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President: Mr. S. Amjad ALI (Pakistan).

Present: The representatives of the following countries:

Argentina, Belgium, Canada, China, Cuba, Czechoslovakia, Egypt, France, Iran, Mexico, Pakistan, Philippines, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Observers from the following countries:

Chile, Netherlands, Turkey.

The representatives of the following specialized agencies:

International Labour Organisation, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, International Civil Aviation Organization, World Health Organization, World Meteorological Organization.

Adoption of the agenda (E/2163 and Add.1, E/L.314 and E/L.315 and Corr.1)

[Agenda item 2]

INCLUSION OR EXCLUSION OF ITEMS

1. Mr. KOTSCHNIG (United States of America) had three proposals to present with regard to item 15.¹
2. First, he proposed that, in accordance with rule 15 (a) of the Council's rules of procedure and in keeping with Council resolution 277 (X), all new allegations regarding infringements of trade union rights which related to States that were members of the International Labour Organisation should be transmitted to that body for consideration.
3. Secondly, he proposed that allegations that concerned States which were not members of the ILO should be discussed by the Council at the appropriate time, preferably after the discussion of the ILO Report. Thus item 15 would not be removed from the agenda but would be limited to allegations concerning non-member States of the ILO.

¹ "Allegations regarding infringements of trade union rights received under Council resolution 277 (X)."

4. His third proposal was that document E/2222, which had been submitted by the Secretary-General in reply to a request by the United States delegation, should be included in the documentation covering item 15.

5. Mr. ARKADYEV (Union of Soviet Socialist Republics) declared that his delegation could not accept the United States proposal that certain of the allegations regarding infringements of trade union rights should be transmitted to the ILO for consideration and should not be discussed in the Council. There was no justification for such a proposal, which was clearly designed to deprive the Council of the opportunity to discuss fully one of the most important items on its agenda. It was the Council's duty, under the Charter, to deal with economic and social problems and questions concerning human rights and fundamental freedoms, which included trade union rights. Yet the Council had so far done nothing to counter the systematic infringements of trade union rights that were happening in so many countries of the world: it could, and indeed should, improve its record by giving the whole question a thorough examination at the present session.

6. Of the forty-nine complaints that awaited the Council's consideration, forty-two concerned countries that were members of the ILO. Thus, the adoption of the United States proposal would mean, in effect, that the Council refused to interest itself in the matter of infringements of trade union rights but preferred to shelve the whole question by referring it to one of the specialized agencies. It was common knowledge that the membership and political trends of the ILO were such as to ensure that the complaints in question would not receive an objective consideration but were more likely to be buried in the ILO archives. Since its establishment in 1950, the ILO Fact-Finding and Conciliation Commission had, in fact, a record of complete inactivity: it had not adopted any effective recommendations, nor had it considered any complaints. It was hardly to be expected that it would now begin to give active consideration to the new cases brought to its attention. When it was considered that among the complaints that would be transmitted to the ILO, should the United States proposal be adopted, there were four which concerned infringements

of trade union rights in the United States, it would be seen at once that the purpose of the proposal was to prevent any discussion of those flagrant violations in the United States.

7. The complaints in question were addressed to the Council itself and not to any vague international organization. To refuse to consider them would therefore constitute a violation of the Charter and of the various decisions of the General Assembly and the Council. Furthermore, the result of the United States proposal would be to give States that were members of the ILO an opportunity to discuss complaints concerning non-members of the ILO, while the latter would be deprived of any voice in the discussion of alleged infringements in countries that were ILO members. That would be, to say the least, a strange situation.

8. In submitting its proposal, the United States delegation showed clearly that it feared any public discussion of infringements of trade union rights and any organized protection for those rights. That was an attitude the USSR delegation could not allow to pass unchallenged. Trade union activities were a matter of vital interest to millions of persons throughout the world and the Council could not disregard such an important issue. The USSR delegation therefore opposed the United States proposal and urged that item 15 should remain on the agenda and that every allegation of infringements of rights should receive the full consideration of the Council.

9. Mr. NOSEK (Czechoslovakia) associated his delegation with the observations of the USSR representative. It was indeed the right and duty of the Council to deal directly with allegations of infringements of trade union rights in any country. The fight for the rights of the workers was directly connected with the implementation of basic human rights in general and with the fight for the improvement of standards of living as a result of economic development. The Economic and Social Council could not fulfil its functions without devoting serious consideration to the question of the infringement of trade union rights and the economic and social aspects of that question. To transmit the question to an auxiliary organization would be not only to diminish the importance of the Council but to impede the analysis of the question, with its accompanying economic and social problems.

10. The Czechoslovak delegation had constantly stressed that point of view at all previous sessions of the Council and had opposed any suggestion to transfer the question to the ILO or to the Fact-Finding and Conciliation Commission the ILO had set up for that specific purpose.

