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SEVENTH SESSION

COMMITTEE ON ARRANGEMENTS FOR
CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS.SUMMARY RECORD OF THE FORTY-FIFTH MEETING
held at the Palais des Nations, Geneva,
on Thursday 29 July, 1948 at 10.15 a.m.Present:

CHAIRMAN	Mr. ALEXANDER (United Kingdom)
China	Mr. WU
France	Mr. LAIARLE
United Kingdom	Miss SALT
United States of America	Mr. KOTSCHNIG
Union of Soviet Socialist Republics	Mr. KOEUSHKO

Secretariat

Mr. Yates	Secretary of the Council
Mr. Lyman White	Secretary of the Committee

CONSIDERATION OF REQUEST OF THE WORLD FEDERATION OF TRADE UNIONS TO BE HEARD IN THE COUNCIL ON CERTAIN AGENDA ITEMS, AND THAT DOCUMENTS ISSUED BY THE ORGANIZATION BE LISTED IN THE DAILY AGENDA.

The CHAIRMAN said there were several points to consider before the request of the World Federation of Trade Unions could be heard before the Committee. The first point was contained in paragraph 1 of document E/C.2/109 which requested the Council to include in its daily agendas a list of documents issued by the World Federation of Trade Unions when the questions dealt with in such documents were brought up for discussion before the Council. It appeared that in the past this procedure had been followed, but was no longer continued during the present session. This was said to be the reason why the World Federation of Trade Unions had not submitted its request for a hearing before the Economic and Social Council within the specified time limit of 48 hours, in accordance with Council Resolution 95 (V) as amended by Resolution 133 (VI) (G). The Committee had to decide whether the allegations of the World Federation of Trade Unions were true, and he therefore invited Mr. Yates, Secretary of the Council to give a statement on the situation.

Mr. YATES, Secretary of the Council said that daily agendas were strictly speaking working papers prepared for the convenience of members of the Council and did not have the statutory significance of the provisional agenda for the session, referred to in Rules of Procedure 9 and 14, or of the sessional agenda adopted by the Council, referred to in rules 12 and 15. It was, of course, not within the power of the Secretariat to change the status of a paper in any way by listing or by not listing it.

Although he had been unable to make exhaustive researches

in the time available into all past daily agendas, he could say that up to the 5th Session of the Council papers submitted by Non-Governmental Organizations had been listed in the daily agenda on a number of occasions. This had been done with the object of serving for the Council's convenience, and in the absence of any objection from it, this practice had been considered to be in accordance with its wishes.

At the fifth session of the Council, the view was expressed in connection with the debates of the Council regarding the consultative arrangements for Non-Governmental Organizations, that the provisions governing these arrangements ought to be strictly applied in the future, though no specific instruction had been given on the point now under discussion, or, as far as could be ascertained, had ever been given by the Council or by the Non-Governmental Organizations Committee. A careful examination of the consultative arrangements approved by the Council, together with resolutions on the same subject, and of the Rules of Procedure, disclosed no provision giving Non-Governmental Organizations the right of having these papers listed on the daily agenda.

There was, as far as he knew, no instance of Non-Governmental Organization papers being listed in the way referred to in the daily agenda of the sixth session, although in two instances - and it may have been these to which the representative of the World Federation of Trade Unions had referred the day before - where a footnote was included "see also E/C.2/78" (a Non-Governmental Organization paper). If more precise information could be obtained from the WFTU, he would be glad to see further enquiries made, as exhaustive enquiries had not yet been practicable.

The Committee would note that no expression of view had been made by the members of the Council or the Non-Governmental Organisations Committee, and it seemed very desirable from the point of view of the Council, of the Non-Governmental Organisations and of the Secretariat that this should be done.

There were several other points related to the 48 hour rule of which the Committee might usefully be informed. The volume of resolutions containing this rule had been circulated to Non-Governmental Organisations under the ordinary document circulation procedure in September 1947. Subsequently, in April 1948, a "Guide for Consultants" (E/INF/23) had been issued, in page 10 of which reference was made to the "48 hour rule". Further, after the adoption by the Council of the agenda of its present session, consultants in Geneva of all Category A organisations, including the World Federation of Trade Unions, had been contacted by the Secretariat, and their attention informally recalled to this rule, although there was no actual requirement that this should be done.

The CHAIRMAN suggested that the discussion on this point be divided into two parts. First, the Committee should consider the facts behind the application from the World Federation of Trade Unions in the light of the letter it had submitted, and also in the light of the statement by Mr. Yates. In particular, the Committee should decide whether the change in practice as regards the listing of Non-Governmental Organisation documents in the daily agenda, which Mr. Yates had described, constituted adequate grounds for complaint and entitled the World Federation of Trade Unions to special consideration with regard to the 48 hour rule. Later the Committee should decide what course should be taken in the future.

