UNITED NATIONS

OFFICIAL RECORDS OF THE FOURTH SESSION
OF THE GENERAL ASSEMBLY

THIRD COMMITTEE

SOCIAL, HUMANITARIAN AND CULTURAL QUESTIONS

SUMMARY RECORDS OF MEETINGS
20 SEPTEMBER — 28 NOVEMBER 1949

LAKE SUCCESS, NEW YORK

INTRODUCTORY NOTE

These Official Records include the corrections to the provisional summary records which were requested by the delegations, and such drafting and editorial modifications as were considered necessary.

All United Nations documents are designated by symbols, i.e., capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The Annex to the summary records of meetings of the Third Committee contains a check list of all documents relating to the agenda of the Committee; the check list indicates the publication in which each document appears.

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THIRD COMMITTEE

AGENDA

The General Assembly, at its 224th plenary meeting, held on 22 September 1949, decided to allocate the following items of the agenda of the fourth session to the Third Committee for consideration and report:

Note. The items are listed in the order of priority adopted by the Third Committee at its 231st meeting. Numbers in brackets indicate the original order in the provisional agenda (A/C. 3/L.1).

1. Draft convention on freedom of information.
2. Freedom of information. Access for news personnel to meetings of the United Nations and the specialized agencies: item proposed by the Economic and Social Council.
3. Draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others: item proposed by the Economic and Social Council.
4. [5] Discriminations practised by certain States against immigrating labour and, in particular, against labour recruited from the ranks of refugees.
5. [6] Advisory social welfare services; item proposed by the Economic and Social Council.
6. [4] Refugees and stateless persons; item proposed by the Economic and Social Council.
7. [8] Chapter III of the Report of the Economic and Social Council.
8. [7] United Nations International Children's Emergency Fund:
   (*a*) Report of the United Nations International Children's Emergency Fund: item proposed by the Economic and Social Council.
   (*b*) United Nations Appeal for Children; report of the United Nations International Children's Emergency Fund.

CORRECTIONS SUBMITTED AFTER THE EXPIRATION OF THE TIME-LIMIT

The following corrections were received by the Secretariat after the expiration of the time-limit and are reproduced below upon the request of the delegations concerned.

TWO HUNDRED AND THIRTY-FOURTH MEETING

Paragraph 58

Replace this paragraph by the following text:

"58. The peoples in several areas of the world required that the principles approved by the Conference on Freedom of Information held at Geneva should be put into effect. The organs of the Press and radio would have ample opportunity in the future to decide whether they desired the convention, which he, personally, found satisfactory for the purpose previously expressed."

TWO HUNDRED AND FORTY-NINTH MEETING

Paragraph 60

Replace this paragraph by the following text:

"60. Mr. LALL (Chairman of the Governing Body of the International Labour Office), in reply to the question by the Lebanese representative, said that, after preliminary examination by the Permanent Migration Committee, a questionnaire had been sent to ascertain the views of members on the revision of the Convention and Recommendation concerning Migration for Employment, of 1939. The replies received provided the basis for the revised convention and recommendation on that subject adopted by the thirty-second session of the International Labour Conference on 1 July 1949."

THIRD COMMITTEE

Social, Humanitarian and Cultural Questions

TWO HUNDRED AND THIRTIETH MEETING

Held at Flushing Meadow, New York, on Tuesday, 20 September 1949, at 12.45 p.m

Acting Chairman: General Carlos P. RÓMULO (Philippines).

Election of the Chairman

1. Mr. STIKKER (Netherlands) nominated Mr. Stolk (Venezuela).

2. Mr. HOUDEK (Czechoslovakia) and Mr. DE FREITAS-VALLE (Brazil) seconded the nomination.

In the absence of any other nomination, Mr. Stolk (Venezuela) was elected Chairman.

The meeting rose at 12.50 p.m.

TWO HUNDRED AND THIRTY-FIRST MEETING

Held at Lake Success, New York, on Friday, 23 September 1949, at 11.10 a.m.

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

Election of the Vice-Chairman

1. Mr. VAN HEUVEN GOEDHART (Netherlands), seconded by Mr. DE MARCHENA (Dominican Republic) and by Mr. RODRÍGUEZ FABREGAT (Uruguay), nominated Mrs. Lindström (Sweden).

Mrs. Lindström (Sweden) was elected Vice-Chairman by acclamation.

Election of the Rapporteur

2. Mr. DAVIES (United Kingdom), seconded by Mr. NORIEGA (Mexico) and Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic), nominated Mr. Vrba (Czechoslovakia).

Mr. Vrba (Czechoslovakia) was elected Rapporteur by acclamation.

Adoption of the agenda (A/C.3/L.1)

3. The CHAIRMAN proposed that the Committee should study the provisional agenda (A/C.3/L.1).

4. He pointed out that the General Council of the International Refugee Organization was to meet in October and suggested the advisability of postponing the study of item 4 (Refugees and stateless persons) till after that of item 6. Moreover, the Executive Board of the International Children's Emergency Fund was meeting at the beginning of November.

5. He therefore proposed that item 7 (United Nations International Children's Emergency Fund) should be placed last on the agenda.

It was so decided.

6. Mr. DAVIES (United Kingdom) thought it would also be advisable to postpone the discussion of item 3—the draft convention for the suppression of traffic in persons and of the exploitation of the prostitution of others. It would be expedient to ask the Sixth Committee first of all to consider the clauses of that draft convention which were of a legal nature.

7. The United Kingdom delegation considered that the postponement would be desirable for a second reason: some members of the Committee who would take part in the discussion of the draft convention were also to sit on the Social Commission, which was not meeting till December.

8. The CHAIRMAN said that the observations of the representatives of the United Kingdom were justified.

9. He therefore suggested that no decision should be taken on item 3 before the outcome of his discussions on the subject with the Chairman of the Sixth Committee were known.

It was so decided.

The agenda was adopted with the foregoing modifications and reservation.

Programme of meetings

10. Mr. NORIEGA (Mexico), seconded by Mr. ICHASO (Cuba) and Mrs. VIAL DE SEÑORET (Chile), said that it was not absolutely necessary for the Committee to meet on Saturday afternoon. He believed that that respite would enable representatives to make better preparation for their work.

11. Mr. BAROODY (Saudi Arabia) hoped that the Committee would also decide against night meetings. He believed that the results achieved by meetings held at night were out of all proportion to the overwork and fatigue involved.

12. The CHAIRMAN pointed out that the General Assembly has approved the report of the General Committee which provided for night meetings if they were required to enable them to keep to the date fixed for the close of the session.

13. As regards meetings on Saturday afternoons, the Committee might, in principle, decide against them, unless the programme of the work during the week showed such a meeting to be necessary.

The Chairman's proposal was adopted.

The meeting rose at 11.45 a.m.

TWO HUNDRED AND THIRTY-SECOND MEETING

Held at Lake Success, New York, on Monday, 26 September 1949, at 10.45 a.m.

