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**President:** Mrs. Vijaya Lakshmi PANDIT (India).

**Election of the members of the International Law Commission (A/2500/Rev.1)**

[Agenda item 17]

1. The PRESIDENT: It will be recalled that, under the terms of General Assembly resolution 486 (V) of 12 December 1950, the Assembly decided to extend the initial three-year term of office of members of the International Law Commission by two years, making a total period of five years from the election in 1948. The term of office of the present members will expire at the end of this year. Fifteen persons therefore are to be elected to the International Law Commission for a term of three years from 1 January 1954.

2. The names of all the candidates duly nominated by Member States appear on the ballot papers which have been distributed and are before the Assembly. Only those persons whose names appear on the ballot paper are eligible for election. No two members of the Commission may be nationals of the same State and the vote should be limited to not more than fifteen candidates. The election will be held in accordance

with chapter 1 of the Statute of the International Law Commission and the rules of procedure of the General Assembly. Rule 92 of the rules of procedure provides that the election shall be held by secret ballot.

3. Before proceeding to the vote, I would remind the General Assembly that the Statute of the International Law Commission requires that the persons to be elected should be persons of recognized competence in international law and that, in the Commission as a whole, the representation of the main forms of civilization and of the principal legal systems of the world should be ensured.

*A vote was taken by secret ballot.*

*At the invitation of the President, Mr. Franco y Franco (Dominican Republic) and Mr. Hergel (Denmark) acted as tellers.*

4. The PRESIDENT: The counting of the ballots in the election to the International Law Commission obviously will take some time. I wonder whether the General Assembly would be willing to begin its consideration of the other items on its agenda during the counting of the ballots. If there is no objection to this procedure, which I believe will result in a considerable saving of time, I would invite the General Assembly to give its attention now to the reports from main Committees which are before this meeting.

*It was so decided.*

**Procedural decision concerning the agenda of the meeting**

*Pursuant to rule 67 of the rules of procedure, it was decided not to discuss items 54, 55, 64, 30, 22, 28, 62, 63, 65, 66, 27 and 61 of the agenda of the General Assembly, which appeared on the agenda of the meeting.*

**Measures to limit the duration of regular sessions of the General Assembly: report of the Sixth Committee (A/2512 and Corr.1)**

[Agenda item 54]

*Mr. Spiropoulos (Greece), Rapporteur of the Sixth Committee, presented the report of that Committee (A/2512 and Corr.1).*

5. The PRESIDENT: The Assembly will now vote on the draft resolution recommended by the Sixth Committee. There has been a request for a vote by division on the draft resolution.

*The preamble was adopted unanimously.*

*Paragraph 1 was adopted unanimously.*

*Paragraph 2 was adopted by 49 votes to none, with 5 abstentions.*

*Paragraph 3 was adopted by 5 votes to none, with 5 abstentions.*

*The draft resolution as a whole was adopted unanimously.*

**Question of the continuation of the functions of the United Nations Tribunal in Libya: report of the Sixth Committee (A/2513)**

[Agenda item 55]

6. The PRESIDENT: Before calling on the Rapporteur of the Sixth Committee, I would inform representatives that, in the event of the adoption by the General Assembly of the draft resolution recommended in the report, the Secretary-General would continue to make financial provision for the United Nations Tribunal in Libya in his estimate for Section 5 of the budget, and would submit a detailed budget for the Tribunal for 1954 to the Fifth Committee for its review and approval during the present session. The requirements would be generally the same as those for which funds were appropriated in 1953.

*Mr. Spiropoulos (Greece), Rapporteur of the Sixth Committee, presented the report of that Committee (A/2513).*

*The draft resolution contained in the report was adopted by 51 votes to none, with 6 abstentions.*

**Invitation to non-member States to become parties to the Convention on the Political Rights of Women: report of the Sixth Committee (A/2508)**

[Agenda item 64]

*Mr. Spiropoulos (Greece), Rapporteur of the Sixth Committee, presented the report of that Committee (A/2508).*

*The draft resolution contained in the report was adopted by 54 votes to one, with 5 abstentions.*

**Transfer to the United Nations of functions and powers exercised by the League of Nations under the Slavery Convention of 25 September 1926: report of the Sixth Committee (A/2517)**

[Agenda item 30]

*Mr. Spiropoulos (Greece), Rapporteur of the Sixth Committee, presented the report of that Committee (A/2517).*

7. The PRESIDENT: Separate votes have been requested on various parts of the draft resolution submitted by the Sixth Committee.

