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President: Mr. Juan I. COOKE (Argentina).

Present:

The representatives of the following countries: Argentina, Australia, Belgium, China, Cuba, Czechoslovakia, Ecuador, Egypt, France, India, Norway, Pakistan, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Observers from the following countries: Chile, Costa Rica, Philippines.

The representative of the following specialized agency: International Labour Organisation.

forced labour: reports of the *Ad Hoc* Committee on Forced Labour (E/2153, E/2276, E/2341, E/2431 and Add.1 to 8, E/L.588/Rev.1) (*continued*)

[Agenda item 14]

GENERAL DEBATE (*continued*)

Mr. GALVEZ (Argentina) said that his delegation had been astonished to find that Argentina and the other Latin-American countries were cited in the report of the *Ad Hoc* Committee on Forced Labour (E/2431) as countries in which practices existed which might be regarded as constituting a form of forced labour. Although the Committee had acknowledged that the allegations concerning the Latin-American countries were couched in general terms and that it was consequently not possible to make a detailed study of them, the Argentine delegation could not pass them over in silence. A brief recapitulation of the laws and regulations protecting workers in Argentina would suffice to show how false those allegations were.

With regard to *acasillaje* (payment in kind) referred to in paragraph 217 (e), it should be noted that pursuant to Act No. 11,278, which explicitly prohibited that practice, Argentine employers were bound to pay their workers in legal tender. He gave the provisions of that Act in detail; it strictly regulated wages and prohibited all deductions by the employer except for social security and in certain expressly specified cases. A very strict supervision was exercised and offences were severely punished.

The "labour conditions tantamount to slavery" referred to in paragraph 217 (f) could not exist in the conditions of Argentina, since the working and living conditions of the labour employed on them were gov-

erned by a special statute, the *Estatuto del peón rural*. That statute applied to all enterprises which employed agricultural workers and operated in rural, mountainous or forested areas. The regulations covered the entire existence of agricultural workers, determining wages, housing, feeding, health standards, holidays and rest periods, medical care and discipline. The wage scale was periodically revised in relation to the cost of living. The Ministry of Labour and Welfare, either directly or through its regional branches, carried out investigations on the spot in order to see that the Statute was properly implemented.

4. The Argentine Government was particularly concerned to see that the many labour laws in effect in Argentina were respected. The State itself guaranteed the workers' rights and defended their interests. It ensured living conditions that enabled workers to live decently and to labour effectively for their country's greatness. In the Argentine Government's view, labour was not a commodity, and poverty, wherever it existed, endangered the nation's prosperity.

5. The greatness of every country had always been based on the human element. The chief concern of the State, therefore, was naturally its people. It behoved the State to raise living standards in a way compatible with human dignity, to promote economic progress, to encourage co-operatives and friendly societies and to organize vocational training. The social aims of the Argentine Government were simple: the minimum wage, State welfare work and social security, regulation of work and holidays. Everyone should be paid according to the work he performed, but should be able to lead a decent life.

6. Turning to the joint draft resolution (E/L.588/Rev.1) and the Cuban amendments (E/L.590) he said that his delegation preferred the draft resolution as it stood as it was more in keeping with the views of Argentina.

7. Mr. KOS (Yugoslavia) said that the question of forced labour had long been a subject of international concern. The League of Nations had studied it. The International Labour Organisation had adopted conventions dealing more specifically with freeing the indigenous inhabitants of colonies from exploitation. But despite the time that had elapsed, despite the adoption of the United Nations Charter and the Universal Declaration of Human Rights, the situation had not improved; on the contrary, forced labour had acquired new forms and had added new millions to the list of its victims. Those facts led his delegation to conclude that the question of forced labour should be considered within the widest possible framework.

8. The *Ad Hoc* Committee on Forced Labour had taken as the basis of its work the legislative enactments and the administrative practice of States, but had taken care to keep the governments informed of its findings and to consult them; similarly, it had transmitted to them the information it had drawn from private sources and had sought their opinion of it. In so far as it had been possible, the Committee had endeavoured to work

discreetly and to prevent the use of its activities for propaganda purposes in the interest of particular countries. Finally, although it had confirmed the existence of one form or another of forced labour in some countries (Hungary, Poland, Romania, Spain, Union of South Africa and the USSR), in its general conclusions it had refrained from expressly mentioning any other countries by name and its recommendations were not based on any political considerations. The Yugoslav delegation had wished to emphasize those positive aspects of the *Ad Hoc* Committee's work.