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

Draft convention on freedom of information (A/961 and A/C.3/518)[1]

1. The CHAIRMAN opened the discussion on the draft convention on freedom of information.

2. Mr. NORIEGA (Mexico) suggested that, in view of the existence of conflicting opinions, the discussion should be postponed until the following morning, so that, in the interval, a compromise draft resolution, acceptable to the majority of delegations, might be prepared.

3. He therefore moved the adjournment of the meeting.

The motion was adopted by 27 votes to none, with 11 abstentions.

The meeting rose at 11.10 a.m.

TWO HUNDRED AND THIRTY-THIRD MEETING

Held at Lake Success, New York, on Tuesday, 27 September 1949, at 10.45 a.m.

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

Draft convention on freedom of information (A/961 and A/C.3/518)

1. The CHAIRMAN placed before the Committee two draft resolutions submitted jointly by the delegations of the Netherlands, the United Kingdom and the United States of America (A/C.3/L.4 and A/C.3/L.5) and one presented by the French delegation (A/C.3/L.6).

2. Mrs. ROOSEVELT (United States of America) observed that the United Nations had recognized that freedom of information was an essential element in the maintenance of peace and security and that her country regarded it as such in framing its foreign policy. That that principle should be formally recognized in an international instrument was therefore equally essential. The General Assembly had succeeded in finishing the Convention on the International Transmission of News and the Right of Correction at its third session, but the Third Committee had found extreme difficulty in drafting a convention on freedom of information. The principal difficulty had lain in the lack of agreement about the details. To write into an international instrument a statement of the relevant principle—on which general agreement had prevailed, two alternative methods could be employed. Either a fresh attempt might be made to draft a convention or else adequate provisions for safeguarding the right of freedom of information could be included in the draft covenant on human rights. That covenant would in any case include some reference to freedom of information because it was one of the basic human rights and freedoms. The objection to the former procedure was that nothing had arisen which might give grounds for hope that the original disagreement on details would find any easier solution. That disagreement had been caused by the difference between conditions prevailing in the countries concerned—conditions which had not changed since the end of the third session of the General Assembly. Agreement on the basic principles, was, however, feasible. The covenant on human rights would therefore be the appropriate place for provisions guaranteeing the right to freedom of information, without which, indeed, it would be incomplete.

3. Turning to the relevant joint draft resolution (A/C.3/L.5), Mrs. Roosevelt noted that the inclusion of adequate provisions on freedom of information in the draft international covenant on human rights was recommended to the Commission on Human Rights, which would receive such material as would enable it to appreciate thoroughly the work already done in that connexion. The Commission had already reached definite results on many questions of principle and might be expected to be equally successful in dealing with the question under discussion. In the event that the Commission was unable to fulfil its obligation, the item would be retained on the agenda of the General Assembly until such time as the Third Committee could review the provisions drafted by the Commission.

4. With regard to the other joint draft resolution (A/C.3/L.4), requesting the opening of the first convention for signature, she noted that that convention had been adopted by a large majority in the General Assembly. Members which wished to sign the convention should be able to do so without further delay. Admittedly, certain Governments might hesitate; such was the case with all international conventions. The procedure recommended, however, was the most realistic in the circumstances. An additional advantage was that it permitted the Third Committee to retain the ultimate responsibility of deciding whether the question of principle had been adequately dealt with by the Commission on Human Rights.

5. Mr. TERROU (France), introducing his delegation's draft resolution (A/C.3/L.6), observed that the procedures of postponement or reference were used by most public bodies simply as a means of obviating the necessity of stating plainly that some proposal was not desired. Even in such cases, however, a certain amount of discussion of the proposal was usually permitted. The joint resolution (A/C.3/L.5), if adopted, would preclude all discussion, whether of principle or detail. The fact that a debate on the convention on freedom of information had in fact been initiated at the previous session and that resolution 277(III)A of the General Assembly had invited the General

[1] See *Resolutions adopted by the Economic and Social Council during its seventh session* (E/1065), resolution 152 (VII) B.

Assembly, at its fourth session, to give high priority to the item showed that such discussion had been generally desired. The discussion in the Third Committee at the close of the third session had inevitably suffered from the lack of time, but it had at least shown that the need for a thorough examination of the convention had then been felt. No proposal to abandon the whole matter had been made during that debate. Yet the proposal was made that the same Committee should reverse its attitude.

6. Mr. Terrou reminded the Committee that the United Kingdom delegation had originally submitted the draft convention on freedom of information to the United Nations Conference on Freedom of Information, which had adopted it at the same time as it had adopted the two other conventions relating to the same subject. It could not therefore be denied that those conventions had been regarded as being closely linked, at least with regard to the principle involved, despite the difference of the obligations upon States inherent in the convention on freedom of information. The identity of principle in the conventions had been such that to deny the connexion would be tantamount to stating that the amalgamated Convention on the International Transmission of News and the Right of Correction did not in fact guarantee the freedom of information. The two conventions were, in fact, simply two parallel methods of securing genuine freedom of information. Identity of interest was not confined to the question of principle; it extended to the field of technique. The argument that the first convention was merely technical and could therefore be isolated from the second was not, therefore, valid. It was not for the Third Committee to make a distinction between one set of principles and another, as the United Kingdom delegation appeared to recommend. That delegation, indeed, appeared ready to go further and to wish to jettison one set of principles altogether.

7. At the Conference on Freedom of Information it had been fully recognized that the covenant on human rights should contain a provision concerning freedom of information, and instructions had even been given to draft such a clause. That had not prevented the United Kingdom delegation from submitting a draft convention because it had been well aware, and indeed was still aware, of the fact that the precise, technical rules which that convention should contain had no place in the very general framework of the covenant.

8. The Conference, moreover, had been anxious to obtain results as rapidly as possible. It had rejected a proposal submitted to it to the effect that the convention on freedom of information should be referred to the Sub-Commission of the Commission on Human Rights. The conventions had always been intimately connected, had come jointly before the General Assembly and had been examined together by the Third Committee at the third session.

9. At that session it had been impossible to obtain decisive action. No one, however, had proposed that the draft convention on freedom of information should be referred back to the Commission on Human Rights. The resolution adopted on that subject had recommended that the General Assembly should accord priority to the examination of the question. During the debate in the Assembly it had been the United Kingdom representative who had stated that it would be deplorable if no further action were taken on the convention on freedom of information and had strongly urged that the examination of that convention should be resumed immediately upon the opening of the fourth session. That view had prevailed in spite of the fact that the General Assembly had been fully cognizant of the difficulties which had been encountered by the Third Committee in the early stages of the discussion of the convention.

10. Mr. Terrou observed that, whereas those difficulties had been largely due to lack of time for discussion at the end of a session, the fourth session was only beginning and there would be ample opportunity for exhaustive examination. The principal difficulties had arisen in connexion with article 2, owing to the conflict of opinion as to whether it should contain specific or general restrictions. Since then the French delegation had reversed its stand and had abandoned its advocacy of a specific clause in favour of a general one. That showed that it ought to be possible to obtain a text which would be generally acceptable. The difficulty was by no means insuperable.