*The first paragraph of the preamble was adopted by 50 votes to none, with 5 abstentions.*

*The second paragraph of the preamble was adopted by 49 votes to none, with one abstention.*

*Paragraph 1 of the operative part was adopted by 49 votes to none, with 6 abstentions.*

*Paragraph 2 of the operative part was adopted by 47 votes to none, with 6 abstentions.*

*Paragraph 3 of the operative part was adopted by 52 votes to none, with one abstention.*

*The draft resolution as a whole was adopted by 50 votes to none, with 6 abstentions.*

8. Mr. VAN LANGENHOVE (Belgium) (*translated from French*): The Belgian delegation wishes to explain its vote.

9. Belgium has long taken a great interest in the question of slavery. In the last century it played a considerable part in the struggle to rid the populations

of Central Africa of this scourge. At the third session of the General Assembly it took the initiative of raising the question in the Third Committee [*179th meeting*] and it was on its proposal that a special committee was set up to examine it [*resolution 238 (IX) of the Economic and Social Council*].

10. After a thorough examination of the problem, that committee concluded as follows:

“... slavery, even in its crudest form, still exists in the world today, and ... should continue to be a concern of the international community. Other forms of servitude exist in practically all regions of the world. They are rapidly subsiding in some, with favourable judicial or legislative action and an aroused public opinion; but in others they appear to be growing. The Committee felt that they should equally be a concern of the international community, particularly because the number of people affected and the suffering caused by these practices is much more significant at present than that resulting from crude slavery” [*E/1988, para. 23*].

11. These are the opinions expressed by the *Ad Hoc* Committee on Slavery. The practices referred to in the passage which I have just quoted fall outside the provisions of the Slavery Convention of 1926, and the draft resolution which we have just adopted remains within the limits of the Convention. It cannot therefore remedy the evil which the committee on slavery has denounced. The 1926 Convention is obsolete; there are great gaps in it and to some extent it has remained a dead letter. It is clear from the conclusions of the *Ad Hoc* Committee on Slavery that the Convention is no longer adequate to meet the present situation.

12. The United Nations should not cherish any illusions on this score; by approving and signing the protocol annexed to the resolution it will certainly not have remedied the very grave abuses which now exist. The practices which, according to the report of the experts who constitute the committee, exist at the present time—and I quote: “the number of people affected and the suffering caused by these practices is much more significant at present than that resulting from crude slavery”—will not be affected. As the experts suggest, we shall not have done anything effective until we have worked out a supplementary convention dealing with those cases.

13. The revision of the Slavery Convention of 1926 was demanded long ago, in the League of Nations. It is much more necessary now than it was then, not only because the Convention no longer meets the requirements of the present situation, but for an additional reason which cannot be overemphasized.

14. While the forms of servitude envisaged by the *Ad Hoc* Committee on Slavery did not fall within the purview of the 1926 Convention when it was concluded, the Members of the League of Nations were at least bound by Article 23 (*b*) of the Covenant, under which all Members had accepted the general undertaking “to secure just treatment of the native inhabitants of territories under their control”. No one questioned the fact that that undertaking was applicable to the indigenous peoples in the territories under their control, those peoples, precisely, among whom slavery and other forms of servitude were most rampant.

15. A similar provision is to be found today in Chapter XI of the United Nations Charter. However, by virtue of a restrictive interpretation against which Belgium has never ceased to protest, many indigenous peoples have been unjustly deprived of these international guarantees, although they need them today more than ever before, and despite the fact that they are entitled to them under the terms of the Charter itself.

16. For these reasons, the Belgian delegation would consider the adoption of this resolution as an illusory form of progress unless it were followed very shortly by a convention designed to suppress the grave abuses denounced by the *Ad Hoc* Committee on Slavery. The Belgian delegation will continue to devote its efforts to this aim, and that is the meaning to be attached to its affirmative vote.

17. Mr. GOMEZ PADILLA (Guatemala) (*translated from Spanish*): We have just adopted the draft resolution recommended by the Sixth Committee. My delegation voted in favour of that draft. It would, however, like to explain its vote.

18. We regard slavery as a serious and shameful offence against human dignity, which should be unconditionally, swiftly and effectively punished; slavery should not be allowed to continue even temporarily. In this community of civilized States, absolute opposition must be proclaimed against a state of affairs in which human liberty is mutilated.

19. At the present stage of cultural development, it is discouraging that the Member States of this Organization, after signing the United Nations Charter and undertaking to ensure respect for it, that is, in the first place, respect for legal and social rights and freedoms, should still be concerning themselves with administrative details in connexion with so obsolete and inadequate a convention as the Slavery Convention of 25 September 1926.

