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AD HOC COMMITTEE ON FORCED LABOUR
SUMMARY RECORD OF THE FIRST MEETING

held at the Palais des Nations, Geneva,
on Monday, 8 October 1951, at 11 a.m.

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Present:

Members:

Chairman: Sir Ramaswami MUDALIAR
Mr. BERG
Mr. PALAVICINI

Also present:

Mr. LALL Representing the Secretary-General
of the United Nations

Mr. MO Representing the Director-General
of the International Labour Office

Representatives of non-governmental organizations:

Category A

International Confederation
of Free Trade Unions Miss T. SENDER

Category B and Register

International Federation of
Free Journalists Miss de SZEKULA

Secretariat:

Mr. SALKIN Secretary of the Committee

Mr. ZAHLEN Technical Adviser

1. OPENING OF THE SESSION (item 1 of the provisional agenda).

Mr. LAIL (Representing the Secretary-General of the United Nations) welcomed the members of the ad hoc Committee on Forced Labour on behalf of the Secretary-General. In setting up the ad hoc Committee the Economic and Social Council had expressed the wish that its members should be selected for their impartiality, for their ability to determine facts and for their experience and competence in the field of human rights and labour problems. He expressed the appreciation of the Secretary-General of the United Nations and of the Director-General of the International Labour Office that the three members appointed to the Committee had agreed to serve in that important field.

Mr. Paal Darg was a former Minister and Chief Justice of Norway and had been one of the organizers of the Norwegian resistance movement in the second world war. He was well known internationally as a representative of his country at many conferences. He had also been Chairman of the Governing Body of the International Labour Office, and was at the present time a member of the Norwegian Labour Disputes Committee and the Government Chief Mediator in Oslo.

Sir Ramaswami Mudaliar had given distinguished service to the United Nations from its very beginning at the San Francisco Conference, where he had been the head of the delegation of India. He had also been the first President of the Economic and Social Council. He had considerable experience of labour matters and had been Minister of Labour in the Government of India.

Mr. Felix Fulgencio Palavicini was a journalist and diplomat who had been a minister and ambassador. He had been one of the drafters of the Mexican Constitution of 1917, and had long been interested in child welfare, education and public health.

He went on to say that the question of forced labour with which the Committee was to deal was no easy task, and a quick solution should not be expected. It had been on the agenda of the Economic and Social Council from its sixth session to its twelfth session. The International Labour Office had also studied the problem for many years. The task of the Committee was to make an objective study of

forced labour, and to that end the United Nations and the International Labour Office would place all possible facilities at its disposal.

He had every confidence that the Committee would make a substantial contribution towards the fulfilment of the undertaking of Members of the United Nations to promote "universal respect for, and observance of human rights and fundamental freedoms for all".

Mr. Rao (Representing the Director-General of the International Labour Office) conveyed the greetings of the Director-General to the members of the ad hoc Committee and expressed the regrets of the Director-General that he was unable to be present at the opening meeting. The Director-General was particularly sorry not to be present because he had taken a keen personal interest in the establishment of the Committee, in collaboration with the Secretary-General, and because the work which it had been set up to do was of fundamental concern to an organization that had been created with a view to the furtherance of international measures for the protection of working people.

He emphasized that the main concern of the International Labour Office in the matter was to do everything in its power to afford facilities for a completely impartial and objective examination of the whole question in an atmosphere free from political prejudice and from any kind of propaganda in any interest whatsoever.

The interest of the International Labour Office in the problem went back many years. In 1930 the International Labour Conference had adopted a Convention on Forced Labour which had been ratified by 25 states. But the question of forced labour had recently taken on a different aspect, which had led the Governing Body to place it on record that the existence of forced labour in many countries was a matter of grave and widespread concern and to urge that there should be an impartial enquiry into the nature and existence of forced labour, including the reasons for which persons were made to perform forced labour and the treatment accorded to them. It was in those circumstances that the Economic and Social Council and the Governing Body had requested the Secretary-General of the United Nations and the Director-General of the International Labour Office to co-operate in the establishment of an impartial commission of enquiry which would enquire

into the whole question at the earliest possible moment.

On behalf of the Director-General, he expressed appreciation to the members of the Committee for having agreed to take part in its work.

He said that, with a view to giving the Committee the independence essential to its important task, the Secretary-General and the Director-General had agreed that the Secretariat of the Committee should be responsible in its substantive work to the Committee alone, and should be independent of any other commitments. He stated that the International Labour Office would be at the disposal of the Committee for whatever assistance or information it could make available with a view to helping it carefully to assess and evaluate the evidence put before it and to arrive at conclusions on the true facts of the situation.

