



ECONOMIC AND SOCIAL COUNCIL

Forty-second Session
OFFICIAL RECORDS

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at 3.45 p.m.

NEW YORK

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President: Mr. Milan KLUSÁK
(Czechoslovakia).

Present:

Representatives of the following States, members of the Council: Belgium, Cameroon, Canada, Czechoslovakia, Dahomey, France, Gabon, India, Iran, Kuwait, Libya, Mexico, Pakistan, Philippines, Romania, Sierra Leone, Sweden, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela.

Observers for the following Member States: Argentina, China, Finland, Indonesia, Japan, Norway, Senegal, South Africa.

Representatives of the following specialized agencies: International Labour Organisation; United Nations Educational, Scientific and Cultural Organization.

AGENDA ITEM 14

Allegations regarding infringements of trade union rights (E/4305)

1. Mr. SCHREIBER (Secretariat) recalled that the Economic and Social Council, which had been concerning itself for a long time with the problems under consideration, had adopted resolution 277 (X) on freedom of association on 17 February 1950. That resolution provided that in the event of allegations regarding infringements of trade-union rights, the United Nations would accept the assistance of the International Labour Office (ILO), and particularly of the Fact-Finding and Conciliation Commission on Freedom of Association established by that Office for examining such allegations. Where a State which was not a member of the ILO was concerned, its consent must first be obtained. If it did not give its consent, the Economic and Social Council gave consideration to such refusal with a view to taking any appropriate alternative action designed to safeguard the rights relating to freedom of association involved in the case.

2. The allegation submitted to the International Labour Office by the World Federation of Trade Unions against the Government of the Republic of South Africa which had reached the Office three days after South Africa had ceased to be a member of the ILO, had been transmitted to the Committee on Freedom of Association. The latter had prepared a report (E/4305), annex I) containing a summary of the con-

clusions reached by the ILO in cases similar to that submitted by the World Federation of Trade Unions. The subject of the allegation was described in paragraph 13 of that report.

3. As South Africa had refused its consent to the referral of the allegation to the ILO Fact-Finding and Conciliation Commission on Freedom of Association the matter had been brought before the Economic and Social Council in conformity with the provisions of resolution 277 (X).

4. The PRESIDENT, pointing out that the matter under consideration was of particular importance and related to the question of apartheid, requested the members of the Council to begin the discussion of it at once in order to assist the delegations which had submitted a draft resolution.

5. Mr. SHAHEED (International Labour Organisation) said that, before making a brief statement concerning document E/4305, he would like, on behalf of the Director-General of the International Labour Office, to extend congratulations both to the Secretary-General for his clear and well-documented introductory note and to the Director of the Division of Human Rights for his able presentation of the matter.

6. He saw no need to discuss in detail a well-established procedure which dated back to 1950. He wished merely to draw the Council's attention to the principles affirmed by the Governing Body of the ILO at its 165th session, held in May 1966, with regard to the right to strike. In his view, it was most desirable that those principles, which were set out in annex I, paragraph 13 (b), should be endorsed by the Economic and Social Council. He also asked the Council to inform the ILO of any action it took.

7. Mr. LOBANOV (Union of Soviet Socialist Republics) said that the question before the Council was a matter which came directly within its jurisdiction. It was, as had been pointed out by the representative of the ILO, a particularly important matter. The charges set out in document E/4305 were fully justified and needed no comment. The facts stated represented only one example of the South African Government's policy towards workers and constituted not only an infringement of trade union rights but an act of racial discrimination as well.

8. He therefore believed that the Council should take concrete measures, and for that reason he was submitting a draft resolution^{1/} whose principal features were as follows: first, the Council should support the complaint by the World Federation of Trade Unions; secondly, the infringement of trade union rights constituted not only a violation of the right to freedom of association but also a manifestation of the policy of apartheid; thirdly, the Council should

^{1/} Subsequently issued as document E/L.1156.

transmit the facts contained in the complaint to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa.

9. He believed that in adopting such a resolution, the Economic and Social Council would be performing not only its duty under the provisions of the Charter of the United Nations but also, and especially, its duty to the South African workers who were relying entirely on the United Nations to ensure respect for their rights.

10. Mr. ATTIGA (Libya) said that the complaint transmitted by the International Labour Office was important not only in substance but also by virtue of the fact that it put to the test for the first time the machinery provided in the Council's resolution 277 (X). Moreover, the facts alleged related not only to the infringement of trade union rights but also to racial discrimination and disregard of the right of defence, since some of the persons concerned had been detained without having been charged or brought to trial. The Council should therefore consider those various aspects of the question, as well as the South African Government's refusal to consent to a referral of the complaint to the ILO's Fact-Finding and Conciliation Commission on Freedom of Association.

11. Since the Council was being called on for the first time to apply the provisions of its resolution 277 (X), its decision would set a precedent and should therefore be weighed carefully. The effectiveness of United Nations machinery was at stake, and the Council's decision must not give the impression that a State could escape its obligations in the matter of trade union rights by simply withdrawing from the ILO. In view of those circumstances, he believed that the Council should take a decision only after its members had carefully examined the facts in informal consultations.

12. Mr. TILINCA (Romania) said that the South African Government was systematically violating the rights of workers, as was demonstrated by the Native Labour Act, 1953, which forbade African workers to strike. The letter addressed to the Secretary-General on 30 January 1967 by the Acting Permanent Representative of South Africa to the United Nations (see E/4305, para. 3) showed that that country's Government intended to continue its discriminatory policy in total disregard of world public opinion. Measures must therefore be taken to ensure the release of the workers sentenced to four-and-a-half-years' imprisonment in the first case and to put an end to the preventive detention and house arrest of the workers mentioned in the second case.