20. The Guatemalan delegation voted for the draft resolution which has just been adopted, but considers it as a mere formality, which in no way contributes to a solution of the problem of slavery, the slave trade and forced labour. We feel sure that this Assembly is really convinced that the Slavery Convention of 25 September 1926 has become obsolete and inadequate. It is an uneven text, based on a limited and perhaps somewhat anachronistic notion of slavery, and is not, in our view, sufficiently outspoken in condemning all the ruthless means by which men are economically and socially subjected to their fellow-men.

21. My delegation, like those of the vast majority of the countries represented here, considers an agreement like the 1926 Convention, even when supplemented by the draft protocol approved today, to be absolutely useless. There is no slavery in my country; neither our laws and political, legal and social institutions, nor our concepts of morality, could ever tolerate slavery, the slave trade or forced labour, and have never tolerated them since our accession to independence.

22. As we have explained at greater length, both in the Assembly and in its Committees, Guatemala, as an inevitable step in its economic development towards modern capitalism, in which the social welfare of the people is ensured, has enacted laws such as the agrarian reform act, the labour code, and that founding the Guatemalan social security institute. These laws not

only take for granted the fact of the disappearance of slavery in its classic form but, by making the dignity of man their first consideration, strive to consolidate the ground gained by basing freedom on equitable economic and social conditions and preventing ownership from abusing its privileges and failing to fulfil the function in society which justifies its existence.

23. Thus, in casting its vote, my country, as a necessary consequence of its own democratic structure and humanitarian outlook, and of its social and economic experience in its fight to raise the standard of welfare of its people, inveighs not only against slavery and the slave trade, but also against any other form of material and social subjugation of man by his fellowman.

24. We trust that it will never be maintained that the text of the 1926 Convention may take precedence over the essential and more all-embracing principles which inspired the United Nations and are embodied in the Universal Declaration of Human Rights. Even less could we believe that the fact that the draft protocol to be added to that convention has been voted today might in any way impair United Nations resolutions which more specifically condemn slavery.

25. The Guatemalan delegation, as I have already stated, voted on the assumption that the resolution adopted today was required as a mere administrative formality; consequently, it maintains that, instead of the resolution being considered sufficient or final, it will chiefly act as yet another inducement to closer international co-operation aimed at abolishing slavery, the slave trade and forced labour, unconditionally, and energetically, from the face of the earth forever.

#### Election of the members of the International Law Commission (A/2500/Rev.1) [*continued*] [Agenda item 17]

*Mr. Cordier (Executive Assistant to the Secretary-General) read the result of the ballot, as follows<sup>1</sup>:*

<i>Number of ballot papers</i>	59
<i>Number of abstentions</i>	0
<i>Number of invalid ballots</i>	0
<i>Number of valid ballots</i>	59
<i>Required majority</i>	30
<i>Number of votes obtained:</i>	
Mr. Amado (Brazil) . . . . .	49
Mr. Córdova (Mexico) . . . . .	49
Mr. Spiropoulos (Greece) . . . . .	47
Mr. Scelle (France) . . . . .	46
Mr. Lauterpacht (United Kingdom of Great Britain and Northern Ireland) . . . . .	44
Mr. Krylov (Union of Soviet Socialist Republics) . . . . .	42
Mr. Sandstrom (Sweden) . . . . .	42
Mr. Parker (United States of America) . . . . .	41
Mr. Hsu (China) . . . . .	39
Mr. García Amador (Cuba) . . . . .	37
Mr. el-Khoury (Syria) . . . . .	33
Mr. Zourek (Czechoslovakia) . . . . .	33
Mr. François (Netherlands) . . . . .	32
Mr. Bourquin (Belgium) . . . . .	29
Mr. Salamanca Figueroa (Bolivia) . . . . .	28
Mr. Yepes (Colombia) . . . . .	28

<sup>1</sup> See statement by the President, paragraphs 70 and 71 below, p. 256.

Mr. Alfaro (Panama) . . . . .	22
Mr. Pal (India) . . . . .	20
U Myint Thein (Burma) . . . . .	19
Mr. Taner (Turkey) . . . . .	18
Mr. Bartos (Yugoslavia) . . . . .	17
Mr. Matindaftari (Iran) . . . . .	15
Mr. Bocobo (Philippines) . . . . .	15
Mr. Khoman (Thailand) . . . . .	10
Mr. Kernó (Czechoslovakia) . . . . .	9
Mr. de Laval (Peru) . . . . .	8
Mr. Sayre (United States of America) . . . . .	8
Mr. García Bauer (Guatemala) . . . . .	6
Mr. Castillo Arriola (Guatemala) . . . . .	4
Mr. Sangoudhai (Thailand) . . . . .	3
Mr. Arguello Vargas (Nicaragua) . . . . .	2
Mr. Durón (Honduras) . . . . .	2
Mr. Ylagan (Philippines) . . . . .	2
Mr. García Salazar (Peru) . . . . .	1
Mr. Manzanares (Nicaragua) . . . . .	1
Mr. Rivera Hernández (Honduras) . . . . .	1
Mr. Alsan (Turkey) . . . . .	1

26. The PRESIDENT: The first thirteen persons whose names Mr. Cordier has read out have been elected to membership of the International Law Commission. Two vacancies must still be filled.

