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ness of the arguments against the complainants had been demonstrated. Any action decided upon would, of course, have to be approved subsequently by the Governing Body, but it would undoubtedly be possible, without departing from traditional methods, to reach solutions which would give greater confidence to the masses.

He reminded the Government representatives that once a government had accepted membership of the United Nations and had agreed to regard some part of its national authority as constituting the international authority which would enable the United Nations to carry out its functions, it could no longer consider it derogatory to its dignity to reply to the questions responsibly put to it by the I.L.O. By giving publicity to any considered conclusions which the Committee on Freedom of Association might reach it would be possible to show that something new had been done to safeguard freedom of association and to provide the trade union organisations which supported the work of the I.L.O. with arguments to counter the propaganda of their opponents. These latter were trying to discredit the Workers' members of the Governing Body in the eyes of the masses on the ground that they had not yet been able to ensure respect for freedom of association. These opponents certainly did not themselves respect it—this being one of the reasons for which the Workers' members of the Governing Body continued to oppose them; however, one could not condemn a system while simultaneously adopting its rules and principles. Anyone who gave the impression of doing that would cut himself off from the masses, which in their bewilderment would then tend, in all countries, to follow those who shouted the loudest.

He therefore appealed to all his colleagues on the Governing Body to support the efforts of the Workers and to agree that the present procedure could not be continued indefinitely if they really wished to give confidence to the working masses and to direct the activities of the I.L.O. towards the defence of freedom of association as originally defined in its Constitution. On behalf of the Workers' group he urged the Governing Body not to reject the report submitted to it, which had been framed in accordance with the prescribed procedure, but to decide that the situation required to be examined most carefully and to ask the members of the Committee on Freedom of Association to consider by what means it might be possible to overcome the weaknesses which were only too obvious in the present procedure.

Mr. Waline did not intend to enter into discussion on matters concerning his own country, on which, owing to the procedural rules in force, he had not found it proper to intervene during the debates in the Committee on Freedom of Association.

He joined with *Mr. Jouhaux* in paying tribute to the great ability of the Chairman of the Committee and also of *Mr. Jenks*, who had skilfully guided the work of the Committee and had himself showed bold initiative upon occasion.

He emphasised the fact that each section of the Sixth Report of the Committee, had, like all its previous reports, been adopted unanimously. The fact that it had not been found necessary to come to a vote proved that all the members of the Committee had made a real effort to carry out with perfect impartiality their functions as examining magistrates.

He thought that *Mr. Jouhaux* was rather too severe in his criticism of the work of the Committee,

since in many cases it had produced results which were useful, although perhaps not spectacular. Those who had followed its proceedings closely would doubtless admit that through its correspondence with governments some progress had been made. The results were far from being negative and should not be underestimated. It was true that some governments had failed to reply to the repeated requests of the Committee, and it would be for the Governing Body to decide what action should be taken in those cases. The other governments, however, had as a rule replied to the various communications addressed to them and had shown some patience, since some of the complaints transmitted to them were not justified and had simply been dismissed by the Committee. It would be a mistake to give the impression that too much importance was being attached to frivolous complaints because governments might ultimately cease to take the procedure set up by the I.L.O. seriously.

If governments had sometimes been slow in replying, that was often because owing to the vagueness or the complicated nature of the complaints even the best-intentioned governments needed some time to collect the information requested of them. The Committee had also had to exercise patience in awaiting the replies, but that was hardly to be avoided.

He fully appreciated the anxiety expressed by *Mr. Jouhaux*, but he wondered what more the Governing Body could do to satisfy the workers. It was not without some misgivings that the Governing Body had set up the procedure concerning the safeguarding of freedom of association, and he himself sometimes wondered whether he had not been wrong in agreeing to serve on the Committee, which had undertaken heavy responsibilities in relation to the governments. In expressing the view that the Committee was paralysed because it could not require governments to take certain action *Mr. Jouhaux* was evidently thinking particularly of the provision which had been approved against his will at the 110th Session of the Governing Body that the Fact-Finding and Conciliation Commission should not take action without the consent of the government concerned. That provision had not been applied in practice; however, because no cases had yet been referred to the Fact-Finding and Conciliation Commission, so that it was too early to pass judgment on any defects that there might be in its procedure.

For the time being it was the function of the Committee on Freedom of Association to select and screen the complaints referred to it, and it seemed to have carried out that function well enough. It must be borne in mind, however, that for a number of reasons the Committee was bound to proceed with great caution.

In the first place, the Committee was guided in its work by certain principles relating to freedom of association, namely, those laid down in the two Conventions for metropolitan territories and non-metropolitan territories respectively. In this connection the Employers had always maintained that the I.L.O. was not entitled to press governments to ratify Conventions and that governments were entitled to ratify or not to ratify them as they saw fit. The conclusions of the Committee could not be based on the text of these Conventions, therefore, because the government in question might not have ratified them. The Committee had accordingly to confine itself to taking as its guide the general principles embodied in the Conventions, and this was a delicate matter because these Conventions had not

always been adopted unanimously, and in any case governments might complain that there was too much interference in their domestic affairs. The Committee had recognised that the principles laid down in these Conventions might usefully be followed for guidance, but from time to time it might well find itself in a position where it was in danger of going beyond its rights.

