

FIRST COMMITTEE: EMPLOYMENT AND ECONOMIC ACTIVITY

SUMMARY RECORD OF THE FOURTH MEETING

Held at the Capitol, Havana, Cuba
Thursday, 4 December 1947, at 10.30 a.m.

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

1. CONTINUATION OF GENERAL DISCUSSION OF CHAPTER II

The CHAIRMAN opened the meeting, and called upon the representative of Haiti to speak.

Mr. LEROY (Haiti) agreed with the representatives of Australia and the United Kingdom that there was a close link between Chapters II and IV of the Draft Charter. His delegation had presented a formal amendment to Article 4.* Concerted action was necessary with a view to granting equal social rights to all workers, both national and foreign in every country. It was to the interest of the highly industrialized powers to encourage the development of the backward countries because they could not sustain full employment within their boundaries if they did not encourage in other countries effective demand for their goods, and help the agricultural countries to develop industry and trade.

Mr. MARTINEZ (Argentina) declared himself to be in agreement in principle with Chapter II, and with the objectives of the Organization. He drew the attention of representatives to a programme of ten points, entitled "The Rights of the Worker" which had been adopted by the Argentine Government, and expressed a wish to have it read by the Secretary.

The CHAIRMAN ruled that this question concerned more closely the work of Committee VI on Chapter I, and suggested that the document be distributed in order that delegates might be enabled to take the matter up in the relevant committee.

Mr. MARTINEZ (Argentina) signified his acceptance of this suggestion. He himself was a worker, and represented the trade unions of his country, an aggregate of 3 millions. The voice of the workers should be heard at the Conference. In establishing the new organization for the regulation of

* See document E/CONF.2/C.1/3/Add.1

world trade on a solid and lasting basis, it should be recognized that labour was not a commodity, but a social function, and that it should, as such, be supported by the State.

Mr. TERRA (Uruguay) stated that his delegation was in agreement with the Draft Charter, particularly with Chapters I and II, subject to the clarifications which had been enumerated by the delegate for Uruguay at the Plenary Meeting. Article 1 should be identical with Article 55 of the Charter of the United Nations. He was happy to note that the views of Uruguay coincided with those expressed by the United States in his initial speech, in which he had described the preparatory work of the Conference in London and Geneva. There seemed to be little divergence between the opinions of the various delegations which could not be bridged by minor adjustments. His delegation proposed an amendment to Article 4.*

Mr. FRESQUET (Cuba) thanked the delegate for the United States for his mention of the fact that it was Cuba which had proposed and obtained the insertion of Article 4, dealing with fair labour standards. His delegation was satisfied with the present draft of Chapter II, although they were prepared to give sympathetic consideration to amendments of an economic character which might be presented by other delegations.

The CHAIRMAN announced that as there were no other speakers on the list, the general discussion of Chapter II was closed.

2. DISCUSSION OF CHAPTER II, ARTICLE BY ARTICLE

The CHAIRMAN drew attention to the annotated agenda which had been circulated (E/CONF.2/C.1/3). By decision of the Conference, amendments could be lodged with the Secretariat up to 6 December, so that this version did not contain all the amendments which might be submitted. He ruled therefore that the best method of procedure was to discuss the articles one by one without reaching any final decision on them.

Article 2, paragraph 1

Mr. BURGUETE (Mexico) stated that the amendment proposed by his delegation for the deletion of the last phrase of paragraph 1 of Article 2 was because it seemed redundant. The objectives with regard to the expansion of international trade and the well-being of all countries had already been stated in Article 1. The achievement of full employment should not be made subject to the expansion of international trade.

Mr. ROYER (France) thought that drafting amendments, of which this seemed to be one, should be referred to a drafting committee, after the substance had been agreed upon. The phrase recommended for deletion had been discussed

* See document E/CONF.2/C.1/3/Add.2.

/several times

several times in Geneva, and had finally been included because it was felt that not only from a doctrinaire, but also from a practical point of view, it was well at the outset to stress the close link between the development of international trade and full employment.

