

ishment of the exploitation of the prostitution of others could prevent the United Kingdom and United States Governments from enabling their colonial dependents from expressing their views, from holding free elections and enjoying freedom of information. The United Kingdom representative had gone so far as to call the Ukrainian amendment reactionary. The real question was whether the traffic in persons was to be prevented or not. Those who favoured the retention of evil practices which had flourished in certain territories for many years might be regarded as more reactionary than those who were in favour of an attempt to check them.

41. The administering Powers had argued that they could not dictate to the local legislative bodies nor decide on their behalf that the convention should be implemented in the territories concerned, but that those bodies must decide for themselves. Moreover, they had argued that certain territories enjoyed a certain degree of self-government. The representatives of Pakistan and the Philippines — countries which had once had non-self-governing status — had emphasized the existence of the reserve power of the administering governments. The representative of the United Kingdom had failed to answer that objection adequately. Moreover, the limited extent of the alleged self-government existing in territories under United Kingdom administration was shown by the fact that five and a half million inhabitants in Tanganyika, for example, had only three representatives, and even they were not elected but appointed by the Administering Authority, while the Governor had the power of veto on their decisions. In Kenya, 95 per cent of the inhabitants had no representation. Similar or worse conditions prevailed in other territories. Such local legislative bodies could hardly express the wishes of the indigenous inhabitants. Furthermore, they were not even asked to express their views on such matters as discrimination in labour practices and police action. To argue that the administering government did not wish to make use of its reserve power but would be forced to do

so if the Ukrainian amendment were adopted, was to disregard the facts of the existing situation.

42. Mr. Demchenko failed to see the relevance of the precedent for the retention of the colonial application clause in the Convention on the International Transmission of News and the Right of Correction. The truly relevant precedent was provided by the deletion of that clause by the General Assembly in its resolution 126 (II), which related precisely to two previous Conventions which had actually been incorporated in the draft before the Committee — that of 1921 for the Suppression of the Traffic in Women and Children and that of 1933 for the Suppression of the Traffic in Women of Full Age.

43. He was unable to agree with the United States representative (246th meeting) that great caution would be required in applying the convention to territories in which the inhabitants had not yet reached their full development and that its automatic application would prevent them from developing a sound basis for democracy. That would imply that such inhabitants were not mature enough to approve of the elimination of prostitution from their territories and that freedom of prostitution should be regarded as a sound basis for democracy. Nor could he agree with the United Kingdom representative that such freedom would provide a firm foundation for the teaching of self-government.

44. He could see little ground for the pride expressed by the United Kingdom representative in the progress achieved as a result of the colonial application clause. Although many territories had enjoyed United Kingdom administration for years and some for centuries, the Cameroons, for example, had no self-government; the official language in its courts was English; flogging was a recognized and approved punishment. Provision for health and education was wholly inadequate; discrimination in labour practices was prevalent. All the facts supported the argument that article 27 should be deleted.

The meeting rose at 1.10 p.m.

TWO HUNDRED AND FORTY-EIGHTH MEETING

Held at Lake Success, New York, on Wednesday, 12 October 1949, at 3 p.m.

Chairman: Mr. Carlos E. STOLK (Venezuela).

Draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others (A/977 and A/C.3/520) (continued)

ARTICLE 24 AND 27 (continued)

1. Mr. BOKHARI (Pakistan) noted that speakers on article 27 were divided into two groups. The first comprised, *inter alia*, the representatives of the majority of the Asian and African countries, which from their own long experience were in a better position than any others to appreciate the real scope of article 27. They defended their point of view with genuine fervour. The second group appeared to be inspired by equally strong convictions, but they were not above using tactical

ruses at times. Thus the Committee had been led into taking an ill-considered decision reversing the order in which it was to examine articles 24 and 27. There was now the proposal of a draft resolution (A/C.3/L.17) as a substitute for the Indian amendment to article 27 (A/C.3/L.16). The supporters of that resolution, however, failed to mention the difference between a resolution of the General Assembly and the articles of a convention. Whereas the latter were binding on the signatories, the former had no mandatory force. The Committee was faced with a tactical move which was not, indeed, devoid of adroitness but was not of a nature to enhance the prestige of the United Nations.