27. In accordance with rule 94 of our rules of procedure, the next ballot will be restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled. Hence, in the ballot which the Assembly will now take, there will be four eligible candidates. I shall read out their names and request members to take note of them in order to facilitate the voting: Mr. Bourquin (Belgium), Mr. Salamanca Figueroa (Bolivia), Mr. Yepes (Colombia) and Mr. Alfaro (Panama). Any ballot paper containing any names other than those four will be regarded as invalid.

*A vote was taken by secret ballot.*

*At the invitation of the President, Mr. Franco y Franco (Dominican Republic) and Mr. Hergel (Denmark) acted as tellers.*

#### **Admission of new Members: report of the Ad Hoc Political Committee (A/2520)**

[Agenda item 22]

*Mr. Forsyth (Australia), Rapporteur of the Ad Hoc Political Committee, presented the report of that Committee (A/2520).*

*The draft resolution contained in the report, was adopted unanimously.*

#### **Work of the Office of the United Nations High Commissioner for Refugees: (a) report of the United Nations High Commissioner for Refugees; (b) international action on behalf of refugees; (c) question of the continuation of the Office of the United Nations High Commissioner for Refugees: report of the Third Committee (A/2523 and Corr.1)**

[Agenda item 28]

28. The PRESIDENT: Before calling on the Rapporteur of the Third Committee to present the report, I should like to suggest that the election contemplated in draft resolution I of the report should be postponed

until the Assembly has disposed of the remaining items on the agenda. The election of the High Commissioner would then be the last order of business of this meeting. If there is no objection, we shall proceed accordingly.

*It was so decided.*

*Mr. Pashwak (Afghanistan), Rapporteur of the Third Committee, presented the report of that Committee (A/2523 and Corr.1).*

*Draft resolution I contained in the report was adopted by 47 votes to 5, with 3 abstentions.*

*Draft resolution II contained in the report was adopted by 48 votes to 5, with 4 abstentions.*

29. Mr. SAKSIN (Union of the Soviet Socialist Republics) (*translated from Russian*): The USSR delegation voted against the two draft resolutions relating to agenda item 28 which the Third Committee submitted to the General Assembly for its approval. The USSR delegation wishes to explain briefly why it voted against these draft resolutions.

30. Eight years after the conclusion of the Second World War, towards the end of 1953, representatives to the eighth session of the General Assembly are again having to discuss the work of the Office of the United Nations High Commissioner for Refugees.

31. The activities of the International Refugee Organization, which was set up at the initiative of the United States, did enormous harm to the work of repatriation of refugees and displaced persons. The IRO, acting under the control and in the political interests of reactionary American and Western European circles, completely ignored the resolution [8(I)] adopted unanimously by the General Assembly on 12 February 1946, which provides that "the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin".

32. The Office of the High Commissioner for Refugees, whose report has been discussed at this session, has taken over the functions of IRO, and like that organization has done its utmost to prevent the repatriation of refugees and displaced persons. Indeed, the High Commissioner makes the following frank admission in paragraph 245 of his report [A/2394]: "The promotion of the admission of refugees, not excluding those in the most destitute categories, to the territories of States' is one of the most important functions of my Office."

33. It can only be concluded from that statement that the Office of the High Commissioner for Refugees has entirely washed its hands of its responsibility for the return of refugees and displaced persons to their countries of origin, and, contrary to the General Assembly's decision, considers its principal task to be the resettlement of these refugees and displaced persons in other States. All this is eloquently and conclusively confirmed by the facts set forth in the High Commissioner's official report submitted for our consideration, and in other reports on the question.

34. According to the data furnished in the last report of the International Refugee Organization [E/2211], only 73,000 of the total of 1,619,000 refugees and displaced persons within the jurisdiction of the organization were repatriated throughout its entire career. In the whole of 1951, according to paragraph 16 of the

official report, only 1,039 refugees and displaced persons were repatriated.

35. The High Commissioner's report [A/2394] on his work between 1952 and 1953 makes no reference whatsoever to the repatriation of refugees and displaced persons, no action having been taken in that regard. In the same report, on the other hand, the High Commissioner vaunts as a so-called achievement what is known as the resettlement, but is really the forcible recruitment and exile, of destitute persons. Paragraph 59 of the report states that "between 1 February 1952 and 31 March 1953 . . . 18,754 [refugees] have been moved to the United States under the . . . Displaced Persons Act . . . 4,000 have been resettled in Canada, 3,500 in Australia and approximately 2,000 in Brazil."