Mr. KOTCHSNIG (United States) thought this problem should be studied in the light of previous resolutions. The resolution adopted on 21 June 1946 governing relations with Non-Governmental Organisations was well known, and stated that communications from Non-Governmental Organisations should be addressed to the Secretariat, which would transmit them to the Council. Such a procedure had been followed. There had been no question in this resolution of the listing of Non-Governmental Organisation documents on the daily agenda. In other words, from the legal point of view, there were no grounds whatever for granting the World Federation of Trade Union's request. From the practical point of view, the Council used as working papers E and W documents, and communications from other sources could not be considered in this category. Also, daily agendas were already lengthy documents, and if a list of Non-Governmental Organisation documents was added to them, they would become useless.

However, he realised that Non-Governmental Organisations had the right to draw the Council's attention to their documents, and he therefore suggested that the Secretariat make a list of all Non-Governmental Organisation communications, grouped under items of the Council's agenda, which would be valid for the whole session. This would avoid the necessity of listing documents on the daily agenda. He suggested also for consideration whether different symbols for documents using the letters "NGO" might be instituted, such as E/NGO, for the benefit of Non-Governmental Organisations.

The CHAIRMAN asked the United States representative's opinion as to whether the change in practice after the fifth session entitled the World Federation of Trade Unions to receive special consideration,

Mr. KOTSCHNIG (United States) replied that in his opinion the answer was in the negative. The reason given for not complying with the 48 hour rule was too thin. Further, this organisation had not submitted any document as regards the United Nations Appeal for Children, and even in this case still wished to speak to the Council. In other words, the World Federation of Trade Unions had shown quite clearly a neglect of the Council resolution, in spite of the fact that the Secretariat had gone further than was strictly necessary in bringing this resolution to its notice.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) asked why the previous practice, which had been introduced for the convenience of the Council, had been suspended after the fifth session.

The CHAIRMAN stated the Secretariat would reply to this question later. He meanwhile invited other remarks on the question he had put before the Committee.

Miss SALT (United Kingdom) had three questions which she thought would clarify the position. Firstly, during the sixth session, were Non-Governmental Organisation documents pertaining to items on the Council's agenda, which they had suggested themselves, listed on the daily agenda?

Secondly, could the Secretariat give more details of the two instances when papers of Category A organisations had been referred to in footnotes to the agenda?

Thirdly, had the World Federation of Trade Unions, during the sixth session, submitted papers touching any items on the Council's agenda which had not been included in the daily agenda?

Mr. YATES (Secretary of the Council), in reply to the question by the United States' representative, said that the list of non-governmental organizations documents issued had not been arranged according to sessions. Nearly all such documents had been circulated in the E/C.2 series, bearing on their title page a statement that they formed part of the list provided for in the arrangements approved by the Council. Up to the moment no objections had been made by members of the Council to that form of list; if the Council indicated that it preferred another type of list the Secretariat could make the necessary changes in presentation.

In reply to the Soviet Union representative, he explained that the practice referred to had never in fact been a statutory requirement or been fully or consistently carried out, and that at the Sixth Session of the Council, in connection with debates touching consultative arrangements with non-governmental organisations, there had been expressed the view that in future, arrangements with the non-governmental organisations should be strictly governed by statutory provisions. The Secretariat had thus tried to follow what was presumed to be the Council's wish by discontinuing the practice.

In reply to the United Kingdom delegate, he explained that if a non-governmental organization submitted documents related to an item on the agenda proposed by that organisation these were listed in the daily agenda. His previous remarks had been in answer to questions concerning documents relating to other items.

As regards the question on the foot-notes he had spoken of, these referred to Document E/C.2/78 on Genocide, submitted

by the World Jewish Congress. A complete answer to the third question of the United Kingdom representative would require more notice; but he pointed out that to relate all non-governmental organizations documents to all items on the agenda might be difficult, and confusing, in view of the wide range both of the items and of many of the documents.

Mr. WU (China) stated that four categories of problems were raised by the letter from the World Federation of Trade Unions. The first was that raised by paragraph (d), the second that raised jointly by paragraphs (a) and (b) dealing with the reports of the Economic and Employment Commission and of the Social Commission, the third that raised by paragraph (c) dealing with the United Nations Appeal for Children on which no paper had been submitted, and the fourth, the problem of Genocide on which the World Federation of Trade Unions representative wished to submit documents and also speak to the Council. The Committee should consider each of these points separately, so as to hasten the discussion.