11. In order to avoid a repetition of the confusion which had stood in the way of a solution, the French delegation had proposed the establishment of a working party to draft a clear compromise text upon which the Third Committee as a whole could take definite action. Such a procedure was preferable to a total renunciation of the convention, which would shock public opinion and nullify the work of the Conference on Freedom of Information. To fumble with continual postponements and references to bodies which lacked the necessary qualifications would brand the Third Committee as impotent and jeopardize the principles themselves. The establishment of a working party might not be the best method of obtaining the requisite results; he was prepared to accept any suggestion which would serve that purpose more effectively.

12. Mr. FREYRE (Brazil) felt that the fear entertained by some delegations that interest in the second convention would decline if the first were approved and even signed separately was exaggerated. That fear had been the principal motive underlying the adoption of resolution 277 (III)A of the General Assembly, under which the first convention was not to be opened for signature until definite action had been taken on the second. The discussions on the second convention had shown the extreme unlikelihood of any harmonious solution. His delegation would certainly prefer that there should be no convention than that there should be an unsatisfactory one.

13. Mr. Freyre could not, however, accept the joint draft resolutions (A/C.3/L.4, A/C.3/L.5) because they appeared to postpone examination of the convention almost indefinitely.

14. He would therefore be somewhat reluctantly compelled to vote for the French draft resolution (A/C.3/L.6) on the ground that the Third Committee had a moral obligation at least to attempt to find a solution during the current session.

15. Mr. FOURIE (Union of South Africa) said that an undesirable impression would be created if the Committee decided to take no action on the convention on freedom of information and merely

to incorporate the principle in the draft covenant on human rights. It was not clear why certain aspects of freedom of information should be appropriate in a convention and others in the covenant. The difficulties inherent in drafting a convention should not be insuperable. The principal difficulty lay in article 2, but a more acceptable text could be worked out.

16. The French draft resolution appeared likely to serve that purpose, but the second paragraph was too strongly worded. To delete it would not impair the effect of the remainder of that resolution, which he would support if the French representative were prepared to accept such an amendment.

17. With regard to the joint draft resolution (A/C.3/L.4), he did not object to the opening of the first convention for signature even before action had been taken on the second one, but he could not accept the idea of further postponement. He presumed, however, that action would not be taken on the signature of the first convention until some decision had been reached on the procedure to be adopted with regard to the second.

18. Mr. MENESES PALLARES (Ecuador) feared that the setting up of a working party to examine the draft convention on freedom of information would lead to no tangible result. The establishment of new committees did not necessarily lead to success; it did, however, inevitably entail the danger of duplication of work. Indeed, even if the proposed working party reached a unanimous decision, the matter would still have to be debated within the Third Committee itself. Furthermore, he felt that freedom of information was too important a question to be referred to a mere working party.

19. The Committee should beware of trying to achieve a convention at any cost; a bad convention would be even worse than no convention. In his opinion, there were many cogent and forceful reasons for referring the matter to the Commission on Human Rights as proposed by the Netherlands, United Kingdom and United States joint draft resolution. The inclusion of the fundamental tenets of freedom of information in the international covenant on human rights would mean unanimous agreement on general principles, while the drafting of a separate convention might result in various inconsistencies, if not actual clashes, between its provisions and domestic legislations, which quite legitimately imposed certain restrictions on freedom of information. By referring the draft convention on freedom of information to the Commission on Human Rights, the Committee would not be discarding the subject. The door would remain open to any further discussion, should the Commission fail to reach a successful decision.

20. Mr. VAN HEUVEN GOEDHART (Netherlands) was convinced that the overwhelming majority of the Committee wished to have adequate international provisions for those aspects of freedom of information which had not yet been properly dealt with in the Convention on the International Transmission of News and the Right of Correction. The main problem was to find the most suitable procedure.

21. Recalling the difficulties which already had arisen in connexion with articles 2 and 5 of the draft convention on freedom of information, both at the Geneva conference and during the second part of the third session of the General Assembly, he expressed most serious doubts whether they could be solved by a working party. Had he felt that such a party stood any chance of success, he would gladly have lent his wholehearted support to the French proposal.

22. He was deeply convinced, however, that the matter was not yet ripe for a separate convention. Yet it was most desirable that there should be some adequate international provisions in that field. Hence his proposal to refer the question to the Commission on Human Rights, which should be asked, not to draft a new convention, but to include adequate provisions on freedom of information in the draft international covenant on human rights, in the light of the discussions which had already taken place on the subject in the Third Committee. It had been argued that the Convention on the International Transmission of News and the Right of Correction could not be opened for signature until the General Assembly had taken "definite action" on the draft convention on freedom of information as provided in General Assembly resolution 277 (III)A. In his opinion, to refer the matter to the Commission on Human Rights would constitute such "definite action."

23. It was better honestly and openly to acknowledge that the question was not yet ripe for a separate convention and, in those circumstances, the best course for the Committee was to adopt the joint Netherlands, United Kingdom and United States draft resolution, thus ensuring that the Commission on Human Rights would work out some adequate provisions on freedom of information, which would form a counterpart to those already embodied in the Convention on the International Transmission of News and the Right of Correction.

24. Mr. NASZKOWSKI (Poland) deprecated the United States and United Kingdom manoeuvres aimed at thwarting any sincere attempt to work out a just and honest convention on freedom of information in the interest of peace and international collaboration. Athough the Convention on the International Transmission of News and the Right of Correction was of secondary importance and purely technical in character, the United States and the United Kingdom had insisted that it should be completed first. That convention left full freedom of action to United States and United Kingdom correspondents and provided neither States nor individual readers with any effective protection against slander, distorted news and warmongering. Article IX, for instance, merely appealed to the "professional responsibility" of correspondents instead of laying down definite regulations against the distortion of news. Furthermore, "news material" had been made to include all kinds of news so that even distorted and false news was protected by the convention, which was advantageous only to the United States and United Kingdom Press and information monopolies.

25. The United States and the United Kingdom proposal to postpone further action on the draft convention on freedom of information, which they themselves had submitted in the first instance, was explained by their fear that the final text of such a convention might not prove wholly advantageous to them. Indeed, many amendments had been

adopted during the second part of the third session of the General Assembly, including for instance the Polish amendment to article 2, prohibiting any incitement to religious and racial hatred.[1]

26. The Polish delegation would consider the postponement of action on the draft convention on freedom of information as entailing the automatic postponement of any further action on the Convention on the International Transmission of News and the Right of Correction, as the two were intimately bound together. That had been clearly recognized by the General Assembly when it had decided in resolution 277 (III)A that the Convention on the International Transmission of News and the Right of Correction would not be opened for signature until the General Assembly had taken "definite action" on the draft convention on freedom of information. "Definite action" could only mean either adoption or rejection; referring the matter to the Commission on Human Rights could in no circumstances be construed as representing such action. Consequently, if the draft convention on freedom of information were referred to the Commission on Human Rights, the Convention on the International Transmission of News and the Right of Correction could not be opened for signature.

