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**Chairman: Mr. Jiří NOSEK (Czechoslovakia).**

**AGENDA ITEM 28**

**Freedom of information: report of the Economic and Social Council (A/2705, A/2686, chapter V, section VI, A/C.3/L.447) (*continued*)**

INTERNATIONAL CONVENTION CONCERNING THE USE OF BROADCASTING IN THE CAUSE OF PEACE (GENEVA, 1936)<sup>1</sup> (A/C.3/L.447) (*continued*)

1. Mr. MEADE (United Kingdom) said that his country, which had been a party to the 1936 Convention concerning the Use of Broadcasting in the Cause of Peace,<sup>1</sup> had no objection in principle to the transfer to the United Nations of the functions which were performed under the terms of that Convention by the League of Nations. He therefore supported the main features of the draft resolution submitted by the Soviet Union (A/C.3/L.447). However, the sponsors of the amendments (A/C.3/L.453) thought that, if new life was to be given to the Convention, certain amendments would have to be made to it in order to adapt it to the current conditions. Already, during the Second World War, broadcasting had been used to distort facts to a fantastic degree and now technical developments had greatly increased its power to do good or evil. Since the signing of the Convention the practice of jamming had assumed large-scale proportions in certain countries. At a time when proposals were being made to revitalize and extend the Convention, that fact should be taken into account in the interests of peace. He recalled resolution 381 (V) in which the General Assembly had condemned, *inter alia*, measures tending to isolate the peoples from any contact with the outside world. The transfer protocol should therefore include an article, based on resolution 424 (V) concerning violations of the freedom of information, to provide that each High Contracting Party should undertake not to interfere with the reception, within its territory, of foreign radio broadcasts.

2. The other amendments concerned the preamble or were drafting changes which would make it pos-

sible, *inter alia*, to obtain the opinion of States party to the Convention on the question of the adoption of the transfer protocol. As the Convention had never ceased to be in force, positive measures concerning the protocol could not be taken without consulting the parties to the Convention.

3. Mr. SAKSIN (Union of Soviet Socialist Republics) was glad that on the whole the sponsors of the amendments accepted the Soviet draft resolution. He had studied the amendments closely; the most important was that which, on the basis of General Assembly resolution 424 (V), sought to introduce into the protocol a new article prohibiting jamming. However, during the discussion at the fifth session of the General Assembly, it had been pointed out that certain countries had used jamming in order to protect themselves against slanderous broadcasts from other countries. Such broadcasts were condemned in resolution 424 (V), paragraph 4. In close harmony with the spirit of that resolution, the proposed article should take into account the paragraph in question and stipulate that the High Contracting Parties should not interfere with the reception of foreign broadcasts provided that they did not violate the provisions of articles 1 and 3 of the Convention. The Soviet Union delegation had drafted a text altering the last sub-paragraph of the text proposed in point 1 of the three-Power amendment to that end. The only change was that it repeated the exact words of resolution 424 (V), paragraph 4, and mentioned articles 1 and 3 of the Convention, which had already been accepted by the sponsors of the amendments. The text would be distributed during the meeting. If it was accepted by the sponsors of the amendments, the Soviet Union delegation, in a spirit of co-operation, would accept all the other amendments (A/C.3/L.453). It would also accept the oral amendment proposed by several delegations in succession, to the effect that the final clause of paragraph 2 (b) should be changed to read as follows: "... and also to provide for such legal and other adjustments, as may be necessitated, without prejudice to the principle of the Convention, by current conditions". It hoped that the draft resolution would then be adopted by a large majority.

4. Mr. DE BARROS (Brazil) said that his delegation could not vote in favour of the USSR draft resolution. In its opinion, the 1936 Convention was out of date. Everyone realized that it had not fulfilled its purpose. After its adoption by a number of countries, including Brazil, the most terrible of wars had broken out. The Convention, while not responsible for it, had been powerless to prevent it and had not favoured propaganda in favour of peace. Broadcasts harmful to good international relations had continued and, as was well known, certain countries still indulged from time to time in a veritable radio war without any regard for the provisions of articles 1, 2, 3 and 4 of the

<sup>1</sup> See *League of Nations Treaty Series*, vol. CLXXXVI, p. 3011.