Secondly, the Committee had often had to deal with cases in which it was extremely hard to draw the line between social or trade union matters and political matters, and that had helped to make its work slow and difficult. He reminded Mr. Jouhaux, who had referred to public order, that the history of trade unionism in France during the preceding century had been an overlapping process of social development and of political development and that it was difficult to establish a watertight division between the two. On the other hand, the right and duty of governments to preserve law and order within the territories that they were responsible for administering, whether metropolitan or other, could not be challenged.

Thirdly, the Committee had also had to deal with cases which, while they appeared to involve events of a social complexion, did not relate directly to freedom of association but rather to the right to strike, and whereas there were existing Conventions in the field of freedom of association, even though they could serve only for guidance and not as absolute rules, there were no provisions concerning the right to strike either in the Constitution or in any of the Conventions adopted by the International Labour Conference. In many cases the right to strike was the basic justification for the demands made by the workers. Personally he did not oppose it, but it was legitimate to take the view, which had in fact been taken by those responsible for drafting the French Constitution, that the right to strike should be subject to regulation. There was, however, no international instrument regulating the right to strike which would authorise bodies related to the I.L.O. to pass judgment on the national regulations in force in any given country. That being so, he was bound to oppose any attempt by the Committee on Freedom of Association to depart from the field of freedom of association proper and to encroach on that of the right to strike, which in his view should be considered only in so far as it affected freedom of association.

He had felt it his duty to define the position of the Employers in respect of freedom of association because the I.L.O. was opening up a new and particularly delicate branch of its activities in this field and was making an experiment which must be conducted with great caution. The Workers' members of the Governing Body would certainly appreciate the Employers' attitude. Both sides were co-operating in good faith in the common task and had always reached unanimous conclusions. Nevertheless, it should be remembered that it was not without misgivings that the Employers had embarked on this procedure and he emphasised that once the first stage had been accomplished a further stage should only be approached with the greatest caution.

Mr. Jouhaux thought that the fact that the reports of the Committee on Freedom of Association had been adopted unanimously was due to the determination of the members of the Committee to try out the experiments to the full. At the present stage the Workers considered that the experiment could no longer be continued on the same terms.

He had not criticised the policy of the French Government but had merely cited a characteristic example of the kind of explanations by means of which not only his own Government but others as well attempted in their replies to justify certain steps they had taken.

Mr. Ramadier thought that it would be unfair to say that the work of the Committee on Freedom of Association had been useless, but it was certainly true that the situation was a most delicate one and that any further advance should be carefully premeditated.

Looking back on the discussions at the 110th Session, in the course of which both Mr. Jouhaux and he himself had argued that the action taken was neither thorough enough nor rapid enough, one was bound to notice that substantial progress had nevertheless been made along the desired lines and that a point had now been reached when the procedure followed should be reviewed for the purpose of drawing helpful conclusions for the future. Personally he believed that the Committee on Freedom of Association might usefully be instructed to review the problem and to submit its conclusions to a later session. In fact the Committee had already begun such a review in respect of a problem which was perhaps one of the most delicate of all those arising in the field of freedom of association.

The Committee had examined the documents on the cases referred to it and had tried to complete them by securing additional information. It might have taken the view that its task ended there and then passed the cases on to the Governing Body, which in turn might simply have referred them to the Fact-Finding and Conciliation Commission which, after consulting the government concerned, would in many cases have found that its jurisdiction was not accepted. At that stage the case would have continued on its way to the Economic and Social Council, or perhaps to the United Nations Assembly or the International Labour Conference, and the whole procedure would have proved futile. That was a position which the Committee had tried to forestall. It was true that the Committee was not competent to take decisions, but it had discreetly expressed an opinion on the facts laid before it, and in this connection he wished to congratulate Mr. Jenks who had brought out certain facts in measured terms. The Committee had not stopped there: in the light of the information it had collected it had also made recommendations on the action to be taken. In that sense the Committee on Freedom of Association had been instrumental in giving moral support to governments by pointing out to those which were hesitating on the right course of action what they ought to do. Here again the Committee's activities had gone much further than had been contemplated at the 110th Session of the Governing Body. The section of the report relating to the action taken on these recommendations included certain proposals addressed to the Governing Body; if those proposals were adopted, the Governing Body would confirm its own right to give advice to governments and at the same time it would instruct the Committee to follow up the action taken on that advice and to direct the Office's activities towards ensuring its application.

This procedure was similar to the existing procedure in respect of Conventions and Recommendations adopted by the International Labour Conference. In the latter case the Office asked countries which had ratified Conventions to report any difficul-