9. Unfortunately, however, the report had a negative aspect. Under its terms of reference (Council resolution 350 (XII)), the Committee had been authorized to take "additional evidence" into consideration if it thought fit besides the texts of laws and regulations and their application. The Yugoslav delegation felt bound to make a reservation regarding the sources from which the additional evidence had been sought. The Committee had collected information from political refugees and organizations which were overtly hostile to a given country and could not be considered objective and trustworthy informants. Evidence of that kind was not admissible in the jurisprudence of many States, and some surprise might be felt that it should have been included in a study conducted under United Nations auspices.

10. The Committee's terms of reference dealt with certain forms of forced labour, doubtless those currently most widespread, but not the only ones. The reason for that limitation of the terms of reference, which was inconsistent with contemporary conditions, could only have been political. The best proof was the fact that the Committee itself had found it impossible to accept that definition of forced labour and had itself defined two separate categories: forced labour for political purposes and forced labour for economic purposes. The Council should draw the pertinent conclusions from that move by the Committee.

11. Unfortunately, the Committee had stopped there. The weakness of its study lay clearly in the fact that it had examined the phenomenon of forced labour not qualitatively—bearing the human element in mind—but, as it were, quantitatively: it recognized the existence of political forced labour only if it amounted to a system. The Yugoslav delegation could not help thinking that the Committee had attached exaggerated importance to the word "system", and that had led it to state that it was competent only in instances in which the existence of forced labour was disclosed by statutes and regulations or by their application and to refuse to take into consideration other forms or instances of forced labour.

12. Nor could the Yugoslav delegation agree with the Committee's decision to take into consideration only instances in which forced labour was an important element in the economy of a country. If that premise were accepted, forced labour could subsist under the auspices of the United Nations itself, provided that it were not extensive; that would obviously be contrary to the basic principles enunciated in the Charter and the Universal Declaration of Human Rights and could only lead to worse disputes and make the solution of a complex problem even harder.

13. The Yugoslav delegation considered that the question of forced labour should be treated from the human angle, not from the political or economic point of view. The Committee should have covered all forms of forced labour and should have taken account of all its phe-

nomena, regardless of their extent or economic effects. To link that question with political considerations could only darken the international horizon even more. He was not intending to preach political appeasement to the extent of claiming that the United Nations should shut its eyes; but to try to exploit the matter for political or ideological purposes would inevitably mean inflicting further hardship on those whom the United Nations was seeking to protect.

14. For that reason the Yugoslav delegation had submitted its amendments (E/L.599) to the joint draft resolution (E/L.588/Rev.1). Their main purpose was to extend the condemnation of forced labour to all forms and instances of that crime.

15. The Yugoslav delegation believed that the first step that ILO should take was to revise the existing conventions so as to bring them into harmony with the principles of the United Nations Charter and the Universal Declaration of Human Rights.

16. His delegation was submitting its amendments in a sincere desire that the United Nations should approach the problem on a truly global scale in order to better man's fate throughout the world.

17. Mr. SPAEY (Belgium) felt it was unnecessary to reiterate that his Government strongly condemned methods of forced labour which were incompatible with respect for the human person, with the United Nations Charter and with the Universal Declaration of Human Rights. However, the report of the *Ad Hoc* Committee on Forced Labour and certain further facts brought up in the course of the current debate seemed to show that in many countries forced labour, employed as a means of political coercion, had become an established institution, often sanctioned by national legislation or by the decisions of the courts. It was particularly regrettable that despite the serious charges made before the Council several countries had not thought it worth their while to give a proper answer to the questionnaires circulated by the Secretary-General. They perhaps hoped thereby to persuade the world that all the charges were baseless, but silence was no answer in the face of so many facts. The Belgian delegation continued to hope that all the countries to which the questionnaire had been sent would reply and would take appropriate steps to put an end to methods which were an affront to the dignity of the human person.

18. Meanwhile so serious a question had to be thoroughly investigated and the Belgian delegation would therefore support the six-Power draft resolution (E/L.588/Rev.1). The Secretary-General and the International Labour Organisation were in a position to continue to examine the question of forced labour with the required objectivity and efficiency and to bring to light the various forms of forced labour in all parts of the world.

19. The Belgian delegation had however to make one reservation. It had on several occasions pointed out that the task of the *Ad Hoc* Committee should be limited to studying and investigating the special form of forced labour carried out in labour camps. It considered that the *Ad Hoc* Committee should not be overburdened with inquiries and studies which were already being carried out by other United Nations organs, particularly the International Labour Organisation, which was achieving most satisfactory results. The Belgian delegation would therefore abstain from voting on paragraph 1 of the operative part of the draft resolution.