Geneva Convention. False news and tendentious comments were still broadcast and there was no means of correcting them. The Soviet Union itself had never observed the 1936 Convention with regard to Brazil.

5. According to the Soviet draft resolution the Secretary-General would prepare a protocol of transfer. Yet it was implicit in the amendments submitted by the three Powers that such a transfer had already been carried out. It was therefore contradictory to ask States party to it to express their opinion on that question.

6. Finally, the protocol should state what legal adjustments were required by current conditions. None of the proposals seemed very logical. If the Convention was out of date, it would be better to draft a new one.

7. Mr. MEADE (United Kingdom) thought it would be difficult to reach a decision on the amendment proposed by the Soviet Union without a written text.

8. Following a suggestion by Mr. PAZHWAQ (Afghanistan), supported by Mr. MEADE (United Kingdom), Mr. TUNCEL (Turkey) and Mr. BEAUFORT (Netherlands), the CHAIRMAN proposed that the Committee should postpone consideration of the item until the afternoon meeting and should take up the next item on its agenda.

*It was so decided.*

#### AGENDA ITEM 30

#### **Forced labour: report of the Economic and Social Council (A/2662, A/2686, chapter V, section VIII, A/C.3/L.456) (continued)**

9. Mr. JOHNSON (United States of America) said that he would have liked to follow the Soviet representative's example and make a speech on the situation of workers in his country but the item on the agenda was forced labour. It was not a pleasant subject, but it was too serious to be put aside.

10. The twentieth century had been an era of great hope for the human race. Remarkable progress had been made in technology, medicine and food production. Since the end of the First World War a number of new sovereign States had come into being and were playing a valuable part as Members of the United Nations.

11. In the light of that progress the existence of the scourge of forced labour in modern times seemed even more shocking. Slavery had for long been abolished in most countries. However, in a whole area of the world where nearly one thousand million people lived, forced labour was an instrument of concerted policy. Certainly, one of the paramount obligations of the United Nations was to encourage understanding between nations whatever their political systems. Nevertheless, however far co-operation could go, there were principles which permitted of no compromise. The world could not go on "half slave and half free". Either it would continue its progress towards freedom or it would succumb to the inhuman concept of man as an inconsequential creature in the hands of an all-powerful State. It was useless to hide the fact that such a state of affairs gave rise to a serious conflict of ideas. The General Assembly had already considered the question of forced labour and the Economic and Social Council had studied the report of the *Ad Hoc*

Committee on Forced Labour (E/2431).<sup>2</sup> The existence of forced labour within the Soviet Union, in particular, was a well-known fact which needed no recapitulation. It was also a matter of record that the USSR had never satisfactorily replied to requests for information by the *Ad Hoc* Committee and the Secretary-General. Whatever explanation was given, that silence was significant.

12. He intended to show how the system of forced labour, so ingeniously developed by the Soviet Communist régime, had been imposed upon a nation of more than six hundred million people, Communist China, which had fallen victim to that legally sanctioned savagery. The system was used, as in the USSR, to provide labour at a minimum cost, to eliminate political opponents, to hold a constant threat over the heads of those who dared oppose the Government, and to reconstruct Chinese society into a monolithic State where the individual lived only for the régime. Forced labour in China was, in short, an instrument for political control, public terror and the implementation of economic programmes.

13. It would be hard to know exactly how many millions of Chinese of all classes were in labour camps at the current time. All that was known was that the number was large and that much of the information came directly from spokesmen of the Chinese Communist régime.

14. Mr. SAKSIN (Union of Soviet Socialist Republics), speaking on a point of order, protested against false and slanderous accusations against the great Chinese people, which was not represented on the Committee. The attitude shown was neither fair nor worthy of representatives of States Members of the United Nations. China, which for 150 years had been under the yoke of American imperialists, had finally freed itself from foreign tyranny and was working independently for the interests of its own people. The accusations against it were entirely unfounded.

15. Mr. JOHNSON (United States of America) said that the Soviet Union representative had raised a point of substance.

16. Mr. SAKSIN (Union of Soviet Socialist Republics) reserved the right to reply later on the substance of the question, but he wished at once to protest solemnly against the fact that accusations had been made against the People's Republic of China when no representative of the Chinese people was present to reply to the attacks and to deny the slanders.