2. He did not doubt the sincerity of those representatives who desired the retention of article 27.

He was, however, inclined to think that those representatives were ignorant of the real conditions in certain colonial territories. A national of an Asian territory dependent on the United Kingdom had once said that he would rather live in exile in the United Kingdom than at home in his own country. That quip threw light on the gulf which existed between conditions in the metropolitan country and those in the colonies. The representative of the United States had said that she detested dictatorship in every form, even dictatorship prompted by good intentions. The colonies, however, had no knowledge of anything but dictatorship, and the question was whether that could at least be endowed with a few good intentions.

3. The representative of the United Kingdom had invoked constitutional difficulties, stating that her country could not impose upon the territories which it administered the adoption of a convention which local legislative bodies had not accepted. Apparently the powers the United Kingdom Government had reserved to itself enabled it only to oppose the adoption of a piece of legislation voted by the local legislative bodies concerned, but not to take the initiative in the matter. The metropolitan country was, however, at liberty to alter that system, which had certainly not originated in the wishes of those under its administration. No constitutional scruple, indeed, had ever prevented a colonial Power from taking much more serious decisions affecting the peoples concerned, such as that of declaring war in their name. There was a great deal of fine talk about the independence of colonial peoples when matters of no importance were at stake, but the slightest assertion of their right to genuine independence set in motion the entire repressive machinery of the ruling Power.

4. He would not accuse the supporters of the colonial system of hypocrisy. So long, however, as they applied the principle of the gradual development of political institutions for the colonial peoples, they would not escape the contradiction inherent in the colonial system.

5. Fewer and fewer countries were maintaining that contradictory position. In the circumstances, it was for the other countries to speak of clearly on the matter, for it was a question of allowing the millions of people living in the Non-Self-Governing Territories to benefit by the convention.

6. With regard to the order in which the debate should continue, he would gladly support any proposal for a return to the natural order of the articles.

7. Mr. Vos (Belgium) was against the proposed deletion of article 27 first of all for constitutional reasons. There were those who imagined that the mere proclamation of the independence of the colonial peoples would suffice for them actually to achieve it. Those peoples, however, would not in fact be able to retain their independence until they had been prepared for it by patient and laborious education. In the meanwhile, some clause such as article 27 was needed for the effects of the convention to be extended to the Non-Self-Governing Territories by the means most suitable in each particular case.

8. The second justification for that article lay in Article 73 of the Charter. Sub-paragraph *b* of that Article expressly mentioned "the par-

ticular circumstances of each territory and its peoples and their varying stages of advancement".

9. The Third reason in favour of the adoption of article 27 was the need to obtain as many votes as possible for the convention, taking into account the special problems facing certain countries.

10. The Belgian delegation was not voicing any objection of principle to the Indian amendment. It wished to point out, however, that it was superfluous, since Article 73, sub-paragraph *e*, of the Charter subjected Member States to a number of obligations similar to those stipulated in that amendment.

11. Belgium would vote for the United Kingdom draft resolution. It would consider itself bound by that vote to the same extent as by the signature which it would append to the convention.

12. Mr. RAMADAN (Egypt) said he would vote for the Indian amendment. He would support any proposal to extend the scope of the convention to the Non-Self-Governing Territories. The evil to be combated was a universal one and the colonial peoples should be protected against it as much as any others.

13. Mrs. ROOSEVELT (United States of America) withdrew her proposal for the deletion of the third paragraph of article 27. The question was not of any great importance for the United States, which intended to apply the convention in all its territories. Her delegation would accept the paragraph with the following reservation: In view of the history of the third paragraph of article 27, it is the understanding of the United States Government that it is the sense of that paragraph that any State which receives a communication from the Secretary-General under the provisions of that paragraph, and which extends the convention to the territories referred to, need not transmit the convention to such territories, pursuant to the third paragraph of article 27. This does not mean, of course, that such State will not otherwise communicate to the responsible authorities of the territories referred to the contents of the convention and inform them of the action taken.

14. Article 27 was of great value; obligations could not be imposed, even in a good cause, on peoples who had been granted a certain degree of independence.

15. Mrs. KRIPALANI (India) stated that in presenting its amendment, her delegation had meant to propose a text which would reconcile the two opposing views. If it proved impossible to obtain the support of all States for the ideal solution, it was better to ensure unanimity for the maximum that was generally acceptable.

16. The Powers which administered Non-Self-Governing Territories declared that constitutional provisions made it impossible for them to extend the field of application of the convention automatically to those territories. It was, however, of vital importance that non-self-governing peoples should at all costs be able to benefit by the guarantees contained in the convention. The moral responsibility of the colonial Powers was at issue. It was essential that a way out of the difficulty should be found. The Indian amendment appealed to the authority of the United Nations, which could prove itself effective in that field.