27. Mr. RAO (India) recalled that the previous session of the Third Committee had, despite serious warnings from his and other delegations, made major changes in the text of the Convention on the International Transmission of News and the Right of Correction, and had then applied the same methods to the draft convention on the freedom of information until the whole question had become so involved and complex that the latter convention had had to be referred to the fourth session of the General Assembly. From the discussions which had preceded that decision, there had emerged at the time the basic and generally accepted idea that the interim period between the adoption of the first and second conventions should be as short as possible because both were part of an organic whole and should, therefore, be considered together.

28. Hence, he sympathized greatly with the views expressed by the French representative and the proposal he had submitted to the Committee. He agreed, however, with the South African representative's suggestion that the second paragraph of the French draft resolution might be deleted altogether; furthermore, he felt that the decision proposed by that draft resolution should be taken by the Third Committee itself and not by the General Assembly. Nor did he feel it would be necessary to wait until 15 October 1949 for a report from the working party proposed under the draft resolution.

29. He was in full agreement with the opinion of the French representative that the Committee should, through the intermediary of the suggested working party, make yet another effort to solve the difficulties which had arisen in connexion with the draft convention on freedom of information. It was his belief that such a working party should be given the fullest freedom possible to deal with the convention as a whole. In doing so, it would no doubt bear in mind the debates which had already taken place on that subject in the Third Committee. If the working party were successful in its task, the Committee might still be able to adopt an acceptable convention during the current session of the General Assembly. Should it fail, however, nothing would prevent the Committee from then recommending to the General Assembly that the matter should be referred to the Commission on Human Rights, as proposed in the joint Netherlands, United Kingdom and United States draft resolution.

30. By adopting the course he suggested, the Committee would not be rejecting that draft resolution; it would merely adjourn the debate on that item for some time in accordance with rule 108 (*c*) of its rules of procedure.

31. Mr. OTAÑO VILANOVA (Argentina) believed that the Convention on the International Transmission of News and the Right of Correction and the draft convention on freedom of information were but two parts of an organic whole, the former dealing with technical rules and regulations and the latter with general principles. Indeed, it had always been his opinion that it would have been more advisable to deal with the general principles first and the technical regulations second. The reverse procedure, however, had been adopted in the past despite serious misgivings on the part of various delegations. That the Committee had always regarded the two conventions as parts of an organic whole was quite clear from the provision adopted both by the Committee and the General Assembly that the Convention on the International Transmission of News and the Right of Correction would not be opened for signature until the General Assembly had taken "definite action" on the draft convention on freedom of information.

32. He agreed with the joint Netherlands, United Kingdom and United States draft resolution in so far as he felt that the covenant on human rights should be most comprehensive and should thus include general principles pertaining to freedom of information.

33. In his opinion, however, the Committee should give serious consideration to the French proposal in the hope that the proposed working party might achieve some measure of success in finding a common denominator for an exhaustive debate in the Committee itself.

34. In conclusion, he wished to emphasize his full agreement with the statement made by the representative of Ecuador that a bad convention would be even worse than no convention at all.

35. Mr. DEDIJER (Yugoslavia) considered the draft resolution submitted by the Netherlands, United Kingdom and United States delegations to be simply an attempt to condemn the draft convention on freedom of information to gradual oblivion. Almost four years had passed since the question of freedom of information had first been raised. The Conference held at Geneva in March 1948 had adopted three conventions and forty-three resolutions on the subject,[2] while the Third Committee, at its previous session, had only managed to adopt one amalgamated convention after lengthy and arduous discussions. In his opinion, the Convention on the International Transmission

[1] See *Official Records of the third session of the General Assembly, Part II, Third Committee*, 213th meeting.

[2] See *Final Act of the United Nations Conference on Freedom of Information* (E/Conf.6/79).

of News and the Right of Correction dealt only with technicalities and would simply serve to permit the unlimited penetration of monopolists into under-developed countries. With the adoption of that convention, the States with powerful media of information were trying to abandon the draft convention on freedom of information, which, although it was not perfect, could have served as the basis for a really effective instrument in the cause of international peace and security.

36. In the interval since the subject of freedom of information had first been discussed, the activities of the Press had not improved in the least and there had been no attempt to carry out the recommendations of the resolution introduced by Yugoslavia on false or distorted reports, and adopted by the Assembly during its second session as resolution 127 (II). The situation had in fact deteriorated and warmongering was rife.

37. The under-developed countries were at a particular disadvantage since they possessed no powerful means of distributing information and thus of making their views known throughout the world. Yugoslavia was a case in point. For the preceding year and a half the Press of the USSR, acting on governmental instructions, had consistently aimed at the overthrow of the legal Government in Yugoslavia. The campaign against Yugoslavia had reached such proportions that when a football team from Yugoslavia had won a match in Norway, the Press in all the Eastern European countries had attributed the victory to a team from Czechoslovakia. Mr. Dedijer then gave further examples of the threats, intimidation and falsehood to which Yugoslavia had been exposed from the East.

38. The Press of the West had also published false and distorted information about his country in an attempt to aggravate the strained relations between the socialist countries of the East. For example, a correspondent of *The New York Times* had written an article stating that an Albanian committee composed of Nazi collaborators had been formed in Yugoslavia. The story had been officially denied, as had also false rumours from the East which alleged that Yugoslavia had sinister designs against the independence of Albania. Nevertheless, two weeks later the same correspondent of *The New York Times* had repeated his story from Athens, thus adding colour to the false rumours from the East.

39. The Yugoslav delegation, therefore, was parparticularly anxious that the Third Committee should keep the draft convention on freedom of information on its agenda for, with certain improvements, the document would provide a safeguard against the existing misuse of the media of information.

40. Mr. AZKOUL (Lebanon) said that the work of the United Nations in the field of human rights could not be confined to the elaboration of the Universal Declaration of Human Rights and the proposed covenant. It had always been recognized that further international instruments would be required to deal in greater detail with some of the subjects which could only be touched upon in general terms in those two documents. The necessity for further draft conventions had become even more evident of late because of the growing tendency to elaborate the draft covenant on human rights in very general terms. In his opinion, therefore, it was essential to prepare a separate convention on freedom of information, even though an article on the subject would be included in the draft covenant on human rights.

41. As had already been said, the draft convention on freedom of information was very closely connected with the Convention on the International Transmission of News and the Right of Correction. The fact that the General Assembly had decided not to open the one for signature until definite action had been taken on the other was sufficient proof of their interdependence.

42. Nevertheless, he recognized that the countries which wished to refer the matter to the Commission on Human Rights must have important reasons for that proposal. It was difficult, however, for the Third Committee to take a decision without knowing exactly what difficulties were envisaged by those countries. In that respect, he supported the representative of India who had shown the possibility of a compromise solution.

43. The working party proposed by the representative of France (A/C.3/L.6) could analyse the difficulties which were likely to arise in the preparation of a final draft convention and could attempt to overcome them. If it then became apparent that the difficulties were insuperable, the Third Committee could adopt the procedure suggested by the delegations of the Netherlands, the United Kingdom and the United States (A/C.3/L.5).