0. For similar reasons, he felt that it was neither necessary nor desirable to appoint a rapporteur whose work would duplicate that of the Secretary-General and the International Labour Organisation: he would therefore be unable to support the Cuban amendments (E/L.90).

1. Mr. HSIA (China) congratulated the *Ad Hoc* Committee on its objective and well-documented report E/2431 which revealed the existence of systems of forced labour employed as a means of political coercion for economic purposes. His delegation nevertheless regretted that the report contained no information on Communist China where probably half of the forced labourers in the world could be found. According to its report, the Committee had been unable to study the delegations relating to Albania and Communist China because documentary material relating to those countries, particularly the laws and regulations, had not been sent or submitted and could not be obtained by the Committee. The Committee's limited terms of reference, which required it to study the nature and extent of the problem of forced labour by examining the texts of laws and regulations and their application, had been one of the greatest handicaps in carrying out its function. The Council should realize that in countries under Communist control the laws and regulations, if any, were rather meaningless. They were as a rule formulated in vague terms in order to suit the purpose of arbitrary prosecution. It was often in such lawlessness that forced labour existed.

2. In order to fill in one of the gaps in the report he could present to the Council some recent information about the situation in Communist China. Forced labour as being practised not in accordance with any specific laws and regulations but through administrative practices based on: first, the "common programme"; secondly, the Statute on the Punishment of Counter-revolutionaries; and thirdly, policies advocated by the Communist leaders.

3. The "common programme" adopted by the People's Political Consultative Conference in September 1949 provided that the reactionary elements, feudalistic landlords and bureaucratic capitalists, after being deprived of their political rights, should be compelled to form through labour. That was a frank admission that labour was being employed as a means of political coercion. The Statute on the Punishment of Counter-revolutionaries was promulgated in February 1951. The definition of counter-revolutionaries was so arbitrary that any person considered undesirable by the Communists could be prosecuted. As to the policies advocated by the Communist leaders, he quoted a statement by Chou En-lai, the Communist Prime Minister, to the effect that some counter-revolutionaries who had been condemned to death would have their execution deferred for a period of two years during which they would do forced labour on probation.

4. During the eighth session of the General Assembly, the Chinese delegation had pointed out that the number of people engaged in forced labour in Communist China was over 6,000,000. According to information compiled more recently by the Chinese Federation of Labour, in five public projects alone the number of forced labourers employed was 7,150,000, and the total number of people involved in such projects was estimated at 24,000,000. Most of those labourers were working from twelve to fourteen hours a day and those labour camps were mostly known by their serial

numbers instead of by their names. The labour unions were under the control of Communist secret agents and had become an integral part of the régime. Communist China today was a vast labour camp. Forced labour was being employed not only as a means of political coercion or for economic purposes but also to build up military strength for expansionism, so that it constituted a threat to peace. It was the exploitation of the labourers that had made it possible for the Communists to engage in aggression first in Korea and then in Indo-China.

25. With regard to future work on the problem, the Chinese delegation wished to make certain suggestions. First, systems of forced labour in any of their forms should be emphatically and openly condemned by the United Nations. Secondly, governments, particularly Communist régimes, of those countries where systems of forced labour prevailed, should be requested to re-examine their laws and practices with a view to abolishing such systems. Thirdly, a standing body should be established to watch the forced labour situation in different parts of the world and to recommend measures that might be taken by the United Nations to expedite the abolition of such systems. The body might be established as a standing committee of the General Assembly; it should continue the work of the *Ad Hoc* Committee and collect additional information, especially regarding those countries which were not covered by the report, and should submit recommendations to the United Nations. It should have wider terms of reference than the existing *Ad Hoc* Committee so as to permit it to investigate not only laws and regulations but also practices of forced labour with or without legal basis. Fourthly, the co-operation of the specialized agencies and non-governmental organizations should be further strengthened. In that connexion he wished to pay a tribute to the International Labour Organisation, which had taken part in the work of the *Ad Hoc* Committee and manifested a continuing interest in the question of forced labour as shown by the decisions of its Governing Body in November 1953. He would also draw the Council's attention to the contribution made by the non-governmental organizations such as the International Confederation of Free Trade Unions, the Nouvelles équipes internationales and the International Commission against Concentration Camp Practices.