The CHAIRMAN stated that at a later stage a drafting committee would be set up as suggested, but it might be questioned whether this, the Mexican amendment, was an amendment of substance or one of drafting.

Mr. FRESQUET (Cuba) considered that the Mexican amendment was one of substance. It expressed a similar idea which had been in the mind of his delegation, who had wanted to avoid the inference that the expansion of trade might have priority over questions of employment. This phrase had been included to strengthen the view that if problems of employment and production were not solved, expanding international trade could not be achieved. He asked the delegate of Mexico if the idea they had in common was not better served by leaving the text as it was.

Mr. MARTINS (Brazil) said that he had taken part in the preparatory work of London and Geneva, and agreed with the reasons put forward by the representatives of France and Cuba for the maintenance of the text.

The CHAIRMAN ruled that as no final decision could be taken, it would be best to proceed to the discussion of the next article. He declared that it appeared that the sense of the meeting favoured the retention of the paragraph as it stood.

Article 2, paragraph 2

Mr. MONGE (Peru) explained that the amendment presented by his delegation was divided into two parts. In the first place, it was suggested that the word "primarily" should be replaced by the word "partly". Full employment or its opposite, unemployment, could not be achieved or avoided primarily by the action of the country affected, particularly in the case of underdeveloped countries.

In the second place the present text of paragraph 2, dealing with "concerted action under the sponsorship of the Economic and Social Council", was too generalized. The Chapter should include a clause recognizing the relationship of investment to employment.

Mr. LING (China) supported both parts of the Peruvian amendment.

Mr. FRESQUET (Cuba) thought that perhaps the fault with the word "primary" was caused by the Spanish translation. The present text should in his opinion be maintained because it guaranteed the legislative sovereignty of each country in dealing with the problems which arose within their territories. With regard to the second part of the Peruvian amendment, he was in favour of maintaining the present text. Investment

/was only one

was only one of the measures which affected employment, and its specific mention might limit the beneficial scope of international action.

Mr. LEROY (Haiti) supported both parts of the Peruvian amendment.

Mr. PIERSON (United States) explained that Article 2 recognized certain particular principles and led up to more substantive commitments in succeeding articles.

Article 6 contained a commitment whereby members of the Organization should participate in arrangements made or sponsored by the Economic and Social Council (1) for the systematic collection of information, and (2) for consultation with a view to concerted action. If it was felt that one type of action should be emphasized, it should be done under Article 6.

He drew attention to the fact that a part of this amendment had not been discussed, and that was the deletion of the words at the end of the paragraph. He explained that these words were intended only to recognize the lines of jurisdiction.

Mr. MONGE (Peru) considered that the discussion was leading away from the Charter. If unemployment could come about through the disequilibrium of a highly industrialized country, it was not equitable to attribute primary responsibility to an underdeveloped country for the repercussion which it suffered as a result. He could not agree to withdraw the first part of his amendment.

With regard to the second part, there might be fifty means of action to be taken, but the one mentioned was the one which the underdeveloped countries required.

With regard to the deletion of the passage at the end of the paragraph, he thanked the representative of the United States for his explanation. He was prepared to withdraw the suggestion he had made for this passage to be deleted.

Article 2, paragraph 3

Mr. MARCELLETTI (Italy), introducing the proposal made by his delegation maintained that there could not be economic equilibrium if there were disequilibrium in the international distribution of labour.

Article 3, paragraph 1

Mr. BURGUETE (Mexico) said his delegation had suggested that the words "appropriate to" in the fifth line of paragraph 1 of Article 3 should be changed to read "consistent with" because it felt that any measures to be taken by Governments in connection with the maintenance of domestic employment must be consistent with and not merely appropriate to the legislation of the country in question.

/Mr. FRESQUET (Cuba)

Mr. FRESQUET (Cuba) supported the proposal of the representative of Mexico.

Mr. SHACKLE (United Kingdom) felt that the wording of paragraph 1 should not be changed.

Mr. MARTINS (Brazil) considered that the amendment suggested by the delegation of Mexico was one of drafting, and suggested that it should be submitted to a drafting committee to be set up at a later date.

The CHAIRMAN agreed with the suggestion made by the representative of Brazil.

