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President: Mr. Hernán SANTA CRUZ (Chile).

Present: The representatives of the following countries:

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

The representatives of the following specialized agencies:

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, International Telecommunication Union.

Trade-union rights: allegations regarding infringements of trade-union rights (E/1882, E/1882/Add.1 to 5, E/1922, E/1922/Add.1, E/L.143 and Corr.1 and 2 and E/L.144) (*continued*)

[Agenda item 14]

COMMUNICATIONS RELATING TO STATES MEMBERS BOTH OF THE UNITED NATIONS AND OF THE INTERNATIONAL LABOUR ORGANISATION (*concluded*)

1. The PRESIDENT invited the Council to complete the consideration of the first group of allegations and to consider a number of new allegations (E/1882/Add.3, 4 and 5).

2. He drew attention to a letter he had received from the Chargé d'Affaires of Bolivia requesting that the Council should not consider the allegations against Bolivia without giving his government an opportunity to prepare its case and to state it before the Council. In the meantime, so long as the charges had not been confirmed by the proper United Nations body, Bolivia's name should be deleted from the Czechoslovak draft resolution (E/L.143). Bolivia had already refuted similar charges in a statement sent to the Governing Body of the International Labour Office.

3. Mr. MICHANEK (Sweden) said that the new allegations had been submitted too late for the govern-

ments concerned to study them and to state their case at the current session. He recalled that his delegation had presented a draft resolution (E/L.144) in conjunction with the delegation of Belgium which provided that in future the Secretary-General should transmit to the Council only those allegations which reached him not less than seven weeks before the opening of the Council's session.

4. As regards the Czechoslovak draft resolution, it was out of order since it dealt with the general question of violation of trade-union rights, whereas the Council was concerned with specific allegations only.

5. The PRESIDENT said that resolution 277 (X), under which the Council was discussing the allegations, did not preclude the consideration of allegations made in the course of the debate.

6. If a member of the Council wished the consideration of some of the allegations to be postponed, he should put forward a motion to that effect under the relevant rules of procedure.

7. The question whether the Czechoslovak resolution was in order would be taken up later when the Council examined the draft resolution. For the time being the Council was concerned solely with the new allegations.

8. Mr. CORLEY SMITH (United Kingdom) agreed that resolution 277 (X) did not set any time limit for the presentation of allegations; it was an omission which should be remedied. Nevertheless, the new allegations were out of order, as they had not been included among the specific allegations listed in the agenda. Furthermore, from a practical point of view, the members of the Council could hardly be expected to discuss allegations against them at such short notice. In the case of the USSR, in fact, three months had not seemed sufficient time for it to reply to a question regarding allegations made against it.

9. Mr. KATZ-SUCHY (Poland) protested that the procedure suggested by the representative of Sweden was most irregular. If the latter had wanted merely to give representatives more time to consider the new allegations and to consult their respective governments,

he could have proposed that the debate on the question should be postponed by a few weeks, a proposal which Poland would have readily supported. The purpose of the motion, therefore, particularly in the light of the earlier United Kingdom proposal to divide the allegations into different groups, was obviously to prevent the Council from examining certain allegations which might prove embarrassing to a number of countries, now that the slanderous accusations against some countries had been considered. There was no reason, either under resolution 277 (X) or under the rules of procedure, for postponing the consideration of the new allegations. He appealed to the members of the Council not to agree to such undemocratic and irregular procedure, which would only reflect upon the Council's impartiality.

10. Mr. KOTSCHNIG (United States of America) formally moved, under rule 49 of the rules of procedure, the postponement of the consideration of the new allegations until the thirteenth session of the Council so as to give the governments concerned sufficient time to study the charges brought against them.

11. In reply to a question raised by Mr. KATZ-SUCHY (Poland), the PRESIDENT said that the United States motion was in conformity with rule 49 of the rules of procedure.

12. Mr. KORNEYEV (Union of Soviet Socialist Republics) was opposed to the United States motion. He said that the representatives of the United States and the United Kingdom feared the disclosure in the Council of the facts relating to the gross violation of trade-union rights in their countries, and therefore sought to evade discussion in the Council of the question of the infringement of trade-union rights in the United States and the United Kingdom and their dependent territories and colonies, where trade-union rights were being violated most blatantly, trade unions were being broken up and trade-union leaders were being arrested.

13. The new allegations were entirely in order as the item under discussion, according to its title on the agenda, included the general question of trade-union rights. Further postponement would do nothing to solve the question of trade-union rights, which involved the rights of millions of workers throughout the world, and which had been before the Council since 1947.

14. He therefore felt that the Council should continue the discussion of the item on the basis of the new allegations and the Czechoslovak draft resolution.

