Rev.1) had applied for association with the Office of Public Information and been refused.

19. Mr. WALDRON-RAMSEY (United Republic of Tanzania) said that, in order to obviate any misunderstanding, he would repeat the questions he had asked at the 1521st meeting. He had asked how many organizations representing the black citizens of the United States had applied for association with the Office of Public Information, how many — if any — of those applications had been rejected, and whether any applications from such organizations were pending. He also requested the Assistant Secretary-General for Public Information to indicate whether a decision to hold a regional conference of non-governmental organizations in Africa would create any practical difficulties for the Office of Public Information.

20. On the subject of the review committee referred to in paragraph 15 (b) of the Secretary-General's report, he asked what was the average time which elapsed from the submission of an application until the committee's decision was announced.

21. Mr. FORSHELL (Sweden) said that the implementation of operative paragraph 7 might require the Secretariat to make decisions involving political considerations. He asked whether, in the opinion of the Assistant Secretary-General, the paragraph would create that kind of difficulty for the Office of Public Information.

22. Mr. HAMID (Assistant Secretary-General for Public Information) said that, to his knowledge, no application for association made to a regional centre of the United Nations, in the United Kingdom or elsewhere, had been rejected. Organizations associated with regional centres were not, however, included in the list annexed to the Secretary-General's report (E/4476 and Corr.1), as the relevant information was not readily available at Headquarters. Naturally, the Office maintained no lists of associated organizations classified by colour, but examination of the records showed that no application from a national organization representing the black citizens of the United States or the United Kingdom had been rejected; one such application was pending. The committee of the Office of Public Information which reviewed applications for association met three or four times a year; more frequent meetings could be arranged without difficulty if that were considered desirable.

23. In reply to the representative of Sweden, he said that it might be undesirable for the Office to have to pass judgement on the ideology propagated or supported by a non-governmental organization applying for association. The Office would prefer not to have to make such judgements.

24. In reply to the representative of the United Republic of Tanzania, he said that, provided funds were made available, the holding of a regional conference in Africa would raise no practical difficulties for his Office.

25. Mr. KHANACHET (Kuwait) said that the Secretariat, as a responsible organ of the United Nations, was bound to promote the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination. Accordingly, although he sympathized with the desire of the Office of Public Information to avoid involvement in decisions of a political nature, he believed that the action it was requested to take in operative paragraph 7 of the revised draft resolution was within its responsibilities. The Office would, of course, have the support of all Members of the United Nations in applying those principles by refusing to admit organizations whose aims were overtly discriminatory.

26. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that his delegation wished to have further clarification of the procedures applied by the Office of Public Administration in handling applications for association from non-governmental organizations.

He asked how many applications had been granted in recent months and whether any organizations had been suspended because their activities were defamatory or otherwise objectionable. In view of the criteria on which the Office based its decisions on applications, his delegation wondered what response it would make, for example, if an organization such as the Ku Klux Klan applied for associated status. The powers which operative paragraph 7 of the revised draft resolution would confer on the Office of Public Administration were, in fact, intended to help it to deal with such applications.

27. Mr. HAMID (Assistant Secretary-General for Public Information) said that, when he had earlier described the criteria by which applications were judged, he had had in mind their applicability to organizations which were in sympathy with the basic principles of the United Nations. An application from an organization openly opposed to those principles, such as the Ku Klux Klan, would never be entertained. The potential difficulty he envisaged in connexion with the implementation of operative paragraph 7 of the revised draft resolution (E/L.1207/Rev.1) was that of assessing the merits of organizations not officially or openly opposed to the principles and aims of the United Nations and about whose activities little was known.

28. The number of new applications granted since January 1967 was four; no organization had had its associated status suspended for any specific reason.

29. Mr. VARELA (Panama) asked the Secretariat to state the financial implications of the revised draft resolution.

30. Mr. KASSUM (Secretary of the Council) said that the Secretariat's estimate of financial implications of the revised draft resolution was based on the assumption that the proposed regional conference of non-governmental organizations would be held at the headquarters of the Economic Commission for Africa (ECA) at Addis Ababa immediately following a major meeting at ECA. Under such an arrangement the services of four of the interpretation staff engaged for the major meeting could be utilized, so that only per diem costs, amounting to \$180, for them would be incurred. Travel costs and per diem for three officers of the Office of Public Information would amount to \$4,600, and miscellaneous costs, such as local transport and cables, to \$500. On the assumptions he had mentioned, the financial implications of operative paragraph 5 would therefore be \$5,280.