Article 3, paragraph 2

Mr. MARCELLETTI (Italy) said his delegation had proposed the insertion of the words "principally by means of international co-operation" in paragraph 2 in order to emphasize the fact that such co-operation was essential to the attainment of the objectives of the Article.

Article 3, proposed new paragraph 3

Mr. AMADOR (Mexico) said that his delegation had proposed an addition to Article 3 for the reason that those countries which, because of their special position, needed seasonal workers, should promulgate laws which would prevent employers from engaging workers who had entered their countries illegally.

The proposed paragraph would not apply to political refugees or to persons who had had to leave their countries because of forced labour systems.

Mr. CABILLI (Philippines), while agreeing in principle with the proposal of the Mexican delegation, considered that the matter in question was not primarily the concern of the International Trade Organization but should be the subject of domestic legislation. The amendment in question was closely related to that submitted by the representative of Italy which his delegation could not support.

Mr. Van VEELEN (Union of South Africa), referring to the remarks of the representative for the Philippines, said that his delegation considered that legislation of the kind suggested in the amendment proposed by the Mexican delegation was a matter of internal policy. If the problem of illegal migration assumed proportions which required special action, then such action should come from the I.T.O.

Mr. GANGULI (India) said that his delegation had considerable sympathy with the points of view expressed by the representatives of Italy and Mexico. He did not consider that migration problems could only be handled by individual nations. There was considerable scope for concerted action. He felt that international employment services, international refugee

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organizations etc., which existed or which might be set up in the future should deal with the problem of international migration.

Mr. PIERSON (United States) asked whether the representative of the ILO would give some details regarding the work of the Permanent Migration Committee of that organization.

Mr. TAIT (International Labour Organization) said the question of co-ordination of employment services was under consideration by the Conference of the ILO at the present time. The Permanent Migration Committee, which had held its first meeting in 1946 and would probably hold another meeting in the near future, had various migration problems under consideration. An International Convention had been adopted by the ILO Conference covering conditions on which migration of workers should take place from one country to another. The Permanent Migration Committee would study at its forthcoming meeting the possible modification of that Convention in addition to the question of establishing a model agreement for the use of Governments in initiating bilateral treaties concerning migration.

At a recent meeting of the Economic and Social Council certain of those problems had been brought to its attention by the American Federation of Labour, and the Council had decided to refer such problems to the ILO for necessary action.

Mr. ROYER (France) said his delegation was grateful to the Italian delegation for having stressed the great importance of the mobility of manpower from the point of view of international equilibrium. He felt, however, that a provision of such a legislative character should not be inserted in Chapter II. It could be inserted in another part of the Charter.

Referring to the amendment proposed by the delegation of Mexico, Mr. Royer considered that it would not be advisable to entrust a study of such a problem to several specialized agencies or organizations. The question of migration should be entrusted to the ILO.

Mr. MARTINS (Brazil), referring to the remarks of the representative of France, recalled that in the Preparatory Committee the Brazilian delegation had submitted an amendment stressing the need for co-ordination of work and activities of the various specialized agencies in connection with the problem of migration.

Brazil suffered from a lack of manpower and counted on a large number of immigrants from other countries which suffered from a surplus of manpower. He had the greatest sympathy with the views expressed by the representative of Italy, but felt that the amendment in question should not be included in Chapter II.

/Mr. AMADOR (Mexico)

Mr. AMADOR (Mexico) said his delegation agreed that a problem concerning the emigration of workers from one country to another should be dealt with by the ILO, but considered that its proposed amendment regarding illegal migration should be inserted in Chapter II. The proposal of the Italian delegation involved demographic questions, which were being studied by the Population Commission, an organ of the Economic and Social Council. The Mexican amendment, however, simply implied the obtaining of a guarantee for workers who by their work would benefit countries in which they worked on a seasonal or temporary basis.

The CHAIRMAN announced that the next meeting of the First Committee would be held on 5 December 1947 at 4.00 p.m.*

The meeting rose at 12.55 p.m.

* The hour of the next meeting has now been changed to 10.30 a.m.