15. Baron VAN DER STRATEN-WAILLET (Belgium) supported the United States motion. The cases cited in the new allegations were obviously not urgent, as they had occurred several months before they had been brought to the Council's notice. He therefore saw no reason why the Council should deal with them immediately without giving the governments concerned time to study them. The motion was not intended to preclude the consideration of the allegations by the Council, but merely to postpone it. If the draft resolution which his delegation had proposed in conjunction with the Swedish delegation was adopted, it

would prevent such a situation from recurring in the future.

16. The PRESIDENT put the United States motion to the vote.

The motion was adopted by 13 votes to 5.

17. Mr. SANGUINETTI (Uruguay) explained that he had voted against the proposal for postponement, not because he wished to prolong the discussion but because he felt that the Council should abide by the terms of resolution 277 (X). That resolution did not set any time limit for the submission of allegations regarding infringements of trade-union rights. If delegations felt that a time limit should have been set, the best procedure would be to amend the resolution.

18. Mr. SCHAULSOHN (Chile) explained that he had voted against the proposal for postponement simply because his country was one of those mentioned in document E/1882/Add.4. At the same time, he fully appreciated the reasons given by the delegations which had supported the postponement, since it was only logical that the governments concerned should be given time to prepare their replies to the allegations.

19. Although his country had been mentioned in document E/1882/Add.4, no actual charges of infringements of trade-union rights had been made against Chile either in that document or by any delegation speaking before the Council. The document in question simply referred to one of the ordinary laws in force in his country, a law which had been enacted in defence of democracy. It also referred to the specific case of Bernardo Araya, who had been tried in the normal way, given ample opportunity to submit his defence, both in the court of the first instance and before a court of appeal, and had eventually been sentenced by a completely impartial and independent tribunal. The case had therefore been a perfectly normal application of a perfectly justified and democratic law, and could not in any way be termed an infringement of trade-union rights.

20. Mr. KATZ-SUCHY (Poland) said that he had voted against the proposal for postponement because its true purpose had been to stifle the debate rather than to enable governments to study the complaints. It was not in fact surprising that such a proposal should come from the United States, where trade-union rights were constantly violated.

21. He recalled that, two years earlier, his delegation had asked the Council to take action on infringements of trade-union rights in Greece. The Council had refused to take any steps in the matter and as a result innocent men had been imprisoned and hanged.

22. In voting against the proposal, the Polish delegation disclaimed any responsibility for the results of the postponement.

23. Mr. KOTSCHNIG (United States of America) reminded members that, during the past few days, the alleged infringements of trade-union rights in the United States had been discussed just as fully as the points which had actually been before the Council. Consequently, although the United States was one of

the countries involved in the new allegations, he had not felt any embarrassment in proposing that the discussion on those points should be deferred until the following session.

24. Mr. MICHANEK (Sweden) said that he had voted in favour of the proposal for postponement purely and simply because the Council could not be expected to discuss new allegations at such short notice. The World Federation of Trade Unions could well have submitted a new document in ample time, because at least six months had elapsed since the events mentioned in support of the new allegations. His delegation wanted the Council to hold a practical discussion on the matter after the governments concerned had had time to study the allegations and prepare their replies.

25. Mr. LOYO (Mexico) explained that he had voted in favour of the motion for postponement for the reasons given by the representative of Belgium just before the vote.

26. Mr. KORNEYEV (Union of Soviet Socialist Republics) said that he had voted against the motion for the reasons he had given earlier. It was significant that the delegations which were trying to stifle the discussion represented the very countries in which the most flagrant violations of trade-union rights occurred.

27. Mr. CORLEY SMITH (United Kingdom) wished to reply to the representative of Poland, who had accused him of first proposing that the item should be divided into various categories and then refusing to discuss the final category. In actual fact, what he had proposed was that the item should be divided into four sections and the fifth set of allegations had not even been introduced until after the adoption of his proposal.

28. The USSR representative apparently had not understood the real nature of item 14. The Council had never intended to discuss the general problem of trade-union rights as a whole under that item; it had simply intended to consider certain specific allegations which had been submitted under resolution 277 (X) in time for study during the current session. He hoped that in future the nature of the item would be more clearly explained in the title.

29. He reminded the Council that he had on countless occasions urged members to treat the whole question as one of procedure and not to attempt to pass judgment on the allegations submitted. Throughout the discussions he had emphasized his delegation's opinion that it was not for the Council to set itself up as a tribunal on the matter, and that the only object of the discussion was to decide whether or not a *prima facie* case had been made out which would warrant the submission of the allegations to the Fact-Finding and Conciliation Commission of the International Labour Organisation. To a certain extent therefore it was true that he had tried to curtail the discussions in the Council, but he certainly could not be accused of trying to prevent any individual representative from expressing his opinions freely. It was not his delegation which had attempted to prevent the Council from granting a hearing to the ICFTU.