17. The CHAIRMAN assured the Soviet representative that his comments would be included in the summary record and that, in accordance with the rules of procedure, he would be able subsequently to exercise the right of reply.

18. He invited the United States representative to continue his statement.

19. Mr. JOHNSON (United States of America) said that a number of texts and statements from Chinese Communist sources bore witness to the use of forced labour for economic plans. The daily *Jen Min Jih Pao*, official organ of the Chinese Communist party, had stated on 7 September 1954 that more than

<sup>2</sup> Joint United Nations and International Labour Organisation document. See *Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 13* and No. 36 in the *Studies and Reports (New Series) of the International Labour Office*.

83 per cent of the persons confined throughout the country had been assigned to forced labour. Mr. Lo Jui-ching, Minister of Public Security, had stated, at a meeting of the Government Administration Council on 26 August 1954, that in 1953, slave labourers had produced 2,000 million bricks, 770 million tiles, 4,284,000 pairs of socks and 1,700,000 couplers for steam radiators; that many new farms, covering areas of more than 1,666 acres, had been established for forced labour; that "corps" had been formed for various kinds of engineering work.

20. As early as 24 October 1951 Radio Chungking had announced that more than 19,000 prisoners in the South Szechuan area had been put to do compulsory work of various kinds, with another 7,500 prisoners performing labour for the army. A 1954 report stated that a labour-reform camp near Ying-te, Kwangtung, established in 1950, had become the second largest such camp in Central and South China, with approximately 70,000 slave labourers. In March 1953, forced labour had been reported on railway construction jobs in Kansu Province. Finally, recent reports showed the existence of twelve camps in various areas, including one with as many as 15,000 slave labourers. Those fragmentary details were sufficient to show that the system was firmly established. It should be remembered that the overwhelming figures quoted concerned men and women.

21. Mr. René McColl, a correspondent of the London *Daily Express* who had accompanied the delegation from the United Kingdom Labour Party which had visited Communist China several months previously, had seen prisoners at work who had been condemned to death but who had had their sentence deferred for two years and placed at forced labour. The *Jen Min Jih Pao* had explained that such convicts could only have their sentences commuted if they did satisfactory work during the two-year period and sincerely embraced the concepts of the New China; otherwise they could be executed at any time or detained for life. History offered no example of inhumanity equal to such a system of forced labour under pain of death. The opponents of the Communist régime, divested of all their rights, imprisoned for an indefinite period, threatened with death at every moment, were called upon to be "reformed" and to give every ounce of their physical energy in the faint hope that the régime would relent.

22. That situation resulted from the application of a deliberate plan and had no more to do with the Chinese people's basic character than the system of forced labour in the USSR reflected the character of the Soviet peoples. On 1 July 1949, in his essay "On People's Democratic Dictatorship" Mao Tse-tung had enunciated the basic principle of the forced labour institution by stating that the people's State would force those belonging to reactionary classes to do corrective labour and that they would be deprived of the right to voice their opinions. Article 7 of the "Common Programme" adopted on 29 September 1949 by the Political Consultative Conference was based on the same ideas. In that context "people" meant supporters of the Communist Party; other human beings were considered as undesirable or dangerous; indeed open anti-Communists had long been described as "wild beasts" by the Press and radio. On 21 February 1951, a statutory law of the People's Republic of China concerning the punishment of counter-revolutionaries had increased the number of punishable acts to include

virtually the expression of any opinions hostile to the régime. The law could be applied retroactively and, by analogy, to non-specified acts. In short, Communist China had incorporated all the essential elements of the Soviet system combating "class enemies".

23. The law contained no provision relating to forced labour, although it served as the basis for an extensive system of forced labour. That penalty was only legally elaborated by a law of 26 August 1954 on labour service for "reform", adopted at the 222nd meeting of the Government Administration Council. The International Confederation of Free Trade Unions had submitted to the Secretary-General of the United Nations and to delegations translations of the text of that law and of supplementary regulations on the release of forced labourers, a speech by Lo Jui-ching and an editorial from the *Jen Min Jih Pao*. Members of the Committee were therefore acquainted with that law.

24. A political character was openly ascribed in the law to the forced labour system. Article 25 called for the co-ordination of forced labour with political and ideological education to "reform" the prisoners into "new men". Articles 26 and 52 reinforced that principle.