17. The amendment would indeed impose obligations similar to those stipulated in Article 73 *e* of the Charter. It was by no means unnecessary, since it extended the provisions of the Charter to the specific field covered by the convention. By comparison with the United Kingdom draft resolution, it had the added advantage of constituting a contractual obligation.

18. Mr. NORIEGA (Mexico) said that the Fourth Committee had just adopted, by a very large majority, a resolution recommending to the Administering Authorities of Trust Territories that the flag of the United Nations be flown side by side with their national flag and the flag of the territory.¹ The people of the Trust Territories would thus have concrete evidence of the interest taken in them by the United Nations.

19. The delegations which had adopted that resolution in the Fourth Committee could surely not act differently in the Third Committee. They should recognize that the colonial clause could have no place in a humanitarian convention, the application of which should be extended immediately and unreservedly to all Non-Self-Governing Territories. It could not be imagined that the Administering Authorities would be exceeding their powers by so doing. The Mexican delegation therefore urged that the convention should include a clear and definite statement to that effect.

20. Furthermore, he considered that it would be logical to put article 24 to the vote before article 27, and he therefore made a formal proposal that the Committee should reconsider its former decision on that question.

21. Mr. SUTCH (New Zealand) wondered whether the proposal submitted by the Ukrainian SSR with regard to article 27 could be properly regarded as an amendment, since it proposed the deletion of the entire article.

22. The New Zealand delegation was sympathetically disposed towards the Indian amendment to article 27; it would indeed be prepared to go even further. In its opinion, the General Assembly should be informed, not only why the convention was not applied in any of the Non-Self-Governing Territories, but also, if the case arose, why an independent State had not adhered to the convention.

23. According to the Indian amendment, States parties to the convention would be required to inform the Secretary-General of the non-application of the convention in territories for which they were responsible. The best the Secretary-General could do would be to communicate such information to the Trusteeship Council under the provisions of Article 73 *e* of the Charter. It was, however, the Economic and Social Council which should be informed of the application or non-application of a convention relating to a field essentially within its competence.

24. The draft resolution proposed by the United Kingdom took those facts into consideration. The New Zealand delegation therefore proposed that the Committee should consider that draft resolution before deciding on the Indian amendment.

25. The CHAIRMAN, replying to the representative of New Zealand, said that the amendment

by the Ukrainian representative to article 27 could not be regarded as an independent proposal, since it proposed the deletion of one of the parts making up the whole draft convention. It should, in any case, be put to the vote first, since it proposed a deletion.

26. Referring to the Mexican representative's proposal that the vote on article 27 should be taken after the vote on article 24, he said that the two articles were closely connected, and whatever the order of voting the decision taken on one would affect the decision on the other.

27. Mrs. CASTLE (United Kingdom) recalled that it had been at the suggestion of her delegation that the Committee had decided to consider article 27 before article 24. The United Kingdom delegation's only motive had been a desire to keep the discussion in order, but since some delegations had questioned its intentions, she was prepared to support the Mexican proposal, as proof of her delegation's good faith.

28. Mr. BOKHARI (Pakistan) thought that the Committee should discuss article 24 and the amendments concerning it before taking a decision on them. In their statements, the various speakers had spoken of article 24 in relation to article 27, but they had not studied it from the point of view of substance. Moreover, the Ukrainian representative had not yet submitted his amendment.

29. Mr. NORIEGA (Mexico) explained that his proposal was to put article 24 to the vote immediately. In his opinion, the delegations were adequately informed concerning the scope of that article, which had been amply discussed.

30. Mr. SUTCH (New Zealand) having asked what would become of his proposal that the United Kingdom draft resolution should be discussed before a vote was taken on article 27, in the event of the Ukrainian amendment to article 27 being rejected, the CHAIRMAN recalled that, at the preceding meeting, he had expressed the opinion that the Committee could not discuss the United Kingdom draft resolution until it had completed its examination of the draft convention, since it might otherwise encounter procedural difficulties. No objection had been made to that interpretation. It would be considered as accepted, unless the representative of New Zealand wished to press for his proposal.

31. Mr. SUTCH (New Zealand) said that he would not insist.

32. The CHAIRMAN requested the Committee to take a decision on the Mexican proposal to put article 24 to the vote before article 27. That proposal, which would reverse a previous decision, would need a two-thirds majority in order to be adopted.