The CHAIRMAN reminded the Committee of the question on which he had asked their comments, namely, whether the change in practice regarding the listing of Non-Governmental Organizations documents, warranted the waiving of the 48 hour rule in the case of the World Federation of Trade Unions.

Mr. WU (China) speaking on a point of order, said that he could not answer this question and asked that the problem be dealt with as he had previously suggested.

The CHAIRMAN replied that once the Committee had decided on the question of principle underlying paragraph 1. of the World Federation of Trade Union's letter, it could quickly

solve the separate problems mentioned by the representative of China.

Mr. LAMARLE (France) said that all the representatives could agree on one point at least. There had been no ill-will in the matter on the part of the Secretariat's officers. There had in fact been no discrimination of any sort and it would be absurd to think that the Secretariat had shown ill-will towards all or any of the non-governmental organizations.

In his view the question raised by the Chairman was extremely complex and would probably give rise to a long discussion.

There was no doubt that on one point at least the World Federation of Trade Unions could expect no indulgence from the Committee, namely, the United Nations Appeal for Children, on which it had not supplied any documents.

But it was evident that on the whole, the Committee found itself confronted by a series of misunderstandings which, moreover, were constantly arising in connection with category (a) organizations. Hence he thought that in practice it would perhaps be better not to be too exacting about such misunderstandings.

Therefore his delegation was inclined for the time being to forget the misunderstanding in question and to admit that all that had just happened should not prevent the World Federation of Trade Unions from stating before the Council its views on the various questions which it raised and on which the Council might consider it desirable to hear it.

The CHAIRMAN invited the representatives of the United Kingdom and of the Soviet Union to state their opinions on

the question before the Committee.

Mr. WU (China) speaking on a point of order, said that, as regards the first request of the World Federation of Trade Unions to speak before the Council on the matter of listing of documents, the 48 hour rule could not be applied, as this organization only knew that these documents were not being listed after the 48 hour time limit had expired. The Committee should therefore first solve this problem.

The CHAIRMAN agreed that this should be done and recalled that the French representative had recommended a wide interpretation of the 48 hour rule, whilst the United States' representative had recommended a strict enforcement of it.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) said that the practice begun by the Secretariat regarding the listing of documents should be continued as it was for the convenience of the Council.

He agreed with the French representative that the Secretariat could not be accused of any discrimination in this matter particularly as full details of the situation were not available. It seemed to him, however, difficult to expect the World Federation of Trade Unions to conform with the 48 hour rule particularly as the question on which they wished to speak to the Council had only been brought to their notice after this time limit had expired. Therefore, the Committee should not place a formal or legal interpretation on this rule but should waive it in this case. He could not therefore agree with the United States' statement interpreting the World Federation of Trade Union's action as a "violation" of the resolution in question. The French decision to interpret this rule widely, seemed to him an

objective one and to take full account of the circumstances. He stressed that the World Federation of Trade Unions had done extremely useful and important work, particularly in demanding equal pay for equal work for men and women and in the question of trade union rights. In doing so it had shown particular concern for workers and for this reason deserved the most favourable consideration by the Council.

Miss SALT (United Kingdom) thought the point at issue was whether the World Federation of Trade Unions could know of the practice followed by the Council in listing documents before expiry of the 48 hour limit. In this connection she quoted from page 6 of the "Guide to Consultative Organizations" a statement that arrangements had been made to send all Council documents to all headquarters of non-governmental organizations having consultative status with the Council. It was fair to presume that the World Federation of Trade Unions knew of other non-governmental organization documents and how they were dealt with by the Council. It had also received all the daily agendas of the 6th Session of the Council, when the practice of listing non-governmental organization documents had ceased. It could therefore observe that non-governmental organization documents were in fact not included in the daily agenda during the 6th Session, and since the 6th Session had had adequate time to submit its request for a hearing on this question, she would therefore vote against any recommendation by the Committee that the Council should hear the World Federation of Trade Unions on this point.

Mr. KOTSCHNIG (United States of America), in order to hasten the discussion, made two formal proposals. First, that the Secretariat be asked to prepare immediately a list of all communications (title and number) received from non-governmental organizations and grouped according to agenda items of the Council, and to transmit this list to the Council as quickly as possible. Secondly, that the request of the World Federation of Trade Unions to be heard on this particular item be rejected. He explained that once this list had been circulated the World Federation of Trade Unions would have no reason for speaking on this point and in any case its application had not complied with Resolution 95 (V) as amended by Resolution 133 (VI) G.