26. In conclusion he stressed that the problem of forced labour was of the utmost importance not only because it involved fundamental human rights and the dignity of the human person but also because it endangered peace and security among nations. Peoples all over the world were looking to the United Nations with great expectations and the Council was under an obligation to see that systems of forced labour, in any of their forms, were abolished.

27. Mr. PEREZ PEROZO (Venezuela) wished first to pay a tribute to the members of the *Ad Hoc* Committee on Forced Labour whose competence, impartiality and integrity deserved the highest praise. The work done by the *Ad Hoc* Committee was an important contribution to the struggle against the evil of forced labour and the report submitted to the Council contained invaluable evidence.

28. On a number of occasions, the Venezuelan delegation to the United Nations had already expressed its formal condemnation of forced labour, which was a practice contrary to the spirit and letter of the Charter, the Universal Declaration of Human Rights and other international instruments and one of the most infamous

attacks on the dignity of the human person. The representatives of the Union of Soviet Socialist Republics and of Poland and the representatives of the World Federation of Trade Unions had alleged at previous sessions of the Council that forced labour existed in nine countries of Latin America, including Venezuela. That was perhaps their way of replying to the similar charges made against the Soviet Union. Those criticisms had not, however, emanated from any of the nine countries concerned, most of which had not been members of the Council at that time. There had been no provocation on their part to justify the quite gratuitous attacks made against them. In its report (E/2431) the *Ad Hoc* Committee had dealt effectively with those allegations; the conclusions stated in paragraph 247 were explicit: examination did not reveal the existence in any of those nine Latin American countries of a system of forced labour within the meaning of the Committee's terms of reference.

29. So far as concerned Venezuela more particularly, he drew attention to his Government's comments (E/2431/Add.8) submitted in a note dated 25 February 1954. The *Ad Hoc* Committee, whose report had been published on 27 May 1953, had not even needed the information provided by the Venezuelan Government to realize how insubstantial were the charges made against the nine Latin-American countries. The additional information thus provided might, however, be useful to the Council and help it to decide exactly how the problem as a whole was to be studied.

30. Those who had spoken of forced labour in Latin America had, to say the least, been guilty of an anachronism; but, not satisfied with confusing different periods of history, they had indulged in abusive generalizations. First, they had ascribed to contemporaries practices belonging to a vanished past, sad remains of the colonial system in America; secondly, they had claimed to discern the features of an organized economic system in a number of isolated facts which were so rare, so contrary to the laws and customs of the States in question that they could not, when they occurred, have any influence on the country's economy.

31. The very names given to the institutions in question had an archaic flavour. The practices involved, all of which affected agricultural workers and had an obviously feudal origin, had been introduced into America by the European colonizers. They had corresponded to certain political, economic and social conditions which had since disappeared. Those conditions had included the predominance of agriculture and cattle-farming, lack of communications, the existence of latifundia and the indifference of the State to the needs of the underprivileged classes. The development of labour legislation, so advanced in the Latin-American countries, increasing industrialization, the extension of communications, the anti-illiteracy campaign and a judicious immigration policy had contributed to the disappearance of the practices in question. If there were still some remains of those institutions in certain Latin-American countries, they certainly did not amount to forced labour as understood by the Council in the terms of reference it had given the *Ad Hoc* Committees (Council resolution 350 (XII)); and the Committee had explicitly affirmed as much in its report. The real test was the attitude of the State. *Pongueaje*, *colonato* and *huasicamia* and the other practices mentioned were undoubtedly examples of wrongful exploitation of man by man; where they occurred in Latin America, they invariably violated the

laws and conflicted with the will of the State. In the case of such practices, the same was true as of other wrongs done by one person to another; the injured party could always claim the protection of the State. The kind of forced labour with which the Committee had been concerned, however, was the kind imposed by the State. In such cases, there was no higher instance to which the victim could have recourse. It was the State which refused him fair wages, denied him the right to leisure, holidays, adequate food, medical attention and social security. When countries applied so harmful a system to a large number of human beings, either in the economic interests of the State, or to eliminate political opposition, it was a tragic irony that those countries should be accused of forced labour on the basis of the insignificant remnants of obsolete practices.

32. The representative of the WFTU had spoken of *aparceria*, which, he had added, was called *conuco* in Venezuela. In the observations it had sent to the Secretary-General, the Venezuelan Government had explained that the practice in question had been a feature of an earlier stage in the country's agricultural development, and that in any case it had never represented a form of forced labour in the proper sense of the term. The worker had been free to seek employment wherever he liked; he had been the owner of his tools and of what he produced. One would like to be able to say the same about the people subjected to the systems which the *Ad Hoc* Committee had studied.