30. He had voted in favour of the motion for postponement for the reasons given by the representative of

Sweden. His country was involved in the new allegations, and it was only just that his government should be given time to study them before they came up for discussion in the Council, particularly as the questions referred to were not urgent. As the representative of Sweden had said, the representative of the WFTU could very well have submitted the new allegations some months earlier. Indeed it appeared that the new allegations referring to events at least six months old had been introduced so suddenly at the last minute simply because the discussion had taken an unfavourable turn for the Soviet Union.

31. Mr. KEARNEY (Canada) said that his country was not involved in any of the allegations and his delegation had therefore had no personal interest in postponing the discussion. He had voted in favour of the motion for postponement for purely practical reasons. The question was not whether the new allegations should be discussed at all, but simply when they should be discussed. The Council had a heavy agenda and it would not be able to give the other items the consideration they deserved if it embarked on a lengthy discussion of new allegations submitted at the last minute. He fully agreed that the new allegations should be discussed, but he felt that the correct time for that discussion would be during the following session.

32. Mr. NOSEK (Czechoslovakia) explained that he had voted against the motion for postponement because the documents in question had been submitted in a perfectly regular fashion and in full conformity with the rules of procedure. It was the Council's duty to discuss the new allegations, for the interests of millions of workers were at stake.

33. Mr. KORNEYEV (Union of Soviet Socialist Republics) said that, from the very outset, the United Kingdom representative had been attempting to curtail the discussion and was trying to put the blame on the Soviet Union. His delegation had always favoured the fullest discussion of the whole item during the current session and it was not the USSR but the United Kingdom delegation which was trying to evade a discussion on the remainder of the item by postponing it until the following session. The postponement could not be justified by the assertion that delegations needed instructions from their governments before they could discuss the remainder of the item, for if that had been the real reason for the move, a postponement of a few days or perhaps a week would have sufficed.

34. The PRESIDENT reminded the Council that there was still one statement from a non-governmental organization to be heard on the first group of allegations — those relating to States which were members both of the United Nations and of ILO. The representative of the International Federation of Christian Trade Unions had not been present during the discussion of that group of allegations and his statement had therefore been postponed.

At the invitation of the President, Mr. Kibedi, representative of the International Federation of Christian Trade Unions took his seat at the Council table.

35. Mr. KIBEDI (International Federation of Christian Trade Unions) said that the organization he

represented was the oldest of the international trade-union organizations, having been founded in 1920. It was therefore only natural that it should wish to express its views on trade-union rights.

36. It was extremely important that the United Nations, with the collaboration of ILO, should ensure the complete freedom of the trade unions throughout the world. Workers should be allowed freedom of association not only on the basis of a common profession but also on the basis of common beliefs and interests. The existence of trade unions with differing ideologies was a natural consequence of that freedom.

37. The IFCTU had services which always kept it informed of violations of trade-union rights throughout the world. It had always done its utmost to combat any form of totalitarianism, either of the right or of the left. The trade unions should have the right of approach to the government as well as to the employers, on behalf of the workers, and it was a pure travesty of the purpose of the unions if their leaders were appointed by the government instead of being freely elected by the members.

38. His organization stood for all the Christian truths, for justice, freedom and brotherhood. It enjoyed greater independence than any other trade-union organization and was most anxious that trade-union rights should be clearly defined and effectively protected throughout the world. The IFCTU was confident that it was expressing the aspirations of all its members, and it would always continue to strive for the real economic and social progress of workers throughout the world.

Mr. Kibedi withdrew.

39. The PRESIDENT announced the closure of the general debate on item 14 of the agenda.

40. There were two draft resolutions before the Council: one submitted by Czechoslovakia (E/L.143 and Corr.1 and 2) and a joint draft resolution submitted by Belgium and Sweden (E/L.144). He opened the discussion on the Czechoslovak draft resolution since it had been submitted first.

DRAFT RESOLUTION SUBMITTED BY CZECHOSLOVAKIA (E/L.143 and Corr.1 and 2)

41. Mr. NOSEK (Czechoslovakia) said that his delegation was convinced that economic and social progress depended upon the observance of trade-union rights. The preamble of his draft resolution listed certain countries in which trade-union rights were continuously infringed in a manner contrary to the principles of Article 55 of the Charter. Those infringements were all part of the campaign which was being carried out by the capitalist monopolies against the democratic movement. Consequently, his draft resolution went on to recommend those countries to repeal the measures taken against trade unions and adopt measures guaranteeing the rights of the trade unions. He read the operative part of the draft resolution, which listed the rights to be guaranteed to workers throughout the world.