44. He did not think that the Third Committee should refer the question to another body until it had at least made some attempt to discuss it.

45. Mr. CONTOUMAS (Greece) referred to the general pattern of the work of the United Nations on human rights and said that the question of freedom of information obviously belonged within that pattern. From that point of view, therefore, he would have been glad to support the proposal made by the Netherlands, United Kingdom and United States delegations to refer the matter to the Commission on Human Rights. It would have been more logical to have decided from the very start that the provisions on freedom of information should be incorporated in the draft covenant on human rights. Then more detailed conventions could have been drafted later when the need arose. Unfortunately, however, the Third Committee had already adopted one convention on the subject and it would be very difficult to refer the second draft convention back to the Commission on Human Rights, when the Assembly had expressly requested the Third Committee to give the matter high priority.

46. It might be possible to find a compromise solution on the basis of the draft resolution submitted by the representative of France (A/C.3/L.6). A working party might be asked to prepare an acceptable text of the draft convention on freedom of information; but he emphasized that such a text should be unanimously adopted before it could be considered as a successful compromise. In his opinion, the Committee should decide to refer the matter to the Commission on Human Rights unless it proved possible to prepare a unanimously acceptable compromise text.

47. In conclusion, he emphasized that his country felt very strongly that an international instrument on freedom of information should be prepared.

The meeting rose at 1 p.m.

TWO HUNDRED AND THIRTY-FOURTH MEETING

Held at Lake Success, New York, on Tuesday, 27 September 1949, at 3 p.m.

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

Draft convention on freedom of information (A/961 and A/C.3/518) (*continued*)

1. Mr. BRAÑA (Cuba) gave the reasons why his delegation would support the French proposal (A/C.3/L.6) to entrust the consideration of the draft convention on freedom of information to a working party of eleven members.

2. His delegation considered that the Committee could not evade the consideration of an item that had been included in its agenda by a resolution of the General Assembly with a request that it should be given the highest priority. It felt that the General Assembly was alone competent to decide that the question should be deferred.

3. The Cuban delegation also thought that if the Committee were to evade its responsibilities, it would disappoint world public opinion, which justifiably expected the United Nations to define the principles that should govern freedom of information, and proclaim them without delay.

4. Mr. TEJERA (Uruguay) stressed that the positions taken by various delegations in the course of the debate were a proof of the complexity of the problem that the Committee had to settle. Uruguay, which was a country where information and the Press enjoyed absolute liberty, would be guided in voting by the sole consideration that freedom of information was essential to safeguard the freedom of peoples, peace, international understanding and social progress.

5. The delegation of Uruguay did not doubt in any way the motives that had led the delegations of the United Kingdom, the United States and the Netherlands to submit their joint proposal (A/C.3/L.5); the liberal traditions of those countries were a guarantee of their intentions. He did not think, however, that the Commission on Human Rights, whose agenda was already so overloaded, was the appropriate organ to consider the draft convention on freedom of information. Moreover, that study could not be postponed without jeopardizing the confidence of the peoples of the world in the United Nations.

6. The delegation of Uruguay would therefore vote in favour of the proposal submitted by the French delegation.

7. Mr. LÓPEZ (Philippines) regretted that he could not support the French proposal: experience had shown that small working groups such as the one proposed did not, in the end make it possible to speed up work. If the Committee were to decide to retain item 1 on its agenda, it would be preferable for it to consider that item in a plenary meeting.

8. The Philippine delegation would prefer the Committee to adopt the joint resolution of the Netherlands, the United States and the United Kingdom, for purely practical reasons. His delegation thought it would be advisable, before taking a decision on the draft convention, to take note of the provisions on freedom of information in the draft covenant on human rights that the Commission on Human Rights was to submit to the General Assembly at its fifth session. A comparative study of the two texts would make it possible to avoid repetition or contradictions and might even show the redundancy of two separate instruments to protect the freedom concerned. At the same time such a study might detect omissions in the covenant, and it would then be the duty of the Third Committee to supplement them. In any case, it would appear that the most logical method of procedure would be first to define the principles of freedom of information and then to consider their practical implementation.

9. For those reasons, the Philippine delegation would vote in favour of the joint resolution of the Netherlands, the United Kingdom and the United States.

10. Mr. DAVIES (United Kingdom) said that his delegation had been rather reluctant to propose that consideration of a draft convention which it had been privileged to submit to the Conference on Freedom of Information held in Geneva in 1948 should be referred to another body.

11. In order to dispel any misunderstanding on that matter, he wished to state in the first place that his delegation's position of principle had remained precisely the same as it had been in Geneva. It still considered that the purpose of the proposed convention was to define the principles of freedom of information and to state the conditions in which they would be applied, with a view to extending that freedom to all the peoples of the world. Unfortunately, the United Kingdom delegation feared that in the existing circumstances the Committee would not be able to draw up a document which fulfilled that purpose.

12. The joint proposal of the Netherlands, the United Kingdom and the United States did not suggest that the draft convention on freedom of information should be abandoned; a reading of its final paragraph was convincing proof of that fact. It merely suggested that consideration of the draft should be postponed until the principles of freedom of information had been defined by the Commission on Human Rights. The Third Committee would of course remain seized of the question and would have to take a final decision on the matter at the fifth session of the General Assembly.

13. Mr. Davies pointed out that serious differences of opinion had become apparent in the Committee in the course of earlier discussions, particularly those held during the second part of the third session of the General Assembly. He recalled the lively debate on the subject of articles 2 and 5, and the controversy caused by the restrictions which certain delegations proposed to apply to the exercise of freedom of information and by the question of whether the convention should conform to existing national laws or whether the signatory States should undertake to adapt their laws to the convention. Those divergent views had certainly not been reconciled since the previous spring and must still be taken into account. Because those divergent views did exist, the United Kingdom delegation was convinced that the Third Committee was not in a position to draft a con-

vention on freedom of information worthy of that name; accordingly, it preferred to postpone its drafting.

14. Mr. Davies supported the second joint proposal (A/C.3/L.4) to open immediately for signature the Convention on the International Transmission of News and the Right of Correction, which had been adopted by the General Assembly at its third session. He felt that it was not altogether correct to say that that convention could not be separated from the proposed convention on freedom of information. He pointed out that three separate draft conventions had originally been proposed by the delegations of the United States (on the transmission of news), France (on the right of correction) and the United Kingdom (on freedom of information) although there had been no prior consultation among those delegations. It had been found advisable to combine the first two drafts, both of a technical nature. The same did not apply to the draft convention on freedom of information. The United Kingdom delegation felt that the latter was not directly related to the convention which had already been adopted and that consequently there was no reason for not opening immediately the Convention on the International Transmission of News and the Right of Correction for signature by Member States.

15. In conclusion, Mr. Davies said that he would vote against the French proposal because he doubted whether a small study group would serve any useful purpose, especially at that stage of the discussion.