The CHAIRMAN explained that he would now make two rulings in order to conclude the discussion. These rulings could be challenged, and in that case would be put to the vote. Ruling One was that the letter of the World Federation of Trade Unions applying to speak to the Council on the question of listing its documents in the daily agenda did not come within the provisions of Resolution 95 (V) as amended by Resolution 133 (VI) G because it had not been submitted within the 48 hour time limit. This ruling did not exclude the possibility of the Committee recommending to the Council that it hear the World Federation of Trade Unions on the grounds that an error had occurred.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) challenged this ruling while Mr. WU (China), on a point of order, said that the United States proposal should be voted on first.

The CHAIRMAN replied that the procedure he had suggested

was quicker and that as his ruling had been challenged it would be put to the vote.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) expressed his surprise at the procedure adopted by the Chair and thought that the proposals put forward should be voted on and that no ruling from the Chair was called for whether challenged or not.

The CHAIRMAN replied that this was a procedural point on which a ruling from the Chair was quite in order. In effect, there had been no proposals put forward before those of the United States representative which would involve an extremely lengthy discussion.

On a vote being taken, the Chairman's ruling was approved by 3 votes to 1, with 1 abstention.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) speaking on a point of order, wished his opinion to be placed on record that the Chairman had not shown the objectivity required by his position, and that he had revealed a definite interest in this problem by making a ruling instead of putting the question to a vote.

The CHAIRMAN replied that this opinion would be recorded. He went on to announce his second ruling, explaining that the World Federation of Trade Unions, as a Category A organisation, was allowed to speak to the Council only on items of the agenda it had originated itself, or on items originating from other organisations or delegations. Paragraph 1 of its letter came within neither of those categories, and constituted a procedural point. The Council itself could discuss points of procedure even if they were not on its agenda, but procedural points connected with non-governmental

organisations had first to be dealt with by the Committee. He suggested therefore that it was within the competence of the Committee to make a recommendation to the Council on this point, and if this was decided, it could pass on to consideration of the other three points in the World Federation of Trade Union's letter. He ruled, therefore, that the request contained in paragraph 1 of the World Federation of Trade Union's letter was out of order.

Mr. LAMARLE (France) was afraid he had not properly understood what the Chairman had said, as he observed a contradiction in his words. The Chairman in fact had said, on the one hand, that paragraph 1 of Mrs. SPIEGEL's letter was not receivable, but on the other hand, that the Committee might make a recommendation to the Council about that paragraph.

The CHAIRMAN replied that it was only the request of the World Federation of Trade Unions to speak to the Council on the question raised in paragraph 1 that was out of order. It was, however, within the competence of the Committee to discuss that question.

Mr. LAMARLE (France) stated, after the Chairman's explanation, that it was fully understood that the World Federation of Trade Unions could be heard again by the Committee.

The CHAIRMAN agreed that if his second ruling were accepted, the Committee could consider paragraph 1 and make recommendations on paragraph 2.(d). Later, the other three points could also be considered.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) considered there was no need for this second ruling of the Chair. There had been a formal proposal from the

United States refusing this application, and that should have been voted on.

Mr. LAMARLE (France) thought that the Committee was disputing about a point which did not in reality exist. Indeed, judging by the statement made to the Committee by Mrs. SPIEGEL the day before, he did not think that the World Federation of Trade Unions had intended to lodge a complaint.

The second ruling of the Chairman was approved by 2 votes to 1 with 2 abstentions.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) again wished to place on record that he considered the Chairman to have shown a partial and non-objective attitude in the conduct of this meeting. This had been clearly demonstrated by the results of the vote which showed that there had been no necessity for such a ruling.

The CHAIRMAN replied that this would be done. The Committee might wish to hear the World Federation of Trade Unions on points (d),(a),(b),(c) of its letter and in that order.

Mr. KOTICHOV (United States of America) thought there could be no reason for hearing the Federation on point (d) since the Committee had already heard the Federation on that point. It might bring some clarification if his proposals were voted on, and in reply to the Chairman, explained that his second proposal now applied to all four points raised by the World Federation of Trade Union's letter. However, on points (a), (b) and (c) he would like to hear the representative of the World Federation of Trade Unions.

The CHAIRMAN said that the representative of the World

Federation of Trade Unions would be informed of the Committee's decision as regards paragraph 1, but as regards paragraphs 2 (a), (b) and (c), she would be allowed to speak to the Committee.

Mr. KOBUSHKO (Union of Soviet Socialist Republics) suggested that the United States proposal should be submitted in writing, and was supported by Miss SALT (United Kingdom).

The Meeting rose at 1.15 p.m.