33. He would like to add that even if it were assumed—mistakenly—that not all the workers in Venezuela enjoyed the protection of the laws and the active care of the authorities, the prevailing shortage of farmland would be enough to prevent any kind of forced labour. Everyone knew that where manpower was immobile, the difficulty of finding employment was the reason why workers accepted unfavourable conditions of work. In Venezuela, the high wages paid in the petroleum industry had attracted the peasants to the centres where work was best paid. That process had been intensified by the industrialization of the country and the development of the building industry in towns and particularly in the capital. In view of the facilities provided by a remarkably well-organized system of communications, it was obvious that nothing would force the Venezuelan agricultural workers to endure unsatisfactory conditions of work in the rural areas if they knew they could find so many advantages elsewhere. Besides, he repeated, the question did not even arise, in view of the effective protection enjoyed by the workers in the country.

34. He reserved the right to speak later in the debate if necessary.

35. His delegation supported the moderately and objectively worded six-Power draft resolution (E/L.58 Rev.1).

36. Mr. ISA (Pakistan) thanked the members of the *Ad Hoc* Committee for their excellent report.

37. It was deplorable to find that in the twentieth century forced labour still existed in some countries, where it was used for political or economic purposes. In those countries the political opponents of the régime were liable to suffer a fate worse than slavery, because the slave-owner of old had regarded his slaves as personal property and had therefore looked after their health.

8. In Pakistan, no person was liable to compulsion; the people enjoyed full freedom. No law and no administrative regulation authorized the use of forced labour as a penalty or means of correction or in any other way; and practice conformed to the law. Furthermore, the laws were enacted by freely elected representatives; there was universal suffrage and all adults, of both sexes, had the right to vote. In those circumstances, coercion was practically unthinkable.

9. Accordingly, his delegation naturally condemned all forms of forced labour. It supported the six-Power draft resolution (E/L.588/Rev.1).

10. Mr. LOOMES (Australia) said he was sorry the Council still had to discuss a matter which was a sad anachronism.

11. The *Ad Hoc* Committee of Forced Labour and its chairman, Sir Ramaswami Mudaliar, deserved to be congratulated on the conscientious and objective way in which they had carried out their important and delicate task. Their report was remarkable for its impartiality and would be of great value to the Council. It was regrettable, however, that the *Ad Hoc* Committee had not obtained all the co-operation it should have received from some countries, whose silence could be regarded as significant.

12. The information the Committee had been able to collect—and the Australian delegation regarded it as evidence, in the legal sense of the term—proved that forced labour still existed in some parts of the world. Admittedly, not all countries had the same idea of civilization, but there was one concept common to them all: that of the worth of the human person as proclaimed in the Preamble to the Charter and in the Universal Declaration of Human Rights. Those two texts should guide the policy of States and inspire not only their work—which meant their constitutions and laws—but also their acts—which meant their daily practice.

13. Acceptance of the Charter and the Universal Declaration carried with it the duty to abolish forced labour everywhere and in whatever form it arose. In that respect, ILO was doing splendid work. He referred to the decisions recently taken by the Governing Body of the International Labour Office (E/2431/Add.2) in connexion with the *Ad Hoc* Committee's report; he hoped that ILO would continue its efforts in that direction.

14. Australia would endorse whatever action the Council took, within the limits of its competence, to put an end to forced labour. It approved, in particular, of the idea of an appeal to be addressed to governments as recommended by the *Ad Hoc* Committee. Indeed, the Council's work would only be successful in so far as all the governments would be prepared to give it their full support.

15. His delegation would therefore vote for the joint draft resolution (E/L.588/Rev.1), which had the same purpose as the Cuban amendments (E/L.590), but provided for a better method of work.

16. He reserved the right to speak again on the Yugoslav amendments (E/L.599) after they had been discussed further.

17. The PRESIDENT proposed that the Council should hear the representatives of non-governmental organizations who had asked to make statements under article 86 of the rules of procedure.

18. It was so decided.

48. Miss SENDER (International Confederation of Free Trade Unions) said forced labour would inevitably remain on the Council's agenda so long as the system still existed not only in the Non-Self-Governing Territories but also in sovereign countries where, as proved by many documents and other evidence, it was still more widespread.