25. The use of forced labour in connexion with the State's economic plans was equally clearly stated. Article 30 specified that forced labour production should be included in the State's "general production and construction plans". Articles 31, 33 and 35 explained in detail how that would be accomplished.

26. Forced labour was to be undertaken in detention houses (article 8), prisons (articles 13 and 14), and in "labour-service-for-reform corps" (article 17). Articles 63 to 66 governed forced labour corps of 3,000 or more prisoners in isolated areas, and article 22 provided for "light labour service" and political indoctrination for juveniles from thirteen to eighteen years of age.

27. Provisions establishing minimum work weeks of sixty-five hours, providing for speed-up systems, and referring to work norms were found in articles 52, 28 and 68. The *Jen Min Jih Pao* had made it clear that forced labourers would not be paid. Elaborate systems of reporting on the prisoners' work and attitudes, encouragements for prisoners to report on each other, and exaction of forced labour under deferred sentence of death were found in articles 29, 68 and 13.

28. Under articles 62, 72, 71 and 43 and under articles 2 and 7 of the Provisional Measures for Dealing with the Release of Criminals, most forced labourers could not be assured of release at the end of their sentences inasmuch as those in camps in sparsely settled areas, those with no definite jobs or homes to return to, those who had not worked "actively" at forced labour, those who had not had their opinions corrected, and those who had not been model prisoners could be held indefinitely.

29. The resemblances between that system and the one applied in the USSR were by no means fortuitous. Mr. Lo Jui-ching, in submitting the draft law on forced labour to the Government Administration Council, stressed that Soviet legal experts had helped to draft it. It might be said that the Soviet Union was extending a perverted "technical assistance", in the shape of forced labour, to continental China.

30. There were similar institutions in several countries of Eastern Europe. He would confine his remarks



to Albania, on which little information was generally available. The penal code adopted by the People's Assembly on 23 May 1952 constituted the legal basis for forced labour in that country. Mr. Bilbil Klose, Minister of Justice, had stated that the code was based on Soviet principles of class warfare and revolutionary justice. Internment in collective labour camps was among the penalties laid down for those who endangered the dictatorship of the proletariat. Since the end of the Second World War the Albanian Government had built some forty political prisons and concentration camps, to which more than 80,000 men, women and children had been sent in a few years. It was estimated that 16,000 people in the camps had perished and that about 10,000 persons were currently serving terms in political prisons and between 10,000 and 15,000 in concentration camps. The United States Government had further information on the subject of forced labour both in Albania and Communist China, which it intended to communicate to the Secretary-General in writing in the near future.

31. However fantastic those facts might seem in the middle of the twentieth century, they were only too real. The Third Committee could not ignore such powerful attacks on human rights. The existence of forced labour should leave no one indifferent; it was a scourge comparable with the worst diseases that afflicted humanity. However, while there had been no change in the system, there appeared to have been some amelioration in the treatment of forced labourers in the Soviet Union. Perhaps discussions by United Nations organs had been partly responsible. In any case the United Nations should continue its efforts on behalf of the little people of the world, since, in the last analysis, it was in their interests that the Organization had been founded.

32. Mr. DE MEIRA PENNA (Brazil) thought it unnecessary to recapitulate the facts set forth in the report of the *Ad Hoc* Committee on Forced Labour (E/2431). He would merely deal with certain cultural, historical and social aspects of the problem.

33. The Soviet representative had stated at the 495th plenary meeting of the General Assembly that the United Nations High Commissioner for Refugees was seeking to use displaced persons as cheap labour and to send them to such countries as Australia, the United States of America and Brazil, where they would be forced to perform the most irksome labour. He did not think that those persons were so unfortunate as the Soviet representative suggested. He believed rather that they were voluntarily seeking refuge from the persecutions of totalitarian States, and a better life, in the countries in which freedom prevailed. The World Federation of Trade Unions had alleged that conditions tantamount to slavery existed in certain countries of Latin America. The debates in the United Nations had shown that such accusations collapsed naturally. The facts spoke for themselves. He would simply analyse the differences between the two conceptions of labour: that of the free world, as exemplified by his own country, and that of the totalitarian world, where the State was supreme and forced labour was a normal instrument of economic development. He felt impelled to stress an aspect on which, in his view, speakers had not dwelt enough; the positive aspect of forced labour. He was referring to forced labour used for economic purposes, which, while less

