

FIRST COMMITTEE: EMPLOYMENT AND ECONOMIC ACTIVITY

SUMMARY RECORD OF THE EIGHTH MEETING

Held at the Capitol, Havana, Cuba, Friday, 19 December 1947, at 10.30 a.m.

Chairman: Mr. J. J. DEDMAN (Australia)

1. CONSIDERATION OF REPORT OF SUB-COMMITTEE A (document E/CONF.2/C.1/9)

The CHAIRMAN requested the Chairman of the Sub-Committee to introduce the report.

Mr. LIEU (China) introduced the report of that Sub-Committee.

Mr. MARTINS (Brazil) considered that the draft submitted by Sub-Committee A was a great improvement. He suggested that the words "conditions of effective remuneration" should replace the words "wages" in the second sentence of paragraph 1.

Mr. AMADOR (Mexico) said his delegation withdrew the reservation made in Sub-Committee A, agreed with the text of Article 4 as drafted by that Sub-Committee, and supported the amendment proposed by the ILO (E/CONF.2/C.1/12).

Mr. PEREZ MARTINEZ (Argentina) pointed out that his delegation had been forced to reserve its position in the Sub-Committee as documents were not available in the Spanish language but that it was now able to approve the text. He suggested that in the first sentence of paragraph 1 the following words should be added: "and especially that laid down in paragraph 6 of Chapter I." That would make the sentence consistent with the amendment suggested by the Argentine delegation to paragraph 6 which would be considered by the Ninth Committee.

Mr. van THORLEEN (Belgium) considered that the new draft was a greater improvement on the Article 4 drawn up at Geneva. Referring to the second sentence of paragraph 1, he felt it should be redrafted as undue emphasis was placed on the relation existing between fair labour standards and productivity. He suggested the following wording: "They recognize that all countries have a common interest in the achievement, maintenance and improvement of fair labour standards related to productivity."

Mr. LIMA (El Salvador) felt that it should be specified in the first sentence of paragraph 1 that the international declarations, conventions and agreements referred to were those entered into by inter-governmental organizations.

organizations. He also wished to know why the words "economic development" did not appear after the words "international trade" in the third sentence.

Mr. LEROY (Haiti) agreed with the new draft of Article 4.

Mr. COREA (Ceylon) supported the remarks of the representative of Belgium in connection with the second sentence of paragraph 1. Minimum working conditions and minimum living standards must be recognized apart from any question of productivity. His delegation could support the present wording of the third sentence providing that it implied that any member of the ITO adversely affected by unfair labour conditions could ask the Organization to investigate the matter. If the Chairman of the Sub-Committee felt that that was not so and that the matter was not covered by Articles 89 and 90, then he would suggest that explicit mention be made in Article 4 of the fact that the ITO could be asked by members to investigate unfair labour conditions and wage standards.

The CHAIRMAN pointed out that the matter mentioned by the representative of Ceylon was dealt with in paragraph 15 of the Sub-Committee's report.

Mr. LIU (China), Chairman of Sub-Committee A, said the point raised by the representative of Ceylon was covered by the third paragraph of the new draft. In connection with the point raised regarding the relationship between fair labour standards and productivity, he emphasized that all countries could not adopt the same standards as conditions varied so much. One could not be thought, refer to "improvement" of labour standards already described as "fair" suggested by the representative of Belgium.

Whether it should be specified in the first sentence that such declarations, conventions and agreements should be governmental, inter-governmental or private, could be discussed by the Committee. The point raised by the representative of Brazil regarding real wages might also be discussed by the Committee.

Mr. FRESQUET (Cuba) considered that the amendment proposed by the representative of El Salvador should be submitted to the Legal Department of the Secretariat. Referring to the remarks of the representative of the Argentine, he felt that the Committee should not take any decision on the matter until Committee VI had given its final decision on Chapter I. The remarks of the representative of Belgium were well-founded, but it should be remembered that the text of the draft before the Committee was a compromise one, and took account of the various points of view expressed in a lengthy series of amendments submitted by several delegations.

Mr. ROYER (France) associated himself with the statements made by the representative of Cuba. Referring to the proposals made for redrafting certain parts of Article 4, he considered that the first sentence of paragraph 1 might be made more clear if the words "to which they are parties"

/were added

were added. He had some legal misgivings regarding the mention of Chapter I of the Charter, as suggested by the representative of Argentina. He shared the views of the representative of Belgium regarding the second sentence of the first paragraph, and suggested that the words "as advances in productivity may permit" should be replaced by the words "with a view to the attainment of this end." Referring to the remarks of the representative of El Salvador regarding the third sentence, he suggested that the words "in the maintenance of full employment and international trade" should replace the words "in international trade".

Mr. SHACKLE (United Kingdom) suggested that the point raised by El Salvador would be met by substituting the word "inter-governmental" for "international". He saw no objection to the amendment proposed on behalf of the ILO.

