

DAG-5/2.1

ECOSOC -2 Benson's memo and attachments - Documentation

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# ECOSOC

1. Agenda items of interest to TRI/NSGT'S
2. Benson's memo and attachments re documentation
3. Report - Fund for Economic Development

R. J. Bunche

0169 -  
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ECOSOC

16 June 1953

Mr. Wilfrid Benson

Ralph J. Bunche

ECOSOC.-

With reference to your memo of June 11  
I will arrange for the documentation pertaining  
to the agenda items in which your Division is  
particularly interested to be sent to you at the  
earliest possible moment.



UNITED NATIONS



NATIONS UNIES

## INTEROFFICE MEMORANDUM

FILE NO. \_\_\_\_\_

DATE 11 June 1953

TO: Dr. Ralph J. Bunche

FROM: Wilfrid Benson *WFB*

SUBJECT:

As in previous years my Division will submit to the Committee a paper on international collaboration with regard to economic, social and educational conditions, similar to that prepared in 1952. A copy of the latter is enclosed for your information, and your attention is drawn in particular to Section III of the text.

We shall also prepare, as before, information on technical assistance and associate membership.

For the material for these memoranda we have to rely mainly on recommendations, resolutions and, in some cases, summary records of the 15th and 16th sessions of ECOSOC. You know how badly the Dual Distribution has functioned, and the document has to be ready, at the latest, in the last days of July.

It would be greatly appreciated if you could see that relevant documentation, as it appears, is sent to this Division by pouch from Geneva regularly and promptly. To facilitate your task I attach a copy of the provisional agenda of the ECOSOC and have marked those subjects that are of high priority by two asterisks. The documentation thereon should reach us, if possible, in complete sets and without delay.<sup>21</sup> Subjects marked with one asterisk are important but documentation on them need not be rushed. Documentation on those subjects which are unmarked can wait for normal distribution.

<sup>21</sup> French & English where available.



**Agenda item 14: Social advancement in Trust Territories (General Assembly resolution 323 (IV)):  
reports of the International Labour Organisation on migrant labour and penal sanctions for  
breach of contract by indigenous inhabitants**

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**DOCUMENT T/984**

**Letter dated 3 April 1952 from the Assistant Director-General of the International Labour Office to the Secretary-General: migrant labour**

[Original text: English]  
[5 May 1952]

*Note by the Secretariat:* The Assistant Director-General has indicated that the documents referred to in the fourth paragraph of his letter are being sent under separate cover. They will be transmitted to the Trusteeship Council when they have been received.

I have the honour to send you on behalf of the Director-General of the International Labour Office, for the information of the Trusteeship Council, a note dealing with the action taken by the ILO in relation to migrant labour in non-metropolitan, including Trust, Territories.

Reference has already been made to this subject in my letter [T/927] to you of 21 June 1951 which indicated the action already taken and envisaged by the ILO in the matter. The information now supplied is communicated in accordance with the undertaking given by the Director-General in the course of the sixth session of the Trusteeship Council and to meet the wishes expressed by the General Assembly of the United Nations in its resolution 323 (IV) of 15 November 1949 and by the Trusteeship Council in resolution 127 (VI).

The attached note gives certain details in regard to the work recently undertaken by the ILO on the subject and in particular indicates the nature of the conclusions and recommendations of the ILO Committee of Experts on Social Policy in Non-Metropolitan Territories, which met from 26 November to 8 December 1951.

Also enclosed are copies of (1) a report on the matter prepared by the Office for the Committee of Experts (CNT/2/III), together with supplementary

information supplied by Mr. M. Smuts, the South African member of the Committee, and by Mr. W. Gemmill, representative of the employers' group of the Governing Body at the Committee; (2) the report of the Committee of Experts relating to the migrant labour problem (G.B.118/3/1, 118th session). Attention is drawn to the indications given in the note and in the report of the Committee as to the views expressed by Mr. Smuts and Mr. Gemmill.