repulsive than forced labour used as a means of political coercion, was no less a violation of the Charter of the United Nations and of the Universal Declaration of Human Rights. The *Ad Hoc* Committee on Forced Labour had defined such systems in paragraph 558 of its report. They resulted from various general measures involving compulsion in the recruitment, mobilization and direction of labour. Such measures, taken in conjunction with other restrictions on freedom of employment and stringent rules of labour discipline, imposed under the threat of severe penalties, went beyond the "general obligation to work" embodied in several modern constitutions. Without saying so explicitly, the *Ad Hoc* Committee was suggesting that those systems were an integral part of the machinery of the great modern totalitarian State. When an individual's work served, not his own welfare, but the purposes of the State, it could be called forced labour. The *Ad Hoc* Committee had come to the conclusion that, however attractive the idea of using such methods to promote the economic progress of a country might seem to be, the result was a system of forced labour which not only subjected a section of the population to conditions of serious hardship, but could not fail gradually to lower the status and dignity of the free workers in that country.

34. Such methods, under which forced labour was used for positive economic purposes, were dangerous because they might, in fact, seem attractive. It was sufficient to note the success of Communist propaganda in some under-developed countries. The Communists asserted that a country could not lift itself out of the rut unless the State was absolute master of the national economy and resorted to all the coercive measures that such a system presupposed. Many people believed it and were willing to accept forced labour as a necessary evil, considering that the end justified the means.

35. When the Economic and Social Council had discussed the subject of forced labour at its seventeenth session, the Soviet representative had said that Russia, which before the 1917 Revolution had been one of the world's most backward countries, now ranked as the second country in the world in industrial production, before Germany, the United Kingdom and the other European countries, and that at that rate it would soon rank first. He (Mr. de Meira Penna) in no way disputed the tremendous success of Soviet industry, but merely wished to point out that industrial growth was always easier at the beginning, that the Soviet Union, the largest country in the world, had considerable resources of manpower and raw materials, and that it was therefore logical that it should have outstripped the old European nations, which were confined within their tight little territories and had reached maturity. The comparison was valid only if made between the Soviet Union and countries having similar basic assets, such as the United States of America, Canada, Australia and Brazil. The question that the States of Asia were asking themselves was whether the achievements of those countries, which had chosen freedom, were comparable with those of the Soviet Union. Communist China had sided with the Soviets. It seemed that India wanted to follow the path of freedom.

36. It should not be overlooked that there were closer historical and cultural ties between Russia and Asia and that there had been, and still were, many similari-

ties between their problems. What the *Ad Hoc* Committee's report revealed was merely the modern manifestation of a very ancient system of coercion and violence in the service of the State which had been employed during the centuries by the despotic monarchies of both East and West. Seen in that light, forced labour might even, at times, appear to have a positive value, like slavery, since it had made possible such colossal works as the pyramids and the Great Wall of China. The erection of those monuments had, however, necessitated incredible inhumanity and disregard for human dignity.

37. In contrast to despotic methods there was the concept of the dignity of the human person which had arisen around the shores of the Mediterranean, the ideal of Greece and Rome, sanctified by Christianity, enriched by Islam, and currently flourishing in the modern democracies of America. He took the example of his own country, which had been said to exhibit certain similarities with Russia. At the beginning of the century those two huge countries had been underdeveloped and rich in unexploited resources. Peace and tolerance, however, had distinguished the development of Brazil, a country that was known for its peaceful revolutions. Its wars had been wars of liberation, not of oppression. Since 1930 his country had been undergoing a profound social and economic revolution, but again that revolution was proceeding without bloodshed. He did not deny that a free economy had its defects: exploitation and inflation, for example, were not unknown in such an economy. His countrymen did not believe that economic objectives, however lofty, could justify an attack on the principles of tolerance and of the fundamental freedoms, or on the love of leisure and of the arts that was common to the Latin peoples. The rate of growth of industrial productivity in Brazil (7 per cent) at the current time was even greater than that of the Soviet Union. The rate of increase of the population was 2.3 per cent. The example of the economic and social development of Brazil by peaceful means showed that the totalitarian State was not, as some asserted, the only instrument capable of lifting an underdeveloped country to the level of a modern, industrialized Power.