42. In support of his draft resolution, he wished to give concrete evidence of infringements of trade-union

rights in various countries. For example, in Bolivia, attacks on the existence of trade unions continued under existing laws and through the promulgation of new decrees violating trade-union rights. Article 103 of the Labour Law of Bolivia prohibited the existence of two unions in the same concern, thereby destroying the right of free association. A decree of March 1950 had outlawed sympathetic strikes. On 23 May 1950, a government decree had been issued requiring elections in trade unions and specifying that elections would be declared void if persons of proscribed political beliefs were elected. He then went on to list specific violations of trade-union rights alleged to have occurred in Brazil in 1950.

43. Mr. SCHAULSOHN (Chile), speaking on a point of order, urged that the discussion should be limited to the specific allegations already before the Council.

44. The Council had just taken a decision not to discuss the new allegations presented in documents E/1882/Add.3, 4 and 5. Under the rules of procedure, it was not only the right but the duty of the President of the Council to ensure that the debate was confined to the subject before the Council. In the circumstances, the Council could not hear a presentation of new facts; it could consider only the allegations put forward in the documents submitted by the Secretary-General, which were a part of its agenda. The Council's decision to postpone discussion of the new allegations had been taken in an effort to allow the countries accused sufficient time to prepare their defence. Unless that decision were to become a mere mockery, it must be defended, either by a ruling of the President or by a decision of the Council to the effect that no other documents except those before the Council might be discussed.

45. The PRESIDENT explained that although the item before the Council was, to be precise, the consideration of specific allegations regarding infringements of trade-union rights, it had been the Council's custom to take a broad view of the matter, and not to require that draft resolutions should be limited strictly to the scope of that item. He felt that member States should be allowed the right to propose draft resolutions which were fairly broad in scope.

46. It was for that reason that he had not ruled the Czechoslovak draft resolution out of order, and did not feel, consequently, that he could limit the remarks of the Czechoslovak representative in his justification of his proposal. Even though he considered the general trend of the Czechoslovak representative's statement to be contrary to the decision just taken by the Council, he felt that the rules of procedure did not justify him in ruling that statement out of order.

47. He therefore ruled that the representative of Czechoslovakia was free to continue his statement, since he was merely presenting the reasons why he had proposed his draft resolution.

48. If any member of the Council desired to challenge the President's ruling, he was free to do so and to call for a vote on the matter; or, if the Council so desired,

it could decide to postpone the entire question until the new allegations were before the Council for consideration at its next session.

49. Mr. CORLEY SMITH (United Kingdom) supported the views expressed by the Chilean representative. He pointed out that the Council's aim in adopting its resolution 277 (X) had been to avoid the type of comprehensive debate which was taking place, by referring the substance of such allegations to a fact-finding and conciliation commission. The Council's agenda did not include a general item on trade-union rights; therefore the draft resolution proposed by the Czechoslovak representative and the statement he was making were both out of order.

50. Moreover, he pointed out that the representative of Czechoslovakia, in his statement, was quoting passages from document E/1882/Add.4, which was one of the documents the Council had decided not to consider until its next session.

51. Mr. SCHAULSOHN (Chile) could not accept the President's ruling. He pointed out that under the terms of the last paragraph of rule 47 of the rules of procedure, the President could call a speaker to order if his remarks were not relevant to the subject under discussion. The representative of Czechoslovakia was alluding to certain alleged infringements of trade-union rights which the Council had decided not to discuss at its current session. The Council could discuss only the allegations which had been submitted through the Secretary-General, in accordance with the terms of Council resolution 277 (X), and which it had agreed to discuss at its current session.

52. He therefore formally requested that the President should declare the Czechoslovak draft resolution out of order.

53. The PRESIDENT put the Chilean representative's challenge to his ruling to the vote without debate.

The President's ruling was rejected by 9 votes to 4, with 5 abstentions.

54. Mr. KATZ-SUCHY (Poland) wished it recorded that he had supported the President's ruling. He felt that the repeated attempts of a majority of the Council to silence the voice of the minority were a constant threat to the successful completion of the Council's work, and he doubted whether the Council could achieve any useful results under such conditions.

55. Mr. SCHAULSOHN (Chile), explaining his vote, said that the sole purpose of the Czechoslovak resolution had been to present formally the claims put forward by the WFTU. The Council, in deciding not to consider those claims at its current session, had automatically deferred consideration of the draft resolution as well. The text was therefore entirely irrelevant to any question which was before the Council.