36. The High Commissioner for Refugees admits in his report that in Western Germany and Austria there are now, eight years after the end of the Second World War, over 300 camps for refugees and displaced persons, that living conditions in those camps are far from normal, and that "a great number of refugees in Austria who are not in camps are living in accommodation which is below a decent living standard" [para. 143]. It should be pointed out that this description of the living conditions of refugees and displaced persons is of general application.

37. Despite the fact that he is known as the United Nations High Commissioner, the High Commissioner carries out his work in complete disregard of the highly important General Assembly decision on the early return of refugees and displaced persons to their countries of origin. The fact that refugees and displaced persons are being used as a source of cheap labour overseas is evidenced by an Act recently passed in the United States providing for the admission of 240,000 refugees, mainly from European countries, to the United States. During the discussion on this Act in the Sub-Committee of the United States Senate Judiciary Committee, Senator Watkins openly stated, on 26 May 1953, that, in giving refugee agricultural workers preference for admission, the United States was satisfying an urgent need for manpower felt in certain areas of the country.

38. Particularly outrageous and monstrous in its inhumanity is the fact that the High Commissioner's Office is encouraging the arbitrary and forcible resettlement in various countries of the children of refugees, thus separating them from their parents and depriving them of their homeland. The so-called Catholic Committee for Refugees has stated that it is responsible for 2,445 children of refugees in Western Germany, Austria and Italy alone. Of these children, 1,945 are under 10 years old and approximately 500 are under 5. The newspaper *Der Abend* reported in March 1952 that the United States occupation authorities had removed 115 small children from Austria, the majority of whom were children of Soviet, Polish and Hungarian nationals, and had sent them across the ocean. Under the recently adopted Act concerning the admission of 240,000 refugees to the United States, no less than 4,000 children who have been separated from their parents are still to be brought over from Europe. It is well known that the United States authorities are including in the category of "orphans" children whose parents are trying to have them brought back to their families in their own countries.

39. Like the former International Refugee Organization, the Office of the High Commissioner for Refugees

acts in the interests of certain American and Western European circles; it is serving the policy of the United States, which is to arouse hostility and hatred among peoples, and is helping to recruit American agents for intelligence and diversionist work in the territory of the Soviet Union and the peoples' democracies and for other aggressive international activities. The refugees and displaced persons in the camps are being subjected, on an even more intensive scale than previously, to propaganda against repatriation, to intimidation and to deception based on slander against the Soviet Union and the peoples' democracies, and also to direct and brutal pressure to force them to act against their own countries and peoples. With the knowledge and full co-operation of the Office of the High Commissioner for Refugees, displaced persons and refugees are being recruited into the armed forces of the countries of the aggressive North Atlantic bloc, to be trained for armed attacks against their countries, and also for the furtherance of imperialistic policies of aggression and the suppression of the national liberation movements in colonial and dependent countries.

40. Paragraph 186 of the report of the High Commissioner for Refugees contains the following admission concerning Western Germany: "... a large number of these working refugees are employed in labour units of the Allied Forces and cannot therefore be considered as integrated into normal labour conditions".

41. The United States authorities are recruiting refugees and displaced persons in order to use them for purposes of terrorism, diversion and espionage, in accordance with the so-called Mutual Security Act of 10 October 1951. On his return from a journey in Western Germany, Mr. Armstrong, of the United States Congress, confirmed this fact in his report on the results of his investigation of the possibilities for establishing military units of refugees in Western Europe. He made the following statement, which is quoted in the *Congressional Record* of 10 June 1952:

"The whole burden of my report this afternoon will be a plea that the time has come to utilize this great asset which we have in the refugees and escapes from the Iron Curtain countries of Eastern Europe. I make a plea that we establish an army of liberation from the available military personnel among those refugees and exiles".

The records of the Sub-Committee of the Senate Judiciary Committee of the United States also show that by April 1953, 565 refugees and displaced persons had been recruited into the armed forces of the North Atlantic Treaty Organization.

42. Thus the facts show that the High Commissioner for Refugees is continuing to take action contrary to the resolution unanimously adopted by the General Assembly, and consequently by the United States, on 12 February 1946, and also to the resolution [136 (II)] of 17 November 1947 on the same question.