38. Mrs. MONTGOMERY (Canada) said that her delegation, one of the sponsors of the draft resolution (A/C.3/L.456) before the Committee, was much concerned at the existence of forced labour in some parts of the world. The inquiries made by the *Ad Hoc* Committee on Forced Labour had revealed that some Governments made use of forced labour as an instrument of political coercion or for economic purposes, contrary to the obligations they had assumed under the Charter of the United Nations. The facts pointed out by the United States representative were additional proof of the existence of forced labour. She regretted that certain representatives had given descriptions of the progress made in their countries that had no relevance to the agenda item. Her country had also made great strides in recent years, but that was no evidence that there was no forced labour within its borders. What mattered was whether or not the situation described in the *Ad Hoc* Committee's report (E/2431) had been remedied, and so far there seemed to be no evidence that it had. The United Nations could not disinterest itself in the matter until forced labour, inconceivable in the modern world, had vanished. For that reason she called upon the members of the Committee to give

their full support to the draft resolution on the subject (A/C.3/L.456).

39. Mr. MEADE (United Kingdom) commended the authors of the *Ad Hoc* Committee's report (E/2431) for their work. That report on forced labour inevitably contained a few errors, and it sometimes tended, owing to the desire of the authors to demonstrate their impartiality, to see forced labour where it did not exist. It was impossible, however, not to agree with their conclusions, and the representatives who had said in the Economic and Social Council and in the General Assembly that the report was nothing but a tissue of lies had not succeeded in refuting the main facts which it had revealed, and its painful conclusions.

40. While he had listened with interest to the Soviet representative's description of his country's position and social progress, he could not see what that description had to do with the matter under discussion.

41. The system of forced labour was repugnant to all civilized peoples and threatened the worker's freedom and man's fundamental rights. His delegation therefore felt that it was right for the United Nations to interest itself in that grave question and that Economic and Social Council resolution 524 (XVII) was useful. That was why it had associated itself with ten other delegations in proposing the draft resolution (A/C.3/L.456) which was before the Committee. It hoped that that draft resolution, which was moderate, would be supported by a large majority. Under the draft resolution, the Assembly requested the Economic and Social Council and the International Labour Organisation to continue their efforts towards the abolition of systems of forced labour. His delegation felt that the International Labour Organisation could play a very useful part in dealing with the problem, especially as it had recently acquired new members. Needless to say, the problem could be solved only with the co-operation of the nations in which forced labour existed, and he again called upon those countries to abolish a practice that dishonoured modern civilization.

42. Mr. TUNCEL (Turkey) said that the position of his delegation, which was one of the sponsors of the draft resolution (A/C.3/L.456), was prompted on the one hand by humanitarian considerations and on the other by respect for the principles of the United Nations Charter and of the Universal Declaration of Human Rights. The *Ad Hoc* Committee on Forced Labour had discharged its task with complete impartiality. It had begun by making an inquiry among Governments. A first set of questions had been submitted to all States; forty-eight of them had replied, thirty-three others had sent no reply. Twenty-four Governments against which allegations had been made had then been consulted specially; fourteen of them had not replied. The *Ad Hoc* Committee had made a detailed study of the information it had collected and had concluded that there existed in the world systems of forced labour applied for purposes of political coercion or for economic purposes. Under some systems of legislation it was possible to force people to work in order to compel them to change their opinions; such measures were merely designed to eliminate all opposition and could not be compared with methods employed for the social rehabilitation of delinquents. Moreover, there was evidence that in some countries

large projects had been carried out by means of forced labour. At all events, it was unacceptable that human beings should be compelled to work in appalling conditions against their will. He noted with satisfaction that, according to the *Ad Hoc* Committee's report, the conventions concluded under the auspices of the ILO had brought about an improvement in the position in some areas.

43. His country, being conscious of the obligations that rested on the Members of the United Nations, was proposing, jointly with ten other Powers, a simple and moderate draft resolution designed to facilitate the examination of laws and administrative practices relating to forced labour.

The meeting rose at 12.55 p.m.