2. ELECTION OF OFFICERS (item 2 of the provisional agenda).

Mr. BERG proposed Sir Ramaswami Mudaliar for the office of Chairman.

Sir Ramaswami Mudaliar was unanimously elected Chairman and took the Chair.

The CHAIRMAN stated that he felt highly honoured by having been elected Chairman of that Committee. He recognized that the task before it was very difficult and that in discharging it, all prejudice must be laid aside and the problem studied objectively, without fear and without favour; the results would then be put before the two bodies under whose joint auspices the Committee had been convened. The question of forced labour had engaged the attention of two very important bodies for some years, the Economic and Social Council, dealing with human rights and the International Labour Office, dealing with conditions of labour.

The gravity of the problem was emphasized by the facts that it had been on the agenda of the Economic and Social Council for several years, beginning with its sixth session, and that only at its twelfth session had the decision to appoint the present Committee been reached. The question had also been discussed by the International Labour Organisation as long ago as 1929, and the International Labour Conference had arrived at a Convention on the subject in 1930. Allegations were now made that new concepts of forced labour existed, concepts which had not been in the minds of those who had drawn up the 1930 Convention. The Committee was

été prise la décision de créer le présent Comité. De même, le problème est discuté par l'Organisation internationale du Travail depuis 1929 déjà, et la Conférence internationale du Travail a adopté en 1930 une convention à ce sujet. On allègue maintenant qu'il existe, en matière de travail forcé, de nouvelles conceptions dont les auteurs de la convention de 1930 n'ont pas pu tenir compte. Le Comité a été invité à examiner ces allégations afin de déterminer jusqu'à quel point elles correspondent à la réalité.

Il sera peut-être nécessaire d'examiner si la convention de 1930 doit être modifiée et adaptée aux circonstances nouvelles. Le BIT s'occupe avant tout des droits des travailleurs et l'on ne saurait contester que de grands progrès ont été faits, à cet égard, au cours des dernières années. En conséquence, le BIT a envisagé le problème, en premier lieu, à la lumière des conditions de travail. De son côté, le Conseil économique et social l'a considéré surtout sous l'angle des droits de l'homme. La Déclaration universelle des droits de l'homme a été adoptée le 10 décembre 1948 par l'Assemblée générale des Nations Unies; à l'heure actuelle, la Commission des droits de l'homme a pour tâche d'élaborer un Pacte relatif aux droits de l'homme. Si, comme on le prétend, le travail forcé existe, cela serait en contradiction flagrante avec les conceptions fondamentales en matière de droits de l'homme et, portant, avec les principes de la Charte des Nations Unies, où il est dit qu'un des buts essentiels de l'Organisation des Nations Unies est de sauvegarder les droits de l'homme et la dignité de la personne humaine.

Le Comité a été invité à étudier le problème du travail forcé au point de vue du bien-être des travailleurs dans le monde, bien-être qui serait rendu illusoire si le travail forcé existait dans une région quelconque de notre planète, ainsi que sous l'angle des droits de l'homme, lesquels se trouveraient violés si les allégations relatives au travail forcé correspondaient à la réalité.

Le Président admet que la tâche du Comité apparaît extraordinairement difficile. Il relève que le champ des investigations du Comité n'a pas été défini et qu'aucune limite géographique n'a été fixée en ce qui concerne lesdites investigations. Le Comité devra veiller à ce que sa présentation des faits et ses conclusions, fondées sur lesdits faits, s'inspirent de la plus grande impartialité.

Le Président présente formellement au Comité M. Salkin, secrétaire du Comité, et M. Zwahlen, conseiller technique.

Il attire ensuite l'attention du Comité sur le fait qu'il est d'usage d'élire un Vice-président et un rapporteur. Il pense toutefois que, pour un si petit comité, on peut se dispenser de nommer un Vice-président et il déclare qu'il est disposé, pour sa part, à exercer les fonctions de rapporteur.

Il en est ainsi décidé.

3. ADOPTION DE L'ORDRE DU JOUR PROVISOIRE
(point 3 de l'ordre du jour provisoire)

Le PRÉSIDENT propose que l'ordre du jour provisoire soit adopté et il fait remarquer que, selon toute vraisemblance, le rapport final du Comité ne sera pas adopté à la première session de celui-ci.

L'ordre du jour provisoire (E/AC.3/1) est adopté.

Le PRÉSIDENT estime, étant donné l'ample documentation que les membres du Comité doivent étudier, qu'il serait indiqué d'ajourner la séance afin de donner aux membres la possibilité d'examiner ledite documentation.

Il en est ainsi décidé.

La séance est levée à 11 h.50.