The CHAIRMAN proposed that the Sub-Committee should be asked to re-examine the text in the light of the criticisms expressed and the various suggestions for its improvement.

Mr. MULLER (Chile), supported by Mr. FER (Turkey) suggested, the addition to the third sentence of the words "in whose countries such conditions exist", or merely "within its territory".

Mr. FRESQUET (Cuba) thought the text of the Sub-Committee was clear.

Mr. LEROY (Haiti) pointed out that undue concern in drafting matters might eventually restrict the intent of the paragraph. He could not agree to the deletion of the words "wages and working conditions."

Mr. PIERSON (United States of America) supported the suggestion for the addition of the words "within its territory", since the discussion had shown the possibility of misinterpretation.

Mr. HOLLOWAY (Union of South Africa), supported by Mr. BENDA (Czechoslovakia), stressed that no issue of substance had been raised, and the Committee seemed to be spending valuable time in the discussion of minor drafting matters.

Mr. HEBERT (Canada) felt that if the words "improvement of wages" were retained, "wages" would require some qualification such as "as measured by purchasing power".

Mr. CHOUY TERRA (Uruguay) opposed the suggestion of the Chairman to refer the new text of the Article back to the Sub-Committee which had performed a magnificent task and had taken all previous amendments into account.

Mr. FRESQUET (Cuba), supported by Colombia and the Netherlands, referring to the Chairman's suggestion that the text should be referred back to the Sub-Committee for study, felt that a dangerous precedent would thereby be established. The text submitted by the Sub-Committee was a

/compromise

compromise solution reached after long and difficult discussion.

Mr. SHACKLE (United Kingdom) explained that his delegation would have been ready to accept the new proposed text, had not the discussion shown certain small defects. He felt that the Sub-Committee should re-examine the text, on the understanding that such study should be limited to the points on which the present discussion had concentrated.

Mr. HOLLOWAY (Union of South Africa) stated that if the proposed text was to be further studied by the Sub-Committee, his delegation would ask to be excused from the Sub-Committee.

Mr. MULLER (Chile) thought that no limit should be placed on the right of delegates to express their views in the full Committee.

Mr. FRESQUET (Cuba) agreed that the right of a Committee to discuss the report of a Sub-Committee should not be limited and he explained that his earlier remarks concerning the creation of an unfortunate precedent related to the suggestion that the question be referred back to the Sub-Committee.

Mr. ROYER (France), supported by the United Kingdom and Brazil, proposed that the text agreed upon by the Sub-Committee should be referred to the Central Drafting Committee, since there seemed to be general agreement on points of substance. It could then be referred back to the full Committee for a final reading.

Replying to a question by the CHAIRMAN as to whether there was any opposition to the suggestion for the text to be submitted to the Central Drafting Committee, Mr. BENDA (Czechoslovakia) agreed, on the understanding that a note would be circulated showing the various points of view expressed.

The CHAIRMAN stated that the views expressed would appear in the Summary Record of the meeting.

Replying to a question by the CHAIRMAN as to whether the point raised by the representative of Belgium could appropriately be sent to the Drafting Committee for study, Mr. van TICHELEN (Belgium) replied in the affirmative.

Replying to a request for clarification by Mr. MULLER (Chile), Mr. CHOUHY TERRA (Uruguay) felt that Article 4 permitted a country, with the approval of the Organization, to take measures against the importation of goods produced under unfair labour conditions through the procedure of Article 90.

The CHAIRMAN expressed certain doubts as to whether the Central Drafting Committee, in view of its limited functions (document E/CN.2/D.17), would be in a position to examine the Sub-Committee's text and because Committee I was unable to provide sufficient guidance at the present stage. He proposed the reading of the Article, sentence by sentence.

/Mr. LIEU

Mr. LIEU (China) felt that it would be better to restrict discussion to points of substance, leaving the Central Drafting Committee to study minor drafting questions. Referring to points raised by Chile and Turkey, he explained that the Sub-Committee's text was based on the assumption that no other country could, or was obliged to, eliminate unfair conditions in the territory of another State.

Mr. MULLER (Chile), having stated that the explanation of the representative of China appeared to be contrary to that of Uruguay, Mr. ROYER (France) emphasized that in Geneva it had been understood that the commitments under Article 4 referred to the obligation of one State to remedy inequitable labour conditions prevailing within its territory.

Mr. HOLLOWAY (Union of South Africa), and Mr. FRESQUET (Cuba), fully supported the representative of China.

A consensus of opinion was then taken on the suggested amendments to Article 1, sentence by sentence.

First sentence

The Committee decided to retain the first sentence as it stood.

Second sentence

The Committee decided to retain the second sentence as it stood.

Third sentence

Mr. ROYER (France) having suggested that the words "within its territory" should be placed after the word "conditions" at the end of the sentence, Mr. SHACKLE (United Kingdom) and Mr. MULLER (Chile) agreed.

The Committee approved the third sentence as modified by the proposal of France.

The Committee rose at 1.20 p.m.

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