

DRAFT CHARTER

MEXICO: PROPOSED AMENDMENTS

CONSIDERING that Article 6, paragraph 1 (b) of the Charter lays down in a very general form, an obligation to participate in consultations with a view to action in the field of employment policy; and

That the Article as it is worded might in certain circumstances lead to the adoption of measures likely to detract from the rights legitimately gained by workers under the domestic legislation of individual Member countries or to impair the principles adopted and expressed in declarations, in international conventions or by the International Labour Organization; and

That the scope of the measures which may be adopted under the previous paragraph should in consequence be defined, as is moreover suggested in Chapter I, Section G, paragraph 2 of the Report of the First Session of the Preparatory Committee of the United Nations Conference on Trade and Employment,

The delegation of Mexico to the United Nations Conference on Trade and Employment has the honour to propose the addition of the following at the end of paragraph 1 (b) of Article 6, Chapter II of the Draft Charter:

"... Provided that there is no attempt to impair the rights already acquired by workers or the rights embodied in the Declaration of Philadelphia and in any other agreement or convention setting forth safeguards for human rights in the field of labour."

CONSIDERING that among the purposes set forth in the Draft Charter, submitted for the consideration of the Conference on Trade and Employment, is the determination of the United Nations to promote peaceful and friendly relations among nations and the intention of the States party to the Charter to undertake to co-operate with one another in the fields of trade and employment, particularly for the attainment of higher standards of living, full employment for all and conditions of economic and social progress and development, envisaged in Article 55 (a) of the United Nations Charter; and

/That one of the

That one of the means of achieving these objectives is the expansion of international trade and that such expansion of trade might prevent the attainment of other aims pursued and also of the general purposes implicit in the Draft Charter in the field of employment, if it caused a decline in a country's domestic demand for its national products, since in certain circumstances the Charter authorizes the adoption of transitional measures to deal with temporary difficulties and such measures might run counter to the maintenance of satisfactory conditions of labour and international prosperity; and:

That, to avoid any conflict which might prevent the realization of any of the objectives already set forth and might prevent the acceptance of the basic principles of the Draft Charter, there is need for a definite ruling to enable such conflict to be resolved and to prevent the main objective from being lost, in respect of any measure considered appropriate to meet the immediate purposes of the Draft Charter,

The delegation of Mexico has the honour to propose the addition of the following article to Chapter II "Employment and Economic Activity", of the Draft Charter of the International Trade Organization:

"No measure adopted to promote international trade may be such as to cause a decline in employment or in the real wages or standards of living of the workers in a country to a level below that prevailing before the adoption of the measure. In the event of the adoption of any such measure, the country affected or likely to be affected by the measure, may, after giving notice to the Organization, take such steps as it deems appropriate to avoid unemployment or under-employment."

CONSIDERING that Article 4 of the Charter is worded in a way which does not specifically mention the grounds on which it is based and, which are stated in the Report of the First Session of the Preparatory Committee of the United Nations Conference on Trade and Employment, and that its purpose is, it may be inferred, to prevent the industry of one country from being injured by measures adopted in other countries which may be able to undercut it because of their maintenance of unfair labour standards; and

CONSIDERING that the position should first be clearly defined in order to prevent such unfair competition,

The delegation of Mexico has the honour to propose the following amendment to Article 4, Chapter II, of the Draft Charter of the International Trade Organization:

/ "Each Member,

"Each Member, recognizing that all countries have a common interest in the achievement and maintenance of fair labour standards related to productivity, shall take whatever action may be appropriate and feasible to eliminate sub-standard conditions of labour in its territory and to avoid any action likely to injure the production for export of a Member country by the maintenance in its territory of unfair conditions of labour."

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