49. The *Ad Hoc* Committee's study proved that the accusations made several years earlier had been correct and that the principles which the United Nations stood for were being violated in a number of countries. The *Ad Hoc* Committee had endeavoured to collect all the relevant documentary material and governments and other authorities had been given every possibility of replying to the accusations made against them. It was the Council's duty to study with the same objectivity the legislation and the evidence analysed in the *Ad Hoc* Committee's report.

50. The Communist leaders had made every effort to create the impression that all the accusations of forced labour brought against their governments had been inspired by hatred for their system of government. The Polish and Soviet Governments had described the allegations relating to their countries as slanders. The only way in which the USSR could convince the world that there was no forced labour in its territory would be to permit an investigation on the spot.

51. Her organization had transmitted to the *Ad Hoc* Committee documentary material which could not be disposed of by calling it slanders and lies. The value of that material consisted in the fact that it showed that the system of forced labour was introduced into every country which fell under Soviet domination. Apparently Communist governments could only stay in power by keeping the dominated peoples in constant fear of being deported.

52. In particular, the International Confederation of Free Trade Unions had received evidence from former Polish and Ukrainian political prisoners. In that way it had obtained information about the conditions prevailing in the Warsaw forced labour camp No. 1. Life in that camp was governed by extremely strict discipline. There were very high work norms and the prisoners were paid negligible wages. The ICFTU had also received the testimony of a Hungarian who had been sentenced to four years' imprisonment for having attempted to cross into Austria and had been sent to the forced labour camp at Szabadszallas. According to that witness, the prisoners had to do very heavy work for eleven hours a day. Those who did not fulfill their quota were sent back to prison. As a result of various deductions the prisoners received only a very small part of their wage. The food rations were very inadequate in view of the work which the prisoners had to perform and accommodation was very poor. That witness had also referred to the existence of several other forced labour camps.

53. She then quoted an article published by a Peking newspaper in October 1951 in which the Minister of Public Security had said that a large number of persons had been sentenced to corrective forced labour and described the aims of the system, to which he attached the greatest political and economic importance.

54. The ICFTU also had documentary material concerning a strike which had broken out in the camp of Vorkuta in the Soviet Union; she was prepared to

supply the Council with a detailed report on the occurrence.

55. The answer to those still not convinced by the evidence was that it was open to the countries accused of practising forced labour to refute the charge by authorizing the publication of precise statistics and permitting a commission appointed by ILO to carry out an inquiry on the spot.

56. The Governing Body of the International Labour Office had already taken various decisions in connexion with the report of the *Ad Hoc* Committee (E/2431/Add.2).

57. It was now for the Economic and Social Council to consider what steps should be taken to do away with all systems of forced labour. As forced labour was a means both of political coercion and of economic exploitation, the United Nations should work in close co-operation with ILO. As stated by the *Ad Hoc* Committee in its report, an earnest appeal should first be addressed to all governments concerned to re-examine their laws and administrative practices in the light of existing conditions and the increasing desire of the peoples of the world to reaffirm their faith in fundamental human rights and in the dignity and worth of the human person.

58. The problems created in the Non-Self-Governing Territories by compulsory labour recruiting, the length of contracts of employment, penalties for breaches of such contracts and other measures had formed the subject of a number of recommendations made and conventions prepared by ILO. Apparently, those problems also existed in countries which were fully self-governing. Hence, as suggested by the *Ad Hoc* Committee, international action should be taken either by framing new conventions or by amending existing conventions, so that they might be applicable to the forced labour conditions found to exist among the workers of fully self-governing countries.

59. A study of that situation should be undertaken at once and a programme worked out in which the United Nations and ILO would co-operate. Possibly such action would not be enough to eradicate forced labour, but the United Nations had other means of action, of an economic nature, which might produce better results.

60. Accordingly, either the *Ad Hoc* Committee should be asked to continue its activity or another small committee with new terms of reference should be appointed. The United Nations should not content itself with having established the existence of forced labour systems; it should endeavour to abolish all forms of forced labour. The fight for human dignity and for the basic freedoms was the duty of all free men. The longing for freedom and human dignity was so strong, even in the soul of the most exploited forced labourer, that in the end it would triumph over totalitarianism.