13. His delegation intended resolutely to defend the fundamental rights of African workers and the right of their trade unions to defend their occupational interests without any discrimination. In the same spirit, it condemned the South African Government's policies of apartheid and believed that steps should be taken to safeguard trade union rights against brutal suppression of that Government. His delegation would therefore support the draft resolution just submitted by the USSR representative.

14. Mr. WALDRON-RAMSEY (United Republic of Tanzania) thanked the Secretary-General for having

brought to the Council's attention, in accordance with its resolution 277 (X), the conclusions of the ILO Committee on Freedom of Association concerning the flagrant violation by South Africa of the freedom of association, a freedom recognized in all civilized countries. The violation was far from surprising on the part of a Government which maintained the untenable thesis that one race was superior to all others. Its philosophy was similar to that of the fascist and nazi régimes which, moreover, the South African Government had openly supported during the Second World War at a time when it had been a member of the British Commonwealth.

15. The South African Government considered itself strong enough to defy the principles of the United Nations because it had the moral and material backing of so-called civilized countries, whose Governments allegedly upheld Christian principles but nevertheless tacitly assisted in the dismemberment of the South African people who were being dispossessed of their own land. Those Governments were prepared to denounce the Government of South Africa orally but sat back when practical measures were proposed, and that was why the present special session of the General Assembly was paralysed. Contrary to the arguments put forward by some, it was not the African Governments which were endangering peace by demanding that the rights and dignity of the people of southern Africa should be respected but the South African Government which, by its policy, was creating a situation which constituted a threat to world peace and security. Some countries were unfortunately too cowardly to recognize that fact.

16. Labour legislation in South Africa was consistent with that country's policy because it permitted white workers to form trade unions while prohibiting even the establishment of school clubs by means of legislation such as that on the suppression of communism. The South African Government's reply to the effect that the people concerned had been found guilty of criminal offences was invalid, because South Africa's legislation was dictated by a minority seeking to deprive the majority of all its rights. It was therefore legitimate to break laws which were completely immoral.

17. The Council should therefore take an unequivocal stand on the matter and submit specific recommendations to the General Assembly. His delegation could support the draft resolution recently submitted by the USSR representative, although it felt that it could be improved in order to emphasize the Council's condemnation of the infringement of the trade union rights concerned. In any event, it hoped that the Council would not conclude its consideration of the item until it had formulated detailed and specific proposals for the General Assembly.

18. Mr. OWONO (Cameroon) said that he had noted more than once that commitments assumed had not been respected when the interest of States were at stake. Such an attitude, which could only arouse misgivings about the sincerity of the opinions expressed in the United Nations, was characteristic of the discussions on South Africa. Whereas everyone made a point of condemning apartheid orally, the unanimity disappeared when it came to carrying out the measures

agreed upon by all. Almost twenty years had passed since the Asian and African countries had drawn the international community's attention to the problem of South Africa: they had been told that they should be patient and not too idealistic. Today, on the other hand, the allegations against the Government of the Republic of South Africa had not been made by the African and Asian group but by an international organization which could not be suspected of bias when it accused that Government of infringing trade union rights. But there again it was to be feared that, even if, as was probable, many countries agreed to support a draft resolution condemning that Government, they would refrain from applying specific measures.

19. The letter which the representative of South Africa had addressed to the Secretary-General had stated that, in both case No. 1 and case No. 2 cited by the World Federation of Trade Unions (see E/4305, annex II), the persons mentioned had been sentenced on having been found guilty of criminal offences. That statement could not deceive the Cameroonian delegation or African opinion: the discussions on apartheid had long since proved the contrary. The Council therefore had the duty to state clearly that it condemned the policy of the South African Government with regard to freedom of association.

20. The countries of Africa and Asia had previously asked that South Africa should be expelled from the United Nations. They had withdrawn their request when it had been argued that it was preferable to continue the dialogue with that country. In his opinion, their gesture had been to no avail. Discussions could be of value only if they were taken into consideration; but South Africa seemed to disregard them completely. The fundamental principles of the Charter of the United Nations might therefore lose their entire

value if one Member of the United Nations persisted in scorning them.

21. In conclusion, he hoped that the Council would take into account the fact that the ILO could not be accused of extremism or idealism and that the draft resolution would stigmatize the policy of the Republic of South Africa. His delegation, which would support any draft resolution of that kind, reserved the right to speak again later as it deemed necessary.

22. Mr. PIPARSANIA (India) said that his delegation considered the item a very important one and had very carefully studied the communication of the ILO and the complaint of the World Federation of Trade Unions contained in the note by the Secretary-General which drew the Council's attention to the infringements of the basic trade union rights in South Africa. Like the Tanzanian delegation, it was not surprised by yet another demonstration of the South African Government's racist policy. In his view, the complaint of the World Federation of Trade Unions effectively unfolded the recent repressive policies of the South African Government which denied to the people their fundamental human rights. He said that his delegation strongly condemned such a manifestation of the policy of apartheid of the Government of South Africa and, therefore, would support the draft resolution submitted by the Soviet delegation.

23. The PRESIDENT announced that the representatives of the United Republic of Tanzania and Libya had asked for some time in order to hold consultations. Moreover, as the Soviet resolution was not yet distributed, it would be preferable to postpone further discussion of the item.

It was so agreed.

The meeting rose at 5 p.m.