The result of the vote was 42 in favour, 1 against, and 5 abstentions.

The Mexican proposal was adopted, having obtained the required two-thirds majority.

ARTICLE 24

33. The CHAIRMAN asked the Committee to vote on the Ukrainian amendment to article 24 (A/C.3/L.10).

34. Mr. JOCKEL (Australia) asked if the use of the word "colonies" was customary in conven-

¹ See *Official Records of the fourth session of the General Assembly, Fourth Committee, 97th meeting.*

ions concluded under the auspices of the United Nations. In his opinion, it would be preferable to say "territories for which the states are internationally responsible".

35. The CHAIRMAN remarked that the delegations were free to draft their amendments as they pleased; it was for the delegation of the Ukrainian SSR to take action on the remark of the Australian representative, if he thought fit.

36. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) requested that the vote should be taken by roll-call.

A vote was taken by roll-call.

In favour: Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Iraq, Israel, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, El Salvador, France, Greece, Lebanon, Netherlands, New Zealand, Norway, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: China, Egypt, Ethiopia, India, Iran.

The amendment was adopted by 23 votes to 22, with 5 abstentions.

37. Mr. AZKOUL (Lebanon) explained that his delegation had voted against the Ukrainian amendment to article 24, because it thought that the amendment approved the authority of metropolitan countries over the territories under their administration, whereas the United Nations should try, as far as possible whenever it had the opportunity, to reduce the possibilities of interference by metropolitan countries in the internal affairs of the Non-Self-Governing Territories.

38. The CHAIRMAN put to the vote article 24, as amended.

Article 24, as amended, was adopted by 28 votes to 18, with 3 abstentions.

39. Mrs. KRIPALANI (India) announced that, as a result of the vote which had just been taken, her delegation withdrew the amendment to article 27 which it had submitted.

40. The CHAIRMAN put to the vote the Ukrainian proposal to delete article 27.

The proposal was adopted by 25 votes to 19, with 4 abstentions.

41. Mr. MENESES PALLARES (Ecuador) explained that his delegation had voted in favour of the deletion of article 27 because it thought that the proposed convention would lose its universal character if it were agreed that its application to the vast populations which did not govern themselves was to be optional. Moreover, the Non-Self-Governing Territories would be liable to become the centre of the international traffic which the convention was designed to suppress.

42. He did not question the good faith and sincerity of the metropolitan Powers. He thought, however, that it should be possible for them, without interfering with the rights of the popula-

tions under their administration, and in the very interests of those populations, to give them the benefits of an international convention of such far-reaching moral effect, the value of which depended upon its universal application.

43. Mr. NORIEGA (Mexico) whole-heartedly supported the statement of the Ecuadorean representative.

44. Mr. BAROODY (Saudi Arabia) stated that he had voted for the adoption of article 24, as amended, and for the deletion of article 27, because he had not been convinced by any of the arguments that had been advanced against that position during the discussion.

45. The CHAIRMAN invited the Committee to study the final protocol, to which two amendments had been proposed, one by the United Kingdom delegation (A/C.3/L.11) and the other by the United States delegation (A/C.3/L.13).

46. Mrs. CASTLE (United Kingdom) stated that the aim of the amendment put forward by her delegation was to extend the scope of the final protocol. It was possible that some countries had enacted or intended to enact more progressive legislation designed to ensure stricter conditions than those the convention provided for the enforcement of the provisions for the suppression of the international traffic in persons. The object of the United Kingdom amendment was to prevent the terms of the convention from being prejudicial to such legislation.

47. Mrs. ROOSEVELT (United States of America) reminded the meeting that her delegation had proposed (A/C.3/L.13) the deletion of the final protocol. She was now, however, prepared to accept it as amended by the United Kingdom.

48. She considered that the second paragraph of the protocol should read: "the provisions of articles 24 to 29 inclusive", not "... 24 to 28 inclusive".

49. The CHAIRMAN stated that, since article 27 had been deleted, the figures would in any case need alteration.

50. He put the United Kingdom amendment (A/C.3/L.11) to the vote.

The amendment was adopted by 44 votes to none, with 6 abstentions.

The final protocol, as amended, was adopted by 49 votes to none.

PREAMBLE

51. The CHAIRMAN invited the Committee to study the preamble to the draft convention.

52. Mr. RAMADAN (Egypt) having stated that he would like to see a more happily expressed formula than "the accompanying evil of the traffic in persons", Mr. KAYSER (France) suggested that the preamble should be referred to the drafting committee, which would certainly find the appropriate wording.