61. Mr. THORMANN (International Federation of Christian Trade Unions) recalled that after the Second World War with its heavy toll of life the peoples of the world had put all their faith in the international organization set up at San Francisco and in its pledge to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person". Indeed, they knew instinctively that so long as man's longing for dignity, freedom, and freedom from want was not fulfilled, international agreement and co-operation would remain empty words. That explained the warm welcome given to the Universal Declaration of Human Rights at

its proclamation on 10 December 1948: the people of the world saw in it a common ideal towards which all men of goodwill should strive. The Universal Declaration of Human Rights and the United Nations Charter were the most eloquent expression ever given to the highest aspirations of all mankind.

62. It was the more deplorable, therefore, to have to note that in spite of all those solemn pledges nations had not yet given up certain practices which disregarded the most fundamental freedoms. The *Ad Hoc* Committee's inquiry unfortunately showed beyond any doubt that there were still countries which applied forced labour systems, either as a form of political coercion or punishment or for economic reasons.

63. The *Ad Hoc* Committee had produced an excellent informative and objective report. His organization endorsed the conclusions appearing in paragraphs 548 to 561 of that report, but hoped that its publication would not end the Committee's work. As it had itself pointed out, it had not always been able to obtain the information necessary for forming conclusions concerning the *de jure* and the *de facto* situation prevailing in particular countries; in any case, the situation might well alter. He supported the idea of appealing to all governments concerned to re-examine their laws and administrative practices in the light of existing conditions and the increasing desire of the peoples of the world to reaffirm faith in fundamental human rights and the dignity and worth of the human person.

64. As a trade-union organization, the Federation was particularly concerned with the system of forced labour applied for economic purposes and had carefully examined the *Ad Hoc* Committee's conclusions on that point. It supported fully the recommendation that governments which had not already done so should be invited to ratify the ILO conventions as early as possible, particularly Convention No. 29 concerning Forced or Compulsory Labour. It also shared the *Ad Hoc* Committee's view that the problems raised by compulsory labour, labour recruitment, the length of contracts of employment, the penalties for breaches of such contracts and other measures, which had been considered mainly in connexion with "indigenous" workers, should also be considered in relation to workers in self-governing countries.

65. The Federation had noted with satisfaction some recent decisions of the Governing Body of the International Labour Office, particularly its decision to place on the agenda for the 37th session of the General Conference the question of penal sanctions for breaches of contract of employment. It could be taken for granted that ILO would continue, within the limits of its competence, to press for the abolition of the objectionable institution of forced labour.

66. However, ILO would be sure of obtaining the best results through close co-operation with the United Nations, and the latter should most solemnly reaffirm how seriously it regarded the matter, for certain types of forced labour, such as forced labour as a means of political coercion, might fall outside the competence of ILO, and the United Nations would be betraying the trust placed in it by millions of people if it ignored such flagrant violations of human rights. For that reason the Council should devise a procedure to enable the United Nations to discharge its responsibilities in the matter. Such a procedure should be conceived in such a way that the United Nations and ILO could take into account not only the opinions of governments and spe-

alized agencies but also the views of accredited non-governmental organizations. No source of possible assistance should be neglected in dealing with so important a task.

7. Mr. DESSAU (World Federation of Trade Unions) said that his Federation was directly interested in the effective elimination of forced labour in all its forms, that it had taken an active part in the Council's debates on forced labour and in particular that it had applied a series of detailed reports.

8. The time had come for a general appraisal of the Council's action in the light of the report of the *Ad Hoc* Committee on Forced Labour, which had been produced on the lines laid down in resolution 350 (XII). The World Federation of Trade Unions had carefully studied the report and had also sent extracts from it to various trade-union organizations with a request for comments. The views which he was submitting were based on the replies of those organizations.

9. A first general observation was that the *Ad Hoc* Committee's conclusions bore no relation to the facts, however incomplete, given in the report. In several instances the Committee had described forced labour practices and had then immediately proceeded to conclude that forced labour did not exist in the countries or territories concerned. A number of arguments had been used to justify such contradictions; for instance, the Committee stated that the practices discovered did not play an important part in the economy of the countries concerned and that therefore there was no forced labour. It had proceeded in that way in dealing with certain facts reported in Ruandi-Urundi (paragraphs 108 to 114 of the report), Paraguay (paragraph 239), certain Latin-American countries, (paragraph 223), the Cameroons and Nigeria (paragraphs 468, 469 and 470), Nigeria separately (paragraph 487), Malaya (paragraph 478), Tanganyika (paragraph 483), Southern Rhodesia (paragraphs 489 and 490) and Kenya (paragraph 494). It was difficult to accept the Committee's refusal to recognize such forced labour practices for what they were without having made an inquiry into the actual situation.