11. A glance at the ILO procedure for dealing with the question was enough to show how wrongly the Council would be acting if it decided to transfer to that body the complaints it received. According to the resolution adopted by the Governing Body of the International Labour Office at its 110th session, setting up the Commission, the members of the Commission were to be nominated by the Governing Body from "specially qualified persons who would perform this function under the condition of complete impartiality". The Governing

Body's interpretation of the term "specially qualified" was significant: the members nominated for the 111th and 112th sessions were representatives of high diplomatic and judicial circles, having no relations whatever, or very negative relations, with trade unions. Despite the fact that both the United Nations and the International Labour Organisation were in official contact with trade union circles, there was not a single trade union member on the Commission. Thus a body composed of members who were either partly or totally anti-trade union was to deal with individual complaints, using as an arbitration basis the point of view of the very governments accused of infringing trade union rights. It was quite clear that the purpose of the Commission was to impede the consideration of complaints, which were, in effect, judged before they were even given a hearing. To transmit to the ILO the complaints received by the Council was therefore tantamount to their silent liquidation.

12. The United States proposal was but another proof of the trend of United States politics to suppress fundamental human rights and to smash the movement of the workers. The complaints received of the violation of trade union rights testified to the fact that the militarization of the economy of capitalist States, by order of the United States ruling classes, was directly connected with the ever-increasing terror of the fight of the workers and their trade unions against the war-mongering policy of their governments. Action against the workers involved not only the prohibition of trade union organizations but also the murder of workers, the imprisonment of trade union leaders and the application of terrorist methods for the suppression of trade unions. To take no stand on the matter in the Council, to make no effort to ensure and develop trade union activities, and to make the solution of the problem impossible by transferring it to the ILO was tantamount to abandoning the workers to the mercy of the capitalist ruling classes and to tacitly accepting murder and terrorism, together with the policies of those who, by suppressing trade union rights, assumed the right to bring about more destruction in the interests of increased monopolist profits and opposition to the wishes of the broad masses of workers throughout the world.

13. The Council could not avoid taking a stand on those problems: it was its duty to give them full consideration, in accordance with the tasks and objectives for which the United Nations had established it. The Czechoslovak delegation urged, therefore, that the Council should reject the United States proposal and should retain item 15 on its agenda in full.

14. Mr. BIRECKI (Poland) declared that the United States proposal was an obvious manoeuvre and a continuation of that delegation's attitude at the Council's twelfth session, when it had ardently advocated the idea of separating complaints regarding infringements of trade union rights into two categories and transmitting to the ILO any complaints regarding infringements in countries members of the ILO. The aim of the proposal was to avoid any public discussion of the position of trade unions in the United States and thus enable the United States to conceal from public opinion the flagrant violations of trade union rights by agents of the United

States Government and the campaign conducted against the rights of the working class.

15. His delegation, which had always championed the cause of trade union rights, opposed the transmission of any complaints of violations to the ILO. The complaints were addressed to the Council and it was the Council's duty to examine them. The freedom of association of trade unions was a fundamental right and the Council was responsible, under the Charter, for ensuring that it was not violated. The decision to refer a large number of the complaints to the ILO would make it possible for certain governments to divert public opinion from the question and to ensure that the complaints were considered in an atmosphere favourable to those who were accused of infringements.

16. Outlining the complicated procedure by which, under Council resolution 277 (X), complaints regarding violations of trade union rights were referred through the Governing Body of the International Labour Office to its Fact-Finding and Conciliation Commission on Freedom of Association, he pointed out that under that procedure it was possible at every step to block further action in the matter. In none of the cases so far submitted to it had the Commission decided that the complaint should be referred back to the Governing Body.

17. He quoted three complaints of violations of trade union rights, one in the Sudan and two in the United States, in which no action had been taken; such examples were sufficient to demonstrate the so-called "impartiality" of the Fact-Finding and Conciliation Commission. While he understood the United States Government's efforts to avoid public discussion of those matters, it was inconceivable that the Council should support such a manoeuvre.

18. Mr. KOTSCHNIG (United States of America) said that the three foregoing statements were characterized by their disregard for the Council's resolutions and its agreements with the specialized agencies. Resolution 277 (X) was perfectly clear and the United States proposal was merely an attempt to apply it to the complaints received. Moreover, if the Council did not transmit to the ILO a matter which was obviously within the latter's province, it would come perilously near violating the Agreement between the United Nations and the International Labour Organisation.

19. There was no foundation for the suggestion that his delegation wished the question to be transferred to the ILO and there shelved and forgotten. The United States proposal was that the complaints should be referred to the ILO under rule 15 (a) of the rules of procedure, which provided that the specialized agency should report on its work to the Council. That meant that when the ILO submitted its report, the Council could review its findings. The United States Government would have no objection whatever to the Council discussing any specific allegation regarding infringements of trade union rights in the United States, either now or later, should the Council wish to do so, since the United States had nothing to hide.