**INTERNATIONAL LABOUR OFFICE, NOTE FOR THE TRUSTEESHIP COUNCIL IN REGARD TO MEASURES TAKEN BY THE ILO TO DEAL WITH THE PROBLEM OF MIGRANT LABOUR IN NON-METROPOLITAN TERRITORIES**

To meet the desire expressed by the General Assembly of the United Nations in its resolution 323 (IV) of 15 November 1949 in regard to social progress in Trust Territories and by the Trusteeship Council in resolution 127 (VI), the International Labour Office informed the Secretary-General of the United Nations, by letter of 21 June 1951 (T/927), of the measures taken by the ILO in relation to the problem of migrant labour in non-metropolitan territories. A note attached to that letter indicated that the Director-General of the ILO had already given assurance to the Trusteeship Council that the Office was continuing to study this question, that it



proposed to follow up those studies by on-the-spot consultations and investigations with the co-operation of some of the authorities concerned in Africa in the course of 1950 and to discuss the whole matter with the ILO Committee of Experts on Social Policy in Non-Metropolitan Territories in the course of 1951. The note went on to say that three officials of the ILO had accordingly visited various territories in Africa in the summer of 1950 and had gathered a considerable amount of information on migrant labour. They had also laid a paper before, and had taken part in the discussions on the subject at, the Inter-African Labour Conference in Elisabethville, Belgian Congo, in July 1950.

The information gathered in Africa and the other studies undertaken by the Office enabled a detailed report on the problem to be prepared which was submitted to the Committee of Experts on Social Policy in Non-Metropolitan Territories, which met in Geneva from 26 November to 8 December 1951. Copy of that Office report (CNT/2/III) is attached to this note, together with further information in regard to the conditions in the Union of South Africa supplied to the Committee by Mr. M. Smuts, the South African expert, and a note on the migrant labour policy of the Witwatersrand Gold Mines presented by Mr. W. Gemmill, the representative of the employers' group of the Governing Body at the Committee.<sup>1</sup>

There is also attached the report of the Committee itself dealing with migrant labour, together with a series of conclusions, certain of which deal with the improvement of conditions of life of inhabitants in rural areas from which migrants come and others with the protection of migrant workers in the course of their journeys and during their periods of employment. The conclusions of the Committee on the former point (conditions of life in rural areas) have as their starting point the belief of the experts that the migrations of workers (particularly those of African workers) are largely caused by the unsatisfactory economic and social conditions prevailing in many of the rural areas and that measures designed to solve the problem of migration should start in the rural areas. Accordingly, the Committee adopted a series of conclusions which are set out in appendix I of the report calling on the governments concerned to intensify the efforts they are already making to improve social and economic conditions in these rural areas and, where necessary, to invite regional or international organizations, including the ILO, to co-operate in the study of the problems, in working out solutions and in their implementation by providing technical and financial assistance. The Committee then enumerated a series of points which should be given full consideration in connexion with any policies designed to raise the economic and social level of the rural communities from which the migrant workers come.

<sup>1</sup> Three members of the Governing Body attended the meetings of the Committee of Experts representing, respectively, the Government, employers' and workers' groups. They made it clear in the course of the discussions that they were not parties to nor had responsibility for the report and recommendations of the Committee either in respect of migrant labour or any of the other matters discussed by it.

The Committee, in addition, considered that further steps should be taken for the protection of migrant workers on their journeys and during their periods of employment. It accordingly adopted a series of conclusions with that end in view. These call for intensive and continuous regional, bilateral and unilateral consideration by governments of the problems of migrant workers with a view to appropriate regulation and adequate provision for migrant workers and their families, whether recruited in their own districts or otherwise engaged on contract, or presenting themselves voluntarily at the place of employment. The points to be covered should include measures to secure the welfare of workers on their journeys, medical examination before and after employment, satisfactory wages and conditions, welfare arrangements, provision for remittances to the worker's family, deferred pay and for the return of the worker to his home.

The Committee considered that the special question of migrations which are not subject or amenable to control should be dealt with unilaterally, bilaterally or regionally with a view to achieving a progressive limitation of such migrations but that meanwhile the workers concerned should, as far as practicable, receive protection similar to that afforded to other migrant workers. The general aim of policy should be that "workers should wherever practicable be established permanently in residence with their families at or near their places of employment, except where permanent employment is clearly against the interest of the worker and of his family, or of the economies of the territories concerned".