It was so decided.

53. Mrs. ROOSEVELT (United States of America) thought that the last paragraph of the preamble should be altered to read "proposes it for signature or acceptance" instead of "... proposes it for signature and acceptance", since either act sufficed.

54. Mr. SUTCH (New Zealand), speaking as Chairman of the Social Commission, pointed out that it was the first time that the preamble of an international convention made mention of the dignity and worth of the human person, and that those terms had been taken from the Universal Declaration of Human Rights. Moreover, though the avowed object of the convention was not the abolition of prostitution as such, the Social Commission had wished to give explicit expression in the preamble to its condemnation of that social scourge.

55. With regard to the suggestion made by the representative of the United States that "and" should be replaced by "or" in the last paragraph, he stated that "signature" and "acceptance" were not necessarily one and the same thing.

56. The CHAIRMAN thought it advisable to retain the formula "for signature and acceptance", since a State could sign the convention with or without reservations with regard to its acceptance, but in order to accept the convention, that State must first have signed it.

57. Mrs. ROOSEVELT (United States of America) said that she had suggested the change for the purpose of bringing the last paragraph of the preamble into line with article 24, which used the conjunction "or". If the existing wording were kept, it might be interpreted to mean that a State could not sign the convention without accepting it.

59. Mr. CONTOUMAS (Greece) pointed out that in recent years a new procedure had been adopted in the matter of acceptance of international conventions. At one time, conventions had been signed and subsequently ratified; they were now often signed without any reservations with regard to acceptance, and the signing constituted a definite pledge on the part of the signatory country. He suggested that the Committee should not enter into such details in the preamble but should use a general formula.

59. Mr. AZKOUL (Lebanon) shared the view of the representative of Greece. It was enough to say simply that the General Assembly approved the convention and invited Member and non-member States of the United Nations to become parties to it.

60. If that general formula were not retained, it would be necessary to alter the existing text to bring it into line with article 24, by the terms of which States could become parties to the convention in three different ways.

61. The CHAIRMAN proposed the following wording:

"The General Assembly . . . and proposes that each Member of the United Nations and each non-member State which the appropriate organ of the United Nations may invite to do so, become a Party to the convention in accordance with the terms of article 24."

62. Mr. AQUINO (Philippines) pointed out that the existing text left States free to choose between the different methods of becoming parties to the convention.

63. In his opinion, it was unnecessary to refer in the preamble to the various procedures specified in article 24. The wording suggested by the Chairman would, however, satisfy the objections raised by several representatives and he was prepared to accept it.

64. Following an observation by Mr. AZKOUL (Lebanon), the CHAIRMAN said there was no need for reference to article 24.

In the absence of any objections to the amended text, he put the revised version of the preamble to the vote.

The preamble was adopted by 45 votes to none, with 5 abstentions.

The meeting rose at 5.45 p.m.

TWO HUNDRED AND FORTY-NINTH MEETING

Held at Lake Success, New York, on Friday, 14 October 1949, at 3 p.m.

Chairman: Mr. Carlos E. STOLK (Venezuela).

Discriminations practised by certain States against immigrating labour and, in particular, against labour recruited from the ranks of refugees (A/888 and A/C.3/524)

1. Mr. ALTMAN (Poland) stated that the Polish Government had requested the inclusion of the question of immigrant labour in the agenda of the Assembly, because it presented a problem of great social and humanitarian importance to millions of people in many countries. It was undeniably a social problem which the United Nations had the duty to solve.

2. Although Poland had ceased to be an emigration country because social and economic reforms had succeeded in securing for all its citizens full employment in the national territory, the question of migrations was nevertheless of direct interest to it in view of the fact that a large number of Polish citizens had left their country during

the period between the two wars and also on account of the treatment meted out to Polish displaced persons, who were scattered over the world as cheap labour instead of being assisted to return to their own country.

3. In stating the reasons for which the Polish delegation had submitted its draft resolution (A/C.3/524), he would not deal with the economic aspects of the problem of migration. Everyone was familiar with those economic aspects because of which millions of people were unable to find work and the means of subsistence in their native land and were compelled to migrate in order to find work. He would deal only with the social aspect of the problem and would attempt to demonstrate the need for international action to ensure the social, legal and economic protection of immigrant labour.

4. It was well known that foreign labour was subject to exploitation and particular discrimination. In the United States, the classical immigra-