43. Nevertheless, although the High Commissioner and his Office are in fact in the service of the United States, they do not hesitate to have their expenses charged to the United Nations budget. According to official data provided by the Secretary-General of the United Nations, submitted in the budget estimates for the financial year 1954 [A/2383, pp. 123-125], the expenses of the Office of the so-called United Nations

Commissioner for Refugees charged to the United Nations budget are considerable. In 1952 alone that Office spent \$595,356 of the Organization's funds and in 1953, \$725,000. From these funds, the High Commissioner himself receives \$30,000 per annum. Thus the activities of the Office of the High Commissioner for Refugees have cost the United Nations over \$2 million in three years. The activities of that Office, however, have simply amounted to preventing the repatriation of refugees and sending them to overseas countries, especially to the United States. These vast sums from the Organization's budget are being spent by the Office of the High Commissioner for Refugees to achieve objectives which are clearly contrary to the United Nations decision on the early return of refugees to their countries of origin and to the fundamental principles of the United Nations Charter.

44. I should like to draw the special attention of representatives to the fact that, by the adoption of the draft resolutions submitted by the Third Committee, the Assembly has decided to prolong these harmful activities of the High Commissioner's Office for a further period of five years, which means that we are faced with multiplying by five the \$725,000 spent by the Office in 1953; the United Nations budget will thus be burdened with a further \$2,500,000, to be spent on activities harmful to the United Nations and contrary to its fundamental principles. We must also bear in mind that these funds will be handed over to persons who, instead of settling this post-war problem in the quickest way, by repatriating the refugees, make it their sole aim not to settle this long standing social problem which affects the vital interests of hundreds of thousands of destitute persons. They consider it essential and make it their purpose to perpetuate the refugee problem by turning it into a source of permanent revenue for themselves.

45. On the basis of these facts, the delegation of the Soviet Union considers that the work of the High Commissioner for Refugees and of his Office is unsatisfactory and harmful. It is a work contrary to the fundamental principles of the United Nations' Charter and the special General Assembly resolution of 12 February 1946 on the question of refugees, in which the main task concerning the displaced persons was stated to be to encourage and assist in every way possible their early return to their countries of origin. The work of the High Commissioner for Refugees is directed towards purposes which are detrimental to the cause of international co-operation and to the interests of peace-loving peoples; it is directed towards criminal purposes unworthy of the United Nations.

46. That is why the USSR delegation voted against adopting or taking note of the report of the United Nations High Commissioner for Refugees [A/2394]. For the same reasons, the USSR delegation protested and voted, both in the Committee and in the General Assembly, against all proposals for continuing the work of the United Nations High Commissioner for Refugees and of his Office. Consequently, the USSR delegation voted against the two draft resolutions submitted by the Third Committee to the General Assembly.

47. Mrs. WASILKOWSKA (Poland): The Polish delegation wishes to explain briefly its voting on the draft resolutions submitted by the Third Committee concerning the problem of refugees. Our position is

that this problem, with which the United Nations has dealt for the past eight years, would have been fully resolved long ago if our Organization had worked along the only correct and just line, namely, that of repatriation. This position of our delegation is fully supported by the resolutions adopted at the first and second sessions of the General Assembly, which categorically stated that the main task concerning displaced persons was to encourage and assist, in every possible way, their early return to their countries of origin. But, contrary to those resolutions, the activities of the International Refugee Organization and, later, of the High Commissioner for Refugees, acting in the political interests of a certain group of Powers, have been directed at hampering repatriation and at preventing a positive solution of the problem of refugees.

48. During the many years in which we have participated in the deliberations of various organs of the United Nations on the refugee problem, we have proved that the majority of refugees are exploited as a cheap and defenceless labour force, that the refugees are being used to supply the ranks of various foreign legions and as mercenaries in military adventures, and also for subversive and espionage activities against their own countries. The International Refugee Organization, and now the Office of the High Commissioner, have served to facilitate for certain Powers, and primarily for the United States, the use of refugees in this respect.

49. Despite the many obstacles set up by IRO, the Polish Government, in the first years after the war, made possible the repatriation of thousands of its citizens who, as a result of war and Nazi occupation, had been forced to leave their homeland and found themselves abroad. These people returned to their homes and families and have been participating for a long time in the peaceful and creative work of their country.

50. But how great is our sorrow when we think of those of our countrymen whose return to their homelands was made impossible and who are wandering homeless throughout the world, shifting from one country to another, exploited as cheap labour, condemned to the tender mercy of modern merchants of human sweat and toil. They are often deprived of social protection and social security, and they are discriminated against in the matter of wages. Those are the people whom the High Commissioner has characterized as "difficult cases" and as "forgotten people".

51. Full responsibility for the tragic fate of these people—our countrymen as well as persons of other nationalities—must be borne primarily by the governing circles of the United States and of certain other Powers which join them in this policy.