16. Mr. ZONOV (Union of Soviet Socialist Republics) stated that a decision by the Committee to defer discussion of the draft convention on freedom of information would not be unexpected at all. A tendency in that direction had already been revealed at the preceding session and the United States Press had recently presented similar ideas. The amendments which had been suggested to the Geneva draft were obviously not favoured by the delegations of the United States and the United Kingdom and still less by the Press monopolies whose interests those two delegations defended. The rejection of the whole of article 4[1] provided a very clear indication of the policy followed by the United States and the United Kingdom.

17. Moreover Mr. Zonov did not accept the Geneva text as a whole since that text contained no provisions against the diffusion of news that was false, slanderous or inspired by warmongers. Mr. Gromyko had already stated on behalf of the USSR delegation that the Convention on the International Transmission of News and the Right of Correction had, as its sole purpose, the protection of the interests of information trusts.

18. Neither the Geneva draft nor the subsequent one included the principles which the USSR and the peoples' democracies would like to see in a convention on freedom of information. It was essential for such a convention to be in harmony with the true aspirations of the peoples of the world rather than with the interests of Press monopolies. The dissemination of true and objective news must be guaranteed. The convention should include necessary provisions for combating fascist, racial and warmongering propaganda. Freedom of information must be guaranteed but the spread of slanderous news must be prevented. In substance Mr. Zonov merely restated the ideas which the USSR delegation and certain other delegations had already expressed before the General Assembly.

19. Mr. Zonov could not approve the draft resolution of the French delegation because the working party of eleven members which it proposed could certainly not iron out the differences of opinion which had been revealed. The discussion should be continued in the Committee itself.

20. Mr. Zonov wished to reply briefly to the Yugoslav representative's accusations against the Soviet Union. It was false to say that the USSR had ever been guilty of incitement to war. The machinations which had been revealed during the Budapest trial and which constituted an attempt to interfere in the internal affairs of Hungary served as a condemnation of the Yugoslav Government.

21. Mr. BAROODY (Saudi Arabia) recalled that the Committee, and later the General Assembly, had decided formally the previous May that the two draft conventions on freedom of information formed an indivisible whole, and that one would not be open for signature by Member States before the other.

22. He recalled that during the examination of the draft convention on the international transmission of news and the right of correction, numerous amendments had been rejected on the ground that they belonged in the second convention. At that time, the authors of those amendments had been assured that both conventions would go into force simultaneously and it was on the faith of that assurance that they had voted in favour of the first convention, although they had considered the text imperfect.

23. That convention, as a matter of fact, while it assured the greatest freedom of action to Press agencies and journalists of countries which possessed powerful news services, did not provide sufficient protection for less-developed countries which often found it impossible to protect themselves against the dissemination of false or tendentious reports concerning them. Such a state of affairs could only be remedied if the second convention properly established the duties and responsibilities of news media, which were not considered at all in the first convention. The first convention, therefore, could not be opened separately for signature by Member States.

24. On the other hand, the joint proposal of the Netherlands, the United Kingdom and the United States (A/C.3/L.5) contemplated recommending to the Economic and Social Council that it invite the Human Rights Commission to insert in the draft international covenant on human rights appropriate provisions relative to freedom of information. The representative of Saudi Arabia thought that that was not sufficient. Even if it offered all desirable protection to the freedom of information, it was possible that the covenant on human rights would prove to be unacceptable as a whole to certain Member States: because it might not, for example, take into consideration their traditions or because it might not be in harmony with their national conscience.

[1] See *Official Records of the third session of the General Assembly, Part II, Third Committee*, 217th meeting.

25. The delegation of Saudi Arabia therefore maintained its view that the draft convention on freedom of information should be studied as an independent document, and that that study should be undertaken by the Third Committee itself, with which rested the responsibility of accepting or rejecting it. He did not think that the working party proposed by the French delegation was sufficiently representative because it was up to all fifty-nine Members of the Organization to take part in the discussion of a question that was vital for their peoples.

26. The delegation of Saudi Arabia would vote against the joint draft resolutions (A/C.3/L.4 and A/C.3/L.5) and against the proposal of the delegation of France (A/C.3/L.6).

27. Mr. VAN HEUVEN GOEDHART (Netherlands) said that the representative of the USSR was not justified in speaking of an Anglo-Saxon manoeuvre in connexion with the joint proposals: that was evidenced by the fact that the Netherlands had associated itself with those proposals although it was a small country where no information monopoly existed. Mr. van Heuven Goedhart regretted that the discussion had been led into the field of polemics when only a question of procedure was involved which ought to be settled without delay.

28. The delegation of the Netherlands was convinced that the formation of a working party would serve no useful purpose, and he called upon the members of the Committee to approve the draft resolution of the Netherlands, the United Kingdom and the United States (A/C.3/L.5), which offered the best solution at the current stage of the question.

29. Mr. MESSINA (Dominican Republic) recalled that in resolution 277 (III)A the General Assembly had declared that the Convention on the International Transmission of News and the Right of Correction would not be open for signature until the General Assembly had taken a final decision on the draft convention on freedom of information. That was sufficient reason to impel members of the Committee to redouble their efforts to prepare the draft convention on freedom of information as quickly as possible.

30. The Dominican delegation supported the French proposal but it hoped that the representative of France would agree to delete the second paragraph of his draft resolution.

31. Mrs. ROOSEVELT (United States of America) supported the remarks of the representative of Greece. The logical course would be for the Committee to try first to reach agreement on the questions of principle; the international covenant on human rights would be the only possible juridical expression of that accord.

32. After ascertaining the opinions of several Governments, the United States Government had concluded that the attitude of the various Members had not changed since the close of the previous session of the Assembly. By resuming the debate on the draft convention on freedom of information, one would only expose anew the wide divergence in the opposing points of view.

33. The most reasonable method of proceeding, therefore, would be to refer the study of the draft convention to the Commission on Human Rights.

34. The item should, however, remain on the agenda of the General Assembly, which would of necessity reopen debate on the question during the fifth session. It was not a matter of merely proving that the Third Committee was capable of preparing a draft convention at all costs, but rather of arriving at real agreement on the basic principles so that an enduring structure on sound foundations could be erected.

35. Mr. Vos (Belgium) stated that the problem of freedom of information did not apply to his country. Since 1831, the Belgian Constitution had proscribed preventive censorship as well as any other encroachment on the freedom of the Press.

36. With regard to the draft convention, a debate in the Committee would of course be pointless so long as disagreement on the basic principles remained. It did not seem, however, that the working party proposed by the French delegation could clear the way for further progress in the very short time at its disposal. The Commission on Human Rights seemed to be the body which could undertake that task with the greatest chance of success, because its members were already familiar with the problem.

37. The Belgian delegation consequently would vote for the joint Netherlands, United Kingdom and United States draft resolution, on the draft convention on freedom of information. It would, however, abstain from voting on the draft resolution proposed by those delegations regarding the opening for signature of the Convention on the International Transmission of News and the Right of Correction. Although the two documents were independent of each other, they, nonetheless, were integral parts of a whole.