56. He protested vigorously, moreover, against the Polish representative's accusation concerning the action of the majority of the Council. The members of the

Council represented free and sovereign States, and their votes in the Council were a free expression of the views of their respective governments. He had challenged the President's ruling in accordance with his rights under the rules of procedure, and his action had been motivated by a desire to maintain order in the Council's debates and to make those debates constructive and fruitful.

57. Mr. KORNEYEV (Union of Soviet Socialist Republics) protested against the crude pressure exerted by the United States and United Kingdom delegations upon the Economic and Social Council, and said that the Anglo-American majority in the Council, led by the United States, had imposed a decision and a form of procedure upon the Council whereby the minority was deprived of an opportunity to express its views on so important a question as the infringement of trade-union rights in a number of countries. Such action by the Anglo-American majority constituted a violation of the Council's functions as provided for in the United Nations Charter, and particularly in Article 55 c, which required the United Nations to promote universal respect for and observance of human rights and fundamental freedoms.

58. Mr. KATZ-SUCHY (Poland) regretted the series of procedural decisions recently taken by the Council at the instigation of the majority of the members; he considered those decisions useless and harmful to the dignity and prestige of the Council.

59. His delegation maintained that the Czechoslovak draft resolution lay within the scope of the agenda item under consideration. The Polish delegation could not agree that the Council should limit itself to consideration of individual charges, without drawing certain general conclusions as regards the basic question. The Council, as a major organ of the United Nations, must adopt a general policy on such important matters. The adoption of such a policy, based on the debate in the Council and on the world situation in general, had been the purpose of the operative part of the Czechoslovak draft resolution. In his opinion, the Council's decision that that draft resolution was out of order was unjust and would not further the constructive achievements of the Council.

60. Mr. KOTSCHNIG (United States of America) objected to the USSR representative's statement that the Anglo-American bloc had imposed upon the Council the decision it had just taken, pointing out that his delegation had not even participated in the discussion leading to that decision. He considered that statement an insult to the free and sovereign States represented on the Council.

61. Moreover, with respect to the operative part of the Czechoslovak draft resolution, he expressed the view that that text constituted an attempt to undermine the work of the International Labour Organisation, which was the body best qualified to deal with trade-union rights. It had already produced two conventions in that field which, both in form and substance, were vastly superior to the text proposed by Czechoslovakia.

DRAFT RESOLUTION SUBMITTED BY BELGIUM AND
SWEDEN (E/L.144)

62. The PRESIDENT invited the members of the Council to consider the joint draft resolution of Belgium and Sweden (E/L.144).

63. Mr. INGLES (Philippines) presented certain amendments (E/L.146) to the draft resolution.

64. As regards the preamble, he noted that the text did not mention all the documents that had been discussed, and suggested that the list of documents cited should include documents E/1922 and E/1922/Add.1, as well as document E/1882/Add.2, sections I and II.

65. With regard to paragraph 1 of the operative part of the draft resolution, the Philippine delegation submitted an amendment because it felt that the text should indicate that under the terms of the Council's resolution 277 (X), sub-paragraph (b) of the operative part, the decision to refer allegations to the Fact-Finding and Conciliation Commission rested with the Governing Body of the International Labour Office.

66. With respect to paragraph 4 of the joint draft resolution, the Philippine delegation felt that the text did not go far enough. The Council should consider complaints regarding infringements of trade-union rights in any part of the world where they might occur. Moreover, it was particularly important that trade unions in the Trust Territories should be protected and encouraged, since they were an essential factor in the

economic, social and political development of those territories. Accordingly, the Philippine delegation submitted its amendment in the belief that the Economic and Social Council should receive a report on the action taken by the Trusteeship Council with respect to the alleged infringement of trade-union rights in the Cameroons under French administration.

67. Finally, the Philippine delegation was opposed in principle to the rigid rule laid down in paragraph 5 of the joint draft resolution which would allow the consideration of complaints alleging infringement of trade-union rights only if filed at least seven weeks before the first meeting of the Council. It had always pressed for a liberal interpretation of the rule regarding the time limit for the inclusion of agenda items, in cases where a strict application of the rule would be an obvious injustice. Moreover, under existing rules, the Council had ample discretion to decide whether to consider complaints submitted too late to allow governments to prepare a reply, or to postpone them until the next session.

68. The Philippine delegation had, therefore, submitted an amendment to paragraph 5 which would permit an exception to the rule in urgent and important cases. The Secretary-General would be asked to screen any late communications and determine those which were of sufficient urgency to warrant immediate consideration by the Council.

The meeting rose at 1.15 p.m.