31. Mr. FORSHELL (Sweden) said that his delegation foresaw considerable difficulties ahead for the Office of Public Information if it were required to decide what constituted religious discrimination. A draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief had, after many years' preparatory work, been considered by the Third Committee at the twenty-second session of the General Assembly and, after six weeks' deliberation, only the preamble and article 1 of the draft Convention had been adopted (see General Assembly resolution 2295 (XXII)). If disagreements of that magnitude existed among Member States on the subject, it would be improper to ask the Secretariat to make such decisions.

32. Mr. KHANACHET (Kuwait) pointed out, in connexion with the statement by the representative of Sweden, that operative paragraph 7 of the revised draft resolution was inspired by generally accepted principles of the United Nations which were embodied in its Charter, the Universal Declaration of Human Rights and in several other instruments. The question of religious discrimination in particular was mentioned twice in the Charter and had formed the subject of resolutions adopted by the General Assembly. He was aware of the difficulties which the Third Committee had encountered at the twenty-second session of the General Assembly during its discussion of the draft International Convention on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief, but the time taken by the Committee had not been spent in determining whether religious discrimination should be condemned. It would be unthinkable to allow the Office of Public Information to list organizations whose declared aims were based on nazi ideology or racial or religious discrimination, or any combination of the three. The Council, not as individual representatives of States, but collectively as a principal organ of the United Nations, was duty bound not to betray the hope and trust placed in it by all mankind, and he was convinced that it would fulfil its historical responsibility by upholding the principles underlying operative paragraph 7.

33. Mr. FORSHELL (Sweden) said that he entirely agreed with the representative of Kuwait, and that his reservations had been based merely upon the wording of operative paragraph 7 as it stood. He proposed that the paragraph should be amended by replacing the words "which propagate" by "the declared aims of which include the propagation of".

34. Mr. VARELA (Panama) said that his delegation was grateful to the Secretary for his comprehensive reply to the question concerning the financial implications of operative paragraph 5 of the revised draft resolution. The attitude of his delegation was now even more favourable towards the holding of a regional conference in Africa. It would provide an excellent opportunity for the emerging nations of that continent to benefit by the dissemination of information on the United Nations. He considered operative paragraph 5 to be the most constructive one in the draft resolution.

35. However, he had serious reservations concerning the other paragraphs. If the draft resolution were to be adopted by the Council, it must be amended. Paradoxically, it seemed to contain precisely the type of discrimination it was intended to eliminate. Operative paragraph 3 singled out Africa for special consideration. Moreover, his delegation could not support a text which would accord automatic association with the Office of Public Information. Paragraph 15 (b) of the Secretary-General's report (E/4476 and Corr.1) described very clearly the procedure for listing organizations, and there could be no doubt that automatic listing would create a highly anarchic situation and render the work of the Office extremely difficult.

36. Operative paragraph 4 referred to national organizations which represented the black citizens of the United States and the United Kingdom, but they were not the only people with "special experience". There were many groups of black people in other regions of the world who possessed experience of a positive nature, and it did not seem proper to single out groups whose experience had been particularly negative and unfortunate.

37. His delegation considered that the current imbalance should be corrected by increasing the number of organizations from other regions as well as Africa. He was certain that the representative of the United Republic of Tanzania, after hearing the explanations of the Assistant Secretary-General for Public Information, would be able to redraft the resolution in such a way that it could be approved by an overwhelming majority.

38. Mr. WALDRON-RAMSEY (United Republic of Tanzania) said he believed he had found an answer to the objections raised by the representative of Panama and by other delegations. He read out a revised text of the draft resolution<sup>1/</sup> which he hoped would satisfy all delegations. The wording of new operative paragraph 3 (old paragraph 7) was more appropriate. The purpose of that paragraph was partly to exclude South African organizations which supported the régime of that country. The Swedish oral amendment to operative paragraph 7 had posed certain problems; for that reason, he had been unable to incorporate it in the revised text, but he considered that an agreement could be reached in that regard.

39. Mr. FORSHELL (Sweden) said he was grateful to the representative of the United Republic of Tanzania for the newly revised text, which was much more balanced and positive.

40. Mr. BRADLEY (Argentina) said that the suggestions and observations made by the representative of Panama had expressed the concern of his own delegation. In view of the changes made in the text by the representative of the United Republic of Tanzania, his delegation was now in a position to support it.

41. Mr. VERCELES (Philippines) said that he wished to associate his delegation with those which had congratulated the representative of the United Republic of Tanzania for his valuable revisions. He thanked the representative of Panama for calling the attention of the Council to the difficulties inherent in the original wording. His delegation could now accept the revised draft resolution.

42. Mr. ALLEN (United Kingdom) said that, as the representative of one of the countries named in the original text, he welcomed the revised draft resolution.

43. Mr. VARELA (Panama) said his delegation was satisfied with the new text and would support it fully.

*The meeting rose at 1.20 p.m.*

<sup>1/</sup> Subsequently issued as document E/L.1207/Rev.2.