38. Mrs. VIAL DE SEÑORET (Chile) perceived three basic attitudes among the members on freedom of information. There were the countries which wanted a convention to permit news agencies and Press correspondents to gather, transmit and publish news in complete freedom; there was the bloc of countries supporting the USSR, which were opposed to any guarantee of freedom of information. Finally, there was the third group comprising those countries which would like to ensure freedom of information, while envisaging certain measures of protection against those wishing to undermine their political and economic stability.

39. Originally the draft convention on freedom of information had been intended to promote understanding between the East and the West. Experience had proved that that was naive indeed. The attitude adopted by the representatives of the Eastern countries left no room for hope that the original goal could be attained. The future convention would therefore only be applied to the truly democratic nations. Even to those countries, however, it should be recognized that the draft would not be satisfactory since it left the weaker nations defenceless against the efforts of those who endangered those very freedoms.

40. Recalling her delegation's statement at the third session of the General Assembly, the Chilean representative stressed the need of reopening consideration of the problem in Committee. Neither the working party which the French delegation proposed to set up nor the Commission on Human Rights could carry out that task more successfully than could the Third Committee.

41. Mr. ALAMAHEYOU (Ethiopia) was of the same opinion. He thought that the Third Committee could not shift its responsibilities to other bodies such as the Commission on Human Rights or the working party proposed by France.

42. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) said that the United States intended to have the United Nations adopt a convention on freedom of information which, in fact, would enable the great Anglo-American monopolies of Press, radio and cinema to penetrate every country. That tendency had already become apparent in the Convention on the International Transmission of News and the Right of Correction, the provisions of which constituted an intervention in the domestic affairs of States and were aimed at stifling the activity of national Press agencies.

43. The proposals submitted by the USSR, Poland and other peoples' democracies to combat fascist propaganda and to ensure the circulation of news beneficial to the progress of democracy had all been rejected. Certain principles which the USSR wished to see set forth in the text of the convention on the transmission of news had not been accepted. It had been stated at the time that the discussion on the point in question would be resumed when the draft convention on freedom of information was taken up for consideration; yet steps were now being taken to defer the discussion once again. That was a manoeuvre instigated by delegations concerned solely with the interest of the Anglo-American Press monopolies.

44. The Ukrainian delegation could not accept the French draft resolution, which would result in the exclusion of forty-eight delegations from the discussion. Furthermore, the draft resolution was based on the Geneva draft convention, which the Ukrainian SSR rejected. The convention on freedom of information should be based on quite different principles, namely, those set forth by the USSR, the Ukrainian SSR and other peoples' democracies.

45. The Ukrainian delegation was also opposed to the opening for signature of the Convention adopted at the third session of the General Assembly.

46. Mrs. WILSON (Canada) supported the joint draft resolution submitted by the Netherlands, the United Kingdom and the United States (A/C.3/L.5). It was for the Commission on Human Rights to set forth the principles to be carried out under the convention on freedom of information. The discussion in the Third Committee would facilitate the task of the Commission on Human Rights in that respect.

47. Mr. BORATYNSKI (Poland) declared that the French draft resolution was not constructive. The Third Committee was the proper place for discussion of the Convention.

48. Mr. CHENG (China) supported the joint draft resolution (A/C.3/L.5), which would refer discussion of the matter to the Commission on Human Rights. He objected, however, to the second draft resolution submitted by the Netherlands, the United Kingdom and the United States (A/C.3/L.4) since it meant that the Convention on the transmission of news would be open for signature before the adoption of the convention on freedom of information; that would be contrary to the formal decision taken at the third session of the General Assembly and set forth in resolution 277 (III)A.

49. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) reaffirmed his delegation's position. Anglo-American monopolies wished to dominate the Press of other countries and the convention on the international transmission of news, in its existing form, would enable them to do so. At the time of the debate on the convention it had been maintained that the principles which certain delegations would have liked to include, were out of place, and that the question would be reconsidered when discussion of the draft convention on freedom of information was resumed. Preparations were, however, being made to postpone that discussion once again.

50. He did not accept the French draft resolution, which did not provide a single constructive solution. The Byelorussian SSR and the peoples' democracies wanted a convention which would defend the interests of the masses and not those of Press monopolies; but that view was not supported by the majority in the Committee.

51. Mr. VRBA (Czechoslovakia) condemned the tactic of opening for signature the convention on transmission of news, which served the interests of Press monopolies, and conjuring away the convention on freedom of information.

52. The French delegation's intentions in presenting its draft might have been excellent, but if that resolution were adopted, it would not solve the problem.

53. The Czechoslovak delegation would accept only a convention drawn up in the true interests of all the peoples of the world, which would give effect to the principles already set forth by the representatives of the peoples' democracies. The question as a whole should be discussed again by the Third Committee during the General Assembly's next session.

54. Mr. TERROU (France) agreed to delete the second paragraph of his draft resolution. The current debate had substituted a certain degree of hope for the disappointment reflected in that passage. Most of the members were obviously anxious to reach a positive result. The cause of freedom of information would not, however, be served by postponing all decisions and the task should not be abandoned simply because of the difficulties encountered.

55. He did not see why the Commission on Human Rights should be more capable of overcoming the difficulties. If it was a matter of discussing principles, the Third Committee was equally qualified. Furthermore, when his delegation had proposed to establish a working party, it had not intended that the working party should supersede the Committee, but merely that it should provide the Committee with a more effective means of dealing with the problem.

56. The Committee would be quite free to reopen debate on the question if the working party's report failed to produce a basis for general agreement.

57. Mr. NORIEGA (Mexico) supported the French delegation's proposal. In any case, the Committee would not be evading its responsibilities since, even if it were to refer the question to the Commission on Human Rights, the latter

would in turn have to report to the General Assembly, which would refer the matter to the Third Committee at its following session. It should not be forgotten that freedom of information was democracy's principal problem. The draft was an acceptable basis for discussion.

58. The Mexican delegation was in favour of opening the convention on the transmission of news for signature.

59. The CHAIRMAN decided to put first to the vote the Netherlands, United Kingdom and United States draft resolution proposing to refer the question to the Commission on Human Rights (A/C.3/L.5).

60. Mr. TERROU (France) requested that the vote be taken by paragraphs.

61. The CHAIRMAN put the three recitals of the draft resolution to the vote successively.

The first recital was adopted by 39 votes to none with 7 abstentions.

The second recital was adopted by 38 votes to none, with 9 abstentions.

The third recital was adopted by 37 votes to none, with 6 abstentions.

62. The CHAIRMAN called for a vote on paragraph 1 of the operative part.

63. Mr. TERROU (France) requested that the vote be taken by roll-call.

Sweden, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Ecuador, Egypt, Greece, Honduras, Iceland, Iran, Lebanon, Liberia, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland.

Against: Union of South Africa, Uruguay, Yugoslavia, Afghanistan, Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ethiopia, France.

Abstaining: Syria, Venezuela, Burma, India, Israel, Mexico, Saudi Arabia.

Paragraph 1 was adopted by 30 votes to 12, with 7 abstentions.

64. The CHAIRMAN put paragraph 2 of the operative part to the vote.

65. Mr. TERROU (France) requested that the vote be taken by roll-call.

A vote was taken by roll-call.