10. In other passages in its report the Committee spoke of legislative provisions which made forced labour unlawful, but apparently it had not bothered to inquire whether the legislation cited was applied in practice or not. On the other hand, in several instances it said that provisions introducing forced labour were not applied. That being so, the report lost all claim to being an objective document. For example, the Committee mentioned legislation forbidding forced labour in New Guinea (paragraph 92 of the report), French-administered territories, Sierra Leone and Northern Rhodesia; yet the WFTU had recently received evidence proving that in some of those territories the provisions in question were not being applied properly. Accordingly, the conclusions given in the report did not agree with the facts. As the Indian representative had said at the eighth session of the General Assembly, it was not enough for forced labour to be forbidden by statute.

11. Nor had the Committee reported what were the effects of legislation instituting forced labour in various forms; instead it had simply said that, if applied, the legislation might give rise to forced labour systems. That was the attitude it had taken with regard to Nauru (paragraph 86 of the report), the Belgian Congo (para-

graphs 103 and 107), Mozambique, the Union of South Africa and Kenya (paragraph 496).

72. In some instances the Committee had noted the existence of laws and regulations instituting forced labour, but had stated that it had no evidence from which to conclude that forced labour in fact existed; examples were its comments on Ruanda-Urundi (paragraph 110 of the report) and in respect of Portuguese non-metropolitan territories (paragraph 271)—which again suggested that it had not seriously inquired into situations affecting a large body of workers.

73. Finally, the report by no means reflected the actual state of affairs in colonial territories and under-developed countries, areas in which forced labour was common practice. Some countries were not even mentioned, and in the case of others, the information given referred only to partial or secondary aspects of the matter. Generally speaking, the Committee had supplied no reliable information concerning the application of forced labour legislation, the number of workers involved, or the inhuman living conditions forced upon those unfortunates. The trade-union organizations noted, however, that forced labour existed in the colonial territories and under-developed countries, that it was perpetuated and extended in those countries by representatives of financial interests and colonialists who were determined to exploit the workers to the utmost, and that it took various forms, including all sorts of enforced tasks, penalties, enforcement measures to secure the payment of taxes, compulsory cultivation, the employment of arbitrarily imprisoned persons and collective recruitment of migrant workers.

74. The fact that the report did not reflect the real situation was partly due to the method of inquiry which had been adopted. The Committee had contented itself with analysing documents without direct knowledge of the facts analysed. The main reason for the imperfections of the report, however, were implicit in the very nature of the Committee's terms of reference. The terms of resolution 350 (XII) had so channelled the Committee's work that an objective study could not have been expected. In fact it had been an undertaking of a disputable nature, and that had no doubt been the intention of those who had submitted the item to the Council. That was the origin of the flagrant contradictions in the report. The Committee cited a series of facts, significant though incomplete, relating to colonial territories and yet had refused to admit that forced labour existed in those countries. The Indian representative, speaking at the 531st meeting of the Third Committee of the General Assembly, had also stressed the danger of the formula adopted, saying that if the *Ad Hoc* Committee's opinion was accepted, forced labour would continue to exist in the world with United Nations sanction.

75. The WFTU, to which were affiliated the trade-union organizations of the USSR, the People's Republic of China and the peoples' democracies, and which regularly sent delegations and missions to those countries, was sufficiently aware of the state of affairs in those countries to be able to affirm that the allegations of forced labour were devoid of all foundation and nothing useful would be achieved by wasting time upon them.

76. The ideas held in the past by the majority of the Council could neither lead to positive results nor strengthen the Council's authority nor help to fight forced

labour. That fight was being continued, in spite of all obstacles, through the determination of the workers and the persevering efforts of the trade-union organizations. An example of such efforts was the adoption of the labour code in 1952 in the African Territories under French Administration, as a result of combined action by the trade unions affiliated to the WFTU and to the International Federation of Christian Trade Unions, and the leading independent trade unions. That code proclaimed the absolute prohibition of forced labour, in itself a step forward; the intention now was to go further and to secure the effective application of the principle so recognized. That example indicated the

decisive part which trade-union organizations were playing in the fight against forced labour.

77. The workers in countries where forced labour was common placed great hopes in the United Nations, and the Council would therefore enjoy the complete support of the working populations if it took effective action. In order to do so, it would have to alter its methods and revise its ideas. He hoped that the Council would take up a different attitude which would enable it, with the unreserved support of the trade-union organizations, to take effective action for the elimination of forced labour in all its forms.

The meeting rose at 5 p.m.