20. It was not true to say that no consideration had been given to earlier allegations of infringements of trade union rights in the United States which had been trans-

mitted to the ILO. The USSR, on the other hand, had so far completely ignored two requests by the Secretary-General for its consent that complaints of violations of trade union rights in the USSR should be brought before the Fact-Finding and Conciliation Commission.

21. In conclusion, he emphasized that the sole purpose of the United States proposal was to put into effect the Council's rules and regulations; if the Council wished to discuss the action taken by the ILO it would have every opportunity to do so later in the session.

22. The PRESIDENT pointed out that since Japan had recently become a member of the ILO, its observations on allegations regarding infringements of trade union rights in Japan (F/2175/Add.1) would also be referred to the ILO, should the United States proposal be adopted.

23. He put to the vote the first United States proposal that, in accordance with rule 15 (a) of the rules of procedure and Council resolution 277 (X), all new allegations regarding infringements of trade union rights in countries members of the ILO should be referred to the ILO.

The first United States proposal was adopted by 14 votes to 3.

24. The PRESIDENT put to the vote the second United States proposal, that other allegations concerning States which were not members of the ILO, which, he pointed out, would include those relating to infringements of trade union rights in Spain, the Free Territory of Trieste and the Saar, should be discussed by the Council at an appropriate time, preferably after discussion of the ILO report.

The second United States proposal was adopted by 14 votes to none, with 4 abstentions.

25. The PRESIDENT put to the vote the third United States proposal, that document E/2222 should be included in the documentation for item 15.

The third United States proposal was adopted by 14 votes to none, with 2 abstentions.

26. Lord SELKIRK (United Kingdom) declared that his Government was greatly alarmed by the length of the Council's agenda and the fact that, despite the limited duration of the session, a large number of the supporting documents were not yet available. The United Kingdom Government attached great importance to the work of the Council, which, as a body of responsible statesmen, should be in a position to express the official views of governments; to be unable to do so would considerably weaken the force of its discussions.

27. Despite the rule adopted in paragraph 8 (f) of Council resolution 414 (XIII) that documentation on the various items on the agenda must be circulated to governments six weeks in advance of the session, only eight of the sixty documents for the present session had been available on 1 April. While he understood the difficulties of the hard-pressed Secretariat, he felt that the Council could not discuss items upon which adequate documentation was not available.

28. The United Kingdom delegation, though convinced of the advisability of a shorter and less varied agenda, would, with some reluctance, support the agenda as it stood, on the understanding that it was free to propose the deletion of any item upon which, when the time came for its discussion, there was not sufficient documentation.

The agenda (E/2163 and Add.1) was adopted.

ALLOCATION OF ITEMS TO COMMENCE IN COMMITTEES

29. The PRESIDENT suggested that, in addition to the Standing Committees, the Council should set up Economic, Social and Co-ordination Committees of the whole, as at previous sessions.

It was so decided.

30. The PRESIDENT invited the Council to consider the United States proposal (E/L.314, section VI) to establish a small working group to consider item 35² and report to the Council at a plenary meeting.

31. In reply to a question by Mr. ARKADYEV (Union of Soviet Socialist Republics), Mr. YATES (Secretary of the Council) said the working group would consider amendments consequent on the re-organization of the Council and commissions (resolution 414 (XIII), paragraph 9), amendments consequent on the Council's recommendations regarding methods for inter-agency consultation (resolution 402 (XIII), annex, paragraph 39), and amendments to the rules concerning records and concerning financial implica-

² "Amendments of the rules of procedure of the Council and the functional commissions."

tions, to be proposed by the Secretary-General (General Assembly resolution 533 (VI)).

The United States proposal was adopted.

32. The PRESIDENT suggested that he should nominate the members of the working group after consultation with delegations.

It was so decided.

33. Mr. LUBIN (United States of America) pointed out that at its thirteenth session the Council had agreed that as many items as possible should be discussed in plenary session rather than in committee, in order to avoid duplication of work. In that connexion his delegation suggested that items 6, 7, 17, and 19, which it was proposed to allocate to committees, should instead be discussed in plenary meetings.

34. Lord SELKIRK (United Kingdom) endorsed the United States proposal, pointing out, however, that as documentation for items 6 and 7 had only recently been distributed, debate on those items should be postponed until the second week of the session.

The Council decided that consideration of the items listed in paragraph 4 of document E/L.315 and Corr. 1 should commence in committee, as suggested, with the exception of items 6, 7, 17 and 19 which would be taken up, in the first instance, in plenary meeting.

35. The PRESIDENT drew attention to the provisions of rule 81 and invited non-governmental organizations in categories A and B desiring to request consultation regarding items on the agenda to apply in writing within the next forty-eight hours.

The meeting rose at 4.50 p.m.