El Salvador, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Greece, Honduras, Iceland, Iran, Liberia, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Ecuador.

Against: Ethiopia, France, India, Israel, Lebanon, Mexico, Union of South Africa, Uruguay, Yugoslavia, Argentina, Brazil, Chile, Colombia, Costa Rica.

Abstaining: Saudi Arabia, Syria, Venezuela, Afghanistan, Burma, Cuba, Egypt.

Paragraph 2 was adopted by 28 votes to 14, with 7 abstentions.

66. The CHAIRMAN put the draft resolution (A/C.3/L.5) as a whole to the vote.

67. Mr. TERROU (France) requested that the vote be taken by roll-call.

A vote was taken by roll-call.

Saudi Arabia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Ecuador, Greece, Honduras, Iceland, Iran, Liberia, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland.

Against: Union of South Africa, Uruguay, Yugoslavia, Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ethiopia, France, Israel, Mexico.

Abstaining: Saudi Arabia, Syria, Venezuela, Afghanistan, Burma, Egypt, India, Lebanon.

The draft resolution as a whole was adopted by 28 votes to 13 with 8 abstentions.

68. The CHAIRMAN next put to the vote the joint Netherlands, United Kingdom and United States draft resolution (A/C.3/L.4) which proposed opening for signature the Convention on the International Transmission of News and the Right of Correction.

The resolution was rejected by 18 votes to 16, with 13 abstentions.

The meeting rose at 6.15 p.m.

TWO HUNDRED AND THIRTY-FIFTH MEETING

Held at Lake Success, New York, on Wednesday, 28 September 1949, at 10.45 a.m.

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

Freedom of information — Access for news personnel to meetings of the United Nations and the specialized agencies (A/965)

1. Mr. BRAÑA (Cuba) said that at the previous meeting a member of the Committee had expressed his disappointment at a certain tendency to curtail free access to sources of information despite all the encouraging and seemingly sincere promises made to the Press in the past. Those who had followed the development of the question could not but agree with the pessimistic statement when they saw that the work and achievement of several years might be undone at one stroke. A Cuban proposal had been the origin of resolution No. 9

adopted by the United Nations Conference on Freedom of Information which recommended that accredited news personnel of all countries should have free access to all sources of information connected with meetings of the United Nations or the specialized agencies. That resolution had then been weakened by various amendments adopted by the Economic and Social Council, on which Cuba was not represented.

2. While not objecting to the first two paragraphs of resolution 241 (IX) A submitted by the Economic and Social Council for the approval of the General Assembly, he pointed out that the Spanish version of sub-paragraph *b* was somewhat ambiguous. The original resolution adopted by the Conference on Freedom of Information at Geneva had made it quite clear that accredited news personnel of all countries should have free access to all sources of information connected with meetings of the United Nations or its specialized agencies except in cases where, in accordance with the rules of procedure, meetings were held in private. The inclusion of the word "public" before the words "information sources and services" in the amended text of the resolution before the Committee might be construed to mean that the Press would have access only to those sources and services which were of a public character. Such a discriminatory restriction would greatly limit the right of the Press to be fully informed of everything connected with meetings and conferences of the United Nations and the specialized agencies and would in fact be inconsistent with the second part of sub-paragraph *b*. The same applied to the English version of the draft resolution, although not to the French text.

3. He therefore proposed that sub-paragraph *b* of the Economic and Social Council resolution should be amended to read:

"(*b*) To all information sources and public services of the United Nations and the specialized agencies and to all meetings and conferences of the United Nations or of the specialized agencies which are open to the Press, equally and without discrimination."

4. Mr. AZKOUL (Lebanon) pointed out that the text before the Committee was somewhat incoherent and ambiguous in parts. First, the operative part of the draft resolution urged all Member States to grant news personnel of all countries accredited to the United Nations or specialized agencies free access to countries where meetings of the United Nations or specialized agencies took place. In his opinion, such free access should extend to all countries. Secondly, the draft, resolution stated that free access should be granted in accordance with the terms and conditions of agreement made by the United Nations or its specialized agencies with the Governments of the countries in question. It was self-evident that, whenever there were specific agreements, their provisions should be respected and there should be no grounds for doubt or mistrust.

5. To remedy the differences and discrepancies between the various agreements already concluded in that field, and to obviate the danger of such differences in the future, he suggested that the Secretary-General should be asked to prepare a standard agreement on the subject and submit it to the Committee. That standard agreement, to be approved by the United Nations, would be signed by States whenever they were to act as a host country to any United Nations meeting. States would thus be fully acquainted in advance with all the relevant conditions and would, therefore, be in a position to reject proposals that meetings should be held on their territory if they were not prepared to abide by the conditions of the agreement. Should that suggestion find any support among members of the Committee, he would submit it as a formal proposal.

6. Mr. KATZNELSON (Israel) said he would support any proposal expressing the duty of Member States to admit correspondents to cover international conferences freely and efficiently.

7. The question before the Committee, however, raised an even more fundamental problem of access. Indeed, even the rights of Member States to send their representatives to conferences of United Nations organs had been violated on more than one occasion. Such violations had occurred although it was obviously the duty of Member States to facilitate the access of all representatives entitled to attend international meetings held on their own territory, irrespective of the political relations between them and the other countries concerned. The Egyptian Government, for instance, had adopted discriminatory practices against the Israeli delegation in connexion with the World Health Organization Conference which was to have been held in Alexandria in August 1949, while the Lebanese Government was acting likewise in connexion with the Food and Agriculture Organization meeting in Beirut. Such practices were utterly inconsistent with the principles and purposes of the United Nations, for in both cases the Government of Israel not only had definite rights but also a constructive contribution to make to the general welfare of all peoples. It was his strong conviction that any country in which an international conference was to be held should be called upon to give unconditional assurances that it would admit on equal terms all the representatives and observers entitled to attend the conference. Failing such an undertaking, the conference should be transferred to another country.

8. His delegation reserved the right to make a formal proposal to that effect at a later stage.

9. Mr. BAROODY (Saudi Arabia) said that in view of the observations made by the Lebanese representative on sub-paragraph *a* of the draft resolution before the Committee, it might be advisable to divide that sub-paragraph into two parts —the first ending with the words "the Governments of such countries"—and to vote separately on each.

10. Referring to the Israeli representative's statement, he emphasized that even representatives to international conferences were ordinary men and women, subject to all human frailties, and that no Government could, therefore, renounce its right to refuse admission to those individuals whom it considered undesirable or likely to endanger its national security.

11. Mr. TEJERA (Uruguay) supported the Cuban representative's proposal as he felt that it would promote greater freedom of information. Speaking as a former journalist, he emphasized the importance of free access to all sources of information and to the localities where various meetings were held.

12. He also supported the Lebanese representative's suggestion that the Secretary-General should be asked to draw up a standard agreement on access for news personnel to meetings of the United Nations and the specialized agencies. Indeed, if members of the Committee wished to ensure full authority for any resolution that the General Assembly might adopt on the subject, they should first