52. On the other hand, the same circles use demoralized elements among the refugees to further the aims of the cold war, for subversive purposes and for their propaganda of hatred against the countries of progress and peace. Taking advantage of the misery and degradation of these people, who were for many years inmates of camps, they have turned them into renegades against their own countries. They are trained in special schools for espionage, sabotage and subversion, to the end of preventing the construction of a new life in those countries which have liberated themselves forever from the *diktats* of monopolists. History has shown, and it is now showing again, that

all attempts to turn back the course of developments are doomed to disgraceful failure. Nothing can turn the nations back from their freely-chosen road of freedom and justice.

53. However, these activities of the so-called refugees clearly show the real aims of the present policy on refugees. It is a policy of propagating confusion and hatred in international relations, and it is particularly harmful at this time when certain prospects of a lessening of international tension are emerging.

54. The activities of the Office of the High Commissioner for Refugees, which serve the aims I have just described, are contrary to the binding resolutions of the General Assembly as well as to the vital interests of the refugees. They are directed against peaceful international co-operation. Therefore the Polish delegation opposed the continuation of the Office of the High Commissioner and all financial allocations for this purpose. That is why the Polish delegation voted against both draft resolutions submitted by the Third Committee.

55. Dr. MAYO (United States of America): In view of the so-called explanation of vote given by the representatives of the Soviet Union and Poland, I should like to explain the vote cast by the United States delegation. The representatives of the Soviet Union and Poland have made the same stale charges against the United States that have been made in each of the previous sessions of the General Assembly. As I said in the Third Committee, this is one of the oldest and most worn records in the entire Soviet-bloc collection.

56. The United States, contrary to what the Soviet Union and Polish representatives charge, has always favoured voluntary repatriation. The United Nations, however, will not agree to the compulsory repatriation of refugees any more than it will agree to the compulsory repatriation of prisoners of war.

57. The representative of the Soviet Union has also, as always, alleged that refugees are mistreated in the United States. The condition of refugees here is generally very satisfactory, and if there are exceptions I should like to know them, but preferably not from him. However, if he will give me a list of any individuals who are supposed to be mistreated in the United States, I shall be glad to have the cases investigated by reliable appropriate parties and private agencies concerned with social welfare.

**Technical assistance in promoting and safeguarding the rights of women: reports of the Third Committee (A/2494) and the Fifth Committee (A/2525)**

[Agenda item 62]

*Mr. Pashwak (Afghanistan), Rapporteur of the Third Committee, presented the report of that Committee (A/2494).*

58. The PRESIDENT: A roll-call vote has been requested on the draft resolution contained in the report of the Third Committee [A/2494].

*A vote was taken by roll-call.*

*Greece, having been drawn by lot by the President, was called upon to vote first.*

*In favour:* Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon,

Liberia, Luxembourg, Mexico, Nicaragua, Pakistan, Panama, Paraguay, Philippines, Poland, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yugoslavia, Argentina, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia.

*Against:* None.

*Abstaining:* Netherlands, New Zealand, Norway, Peru, Saudi Arabia, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Yemen, Afghanistan, Australia, Denmark, France.

*The draft resolution was adopted by 47 votes to none, with 13 abstentions.*

**Technical assistance in the fields of prevention of discrimination and protection of minorities: reports of the Third Committee (A/2495) and the Fifth Committee (A/2525)**

[Agenda item 63]

*Mr. Pashwak (Afghanistan), Rapporteur of the Third Committee, presented the report of that Committee (A/2495).*

59. Mr. MENESES PALLARES (Ecuador) (*translated from Spanish*): As one of the authors of the present draft resolution, which the Third Committee submits after adopting it without a dissenting vote, the Ecuadorian delegation stated fully, in committee, what it considers to be the advantages of that draft. In that way it attempted to allay the doubts, hesitations and fears of some delegations with regard to certain matters of form. One of my main purposes in speaking now is to appeal again, to those of our colleagues who preferred to abstain from voting in the Committee, to cast affirmative votes at this meeting. We honestly believe that the objections raised during the debates in the Third Committee—the greater part, if not all, of which were of a subsidiary nature—were adequately refuted at the time. I shall not now repeat those arguments. It is rather my desire to stress the far-reaching significance of the proposal under consideration.

60. It is a happy coincidence that this draft resolution on technical assistance in the prevention of discrimination and protection of minorities should have been submitted to the General Assembly today, one of the seven days which are devoted, year after year, to the United Nations. And I state this because the substance of the draft resolution concerns a question of transcendent importance to the Organization, the question of human rights.