To achieve these aims the Committee considered that governments should consider the advisability of such measures as development of town planning and housing programmes, further steps for the fixing and protection of wages; the setting up of public employment service systems where appropriate; further development of vocational and technical training, including apprenticeship schemes and in-plant training; further provisions for the access of indigenous workers to skilled employment (on which the South African expert made certain reservations); full rights of association of indigenous workers and freedom for all legitimate trade union activities; further development of welfare measures for workers and their families; development of co-operative undertakings; initial measures of social security and measures to promote permanent settlement.

The Committee suggested that the Governing Body of the ILO should examine the possibility of submitting its conclusions in regard to the protection of migrant workers on their journeys and during their periods of employment (appendix II of the report) to a future session of the International Labour Conference with a view to the adoption of a recommendation on the subject. The report of the Committee of Experts was considered by the Governing Body at its 118th session, in March 1952, and the following decisions were taken: on the first point (improvement of conditions of life in rural areas — appendix I), to authorize the Director-General to communicate the texts of the conclusions to the governments of the member States concerned and to appropriate international organizations; on the second point (protection of migrant workers on their journeys and during



their periods of employment — appendix II), to agree that the matter should be brought again to its attention when it proceeds to consider the agenda of the thirty-seventh session of the International Labour Conference

(1954) and meanwhile to authorize the communication of the conclusions of the Committee to the governments of the member States concerned and to the Trusteeship Council.

### DOCUMENT T/985

#### Letter dated 3 April 1952 from the Assistant Director-General of the International Labour Office to the Secretary-General: penal sanctions for breach of contract by indigenous inhabitants

[Original text: English]  
[5 May 1952]

I have the honour to refer to my letter [T/927] of 21 June 1951 with which was transmitted to you a note dealing with the situation at that time in relation to the request contained in Trusteeship Council resolution 127 (VI) for the expert advice of the International Labour Organisation on the problem of penal sanctions for breach of labour contracts by indigenous inhabitants.

I have now pleasure in sending you a further note on the steps taken in the matter by the International Labour Office since that date, together with the report of the ILO Committee of Experts on Social Policy in Non-Metropolitan Territories, relating to penal sanctions, which is referred to in the note.

#### INTERNATIONAL LABOUR OFFICE. RELATIONS WITH THE TRUSTEESHIP COUNCIL IN REGARD TO PENAL SANCTIONS FOR BREACH OF LABOUR CONTRACTS BY INDIGENOUS INHABITANTS

By letter addressed to the Secretary-General of the United Nations on 21 June 1951, (T/927) the ILO informed him of the measures taken to meet the desire expressed by the General Assembly of the United Nations, in its resolution 323 (IV) of 15 November 1949, in regard to social progress in Trust Territories and by the Trusteeship Council in its resolution 127 (VI). These two resolutions underlined the interest which the United Nations attach to the solution, among others, of the problem of penal sanctions for breach of labour contracts by indigenous inhabitants and the latter resolution requested the expert advice of the International Labour Organisation on the problem.

The letter of 21 June referred to indicated that the Governing Body of the ILO, to which the Trusteeship Council's request had been submitted, had decided to approach States members of the organization concerned with the subject of the Penal Sanctions (Indigenous Workers) Convention (No. 65), of 1939, with a view to securing details of their current law and practice, together with indications of the difficulties which prevent its fuller ratification. The note added that the replies received from member States indicated that while progress had been made in regard to certain territories and that there were possibilities of further ratifications, there were still problems to be solved in this connexion. The Governing Body therefore decided that a full statement of the position in regard not only to Trust Territories but to all territories concerned should be laid before the ILO Committee of Experts on Social Policy in Non-Metropolitan Territories for its expert advice.