61. The idea of extending technical assistance to promoting and safeguarding the rights of women, and to the prevention of discrimination and the protection of minorities, constitutes the first step towards making use of experts to promote and safeguard human rights as a whole. The Ecuadorian delegation considers that this initiative represents a new and highly valuable orientation in the policy of our Organization, which at the same time shows the dynamic force of the United Nations Charter and its constitutional value, which serves as a foundation for the soundest structures of modern international law. We therefore think

that today provides an auspicious occasion for meditating with faith and optimism on the subject of human rights.

62. This new approach towards international assistance offers new possibilities for a better understanding of the familiar concept of technical assistance. It also opposes considerations of a higher order to the outright and brutal materialism to whose degrading sway the world is subjected today. There are indeed, and in no small measure, such things as poverty, social misery and hunger in the world. Resources and opportunities are unequally distributed. It is therefore unnecessary to repeat that all that has been and is being done by technical assistance, under the wise and effective patronage of the United Nations in the spheres of economic development, social welfare and training in public administration, has been and is a valuable contribution of incalculable importance. But there is also in our world a hunger and a thirst for justice. Millions of human beings, to whom God has granted the breath of immortality, are deprived of fundamental rights and freedoms and are denied equality before the law.

63. This is a matter of paramount importance to all nations, both large and small, and is one of the cornerstones of this world-wide Organization. Indeed, the principle of non-discrimination and of the equality of human rights and freedoms is one of the pillars of the philosophical-juridical structure of San Francisco. It ranks with the principle of the sovereign equality of States in the political field. It is therefore not surprising that it should figure prominently in the Universal Declaration of Human Rights, being laid down in two of its articles, articles 2 and 7. It would be a very serious failure on the part of our Organization—perhaps as serious as any in the political sphere—if obligations in that respect should be allowed to fall into oblivion, to be underestimated or neglected.

64. I feel certain that there is not in this Assembly a representative of any country who is not clearly conscious of the fact that the provisions of the Charter concerning human rights and fundamental freedoms constitute legal rights and obligations for each of the Members of the United Nations. That has been conclusively demonstrated by the most able interpreters of the Charter and by the jurisprudence created by our Organization during the years of its existence. But it is often forgotten that the logical corollary of that fact is the permanent duty of each Member of the United Nations, and of the Organization as a whole, to take effective steps, and to set up the most suitable machinery, to achieve their aims with regard to human rights and fundamental freedoms.

65. The elimination of discriminatory practices is a *sine qua non* of the universal enjoyment of fundamental human rights and freedoms; equal treatment and equality before the law are the practical consequences of the application of this principle. In this connexion one need but consider, for example, how inequitable the enjoyment of the right to petition would

be if it were granted exclusively to certain persons or sections of the population, or how inequitable social welfare or educational services would be if only certain groups of the population were to benefit by them, while others were denied them.

66. The PRESIDENT: Rule 88 of the rules of procedure provides for an explanation of vote. This is a very elaborate appeal and not an explanation of vote. I request the representative to finish.

67. Mr. MENESES PALLARES (Ecuador) (*translated from Spanish*): As I previously stated, I am not so much explaining my vote as emphasizing the importance of this draft resolution. In any case, I have nearly finished.

68. Our task, as Member States of the United Nations, consists both in building for the present and in laying, with intelligence and foresight, the foundations of future structures. The dignity of the human person must remain the guiding principle of international action as proclaimed in the United Nations Charter, and we might say that the duty of the United Nations is to serve the spirit with all its power and resources, because the spirit is the highest expression of human life and its greatest quality. Likewise, it is the duty of the United Nations by every means at its disposal to practise, maintain, and stimulate culture, which is the greatest social and historical expression of the spirit.

69. The PRESIDENT: The Assembly will now vote on the draft resolution recommended by the Third Committee [A/2495].

*The draft resolution was adopted by 41 votes to none, with 16 abstentions.*

**Election of the members of the International Law Commission (A/2500/Rev.1) (continued)**  
[Agenda item 17]

70. The PRESIDENT: I am obliged to interrupt the proceedings at this point to announce that an error was made in the announcement of the results of the first ballot for the election of the members of the International Law Commission. An examination of the ballots shows that they were correctly counted and tabulated but that an error was made in transferring on to the tellers' report the number of votes cast for Mr. Pal of India. The number of votes received by Mr. Pal, according to the count of the tellers, was 37, and Mr. Pal accordingly received the required majority for election. Thus, on the first ballot, 14 members were elected, instead of 13 as announced.

71. I am obliged, therefore, to declare null and void the second ballot which was held, inasmuch as, under rule 94 of the rules of procedure, only two candidates should have been before the Assembly, since there remained only one vacant seat to be filled. We shall proceed with another ballot this afternoon.

*The meeting rose at 1.15 p.m.*