The Committee of Experts met from 26 November to 8 December 1951 and, after fully reviewing the present position in law and practice in the countries concerned, made recommendations for further action, of which the following is a summary:

"(1) That the Governing Body should address to States members concerned a communication calling attention to the terms of the 1939 Convention and inviting countries which have not ratified it to give reconsideration to the possibility of doing so at an early date; directing attention to the advances which have been made in many territories since the 1939 Convention was adopted, to the evidence which they provide that the abolition of penal sanctions is now practicable and to the views of the Committee as to the wrongness of penal sanctions on moral grounds, their ineffectiveness in practice and the very cogent reasons which exist for their immediate and general abolition;

"(2) That the Governing Body should consider whether the 1939 Convention might be supplemented by a Recommendation providing for:

(a) The immediate abolition of sanctions of a penal nature in connexion with women workers and certain other categories and in respect of certain types of breaches of contract;

(b) The abolition of all penal sanctions not later than 31 December 1955;

(c) Periodic reports and statistics to the ILO as to the progress being made towards abolition of all penal sanctions."

A copy of the report of the Committee of Experts giving a summary of the present position in law and practice and setting out in detail the conclusions and recommendations of the Committee of Experts is attached<sup>2</sup> to this note.

The Governing Body, having considered the recommendations of the Committee of Experts at its 118th session (11-14 March 1952), authorized the Director-General to communicate to the governments of the member States concerned and to the Trusteeship Council the views of the Committee of Experts and its recommendations for further action. Moreover, the Governing Body agreed that the question of penal sanctions for breach of contracts of employment by indigenous workers should be brought again to its attention when it proceeds to consider the agenda of the 37th session of the International Labour Conference (1954).

<sup>2</sup> For the text of the Report of the Committee of Experts, see International Labour Office, G.B.118/3/1, 118th Session.

**Check list of documents**

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T/984/Add.1	Addendum		This document reproduces paras. 34 to 102 and appendices I and II of ILO document G.B.118/3/1
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See Martin Hill

The following items of the agenda of the sixteenth session of the Economic and Social Council will be of interest to the Department of Trusteeship and Information from Non-self-Governing Territories:

2. Full employment

(c) report by the Secretary-General under Council resolution

426B(XIV), economic development of under-developed countries.

Since this item deals with under-developed countries it will be of interest to the Trusteeship Division and to the Division of Non-Self-Governing Territories.

3. Economic development of under-developed countries

The discussion of this item will be of greater importance to both Divisions of the Department.

9. Report of the Social Commission

The General Assembly at its seventh session invited the Secretary-General to communicate the report on social conditions in Non-Self-Governing Territories to the Economic and Social Council. This report will be probably discussed in the Social Commission and then in the Economic and Social Council under item 9 of its agenda.

10. Report of the group of experts on international definition and measurement of standard of living.

In view of the numerous decisions of the Trusteeship Council on conducting standard of living studies in the Trust Territories and in view of Resolution of the General Assembly on social conditions in Non-Self-Governing Territories, the report of the group of experts may be of great interest to the Department as a whole.

12. Report of the Commission on Human Rights

The Commission on Human Rights will probably discuss the question of self-determination which is of great importance to the Trusteeship Department. This question will then be discussed in the Economic and Social Council.

15. Forced labour

Under resolution 127(VI) of the Trusteeship Council the ILO was requested to give expert advice on the problem of penal sanctions for breach of labour contracts and other questions which are connected with this item. This question had to be included on the agenda of the International Labour Conference and may be brought up in the Report of the Ad hoc Committee on Forced Labour.

17. Report of the Commission on the Status of Women

The Commission on the Status of Women deals with the status of women in Trust Territories and Non-Self-Governing Territories. In view of the report of the Visiting Mission to West Africa, 1952 and the documents on the status of women in Trust and Non-Self-Governing Territories prepared by the Secretariat for the use of this Commission, this item will probably be discussed at length in the Committee and then in the Economic and Social Council.

23. Report of the International Labour Organization

In view of the work performed in some Non-Self-Governing and Trust Territories by this specialized agency, the discussions in the Economic and Social Council on this item are of great interest to both divisions of the Department.

(See also explanation to point 15)

24. Report of the Food and Agricultural Organization

(See explanation to point 23)

25. Report of the United Nations Educational, Scientific and Cultural Organization

(See explanation to point 23)

26. Report of the World Health Organization

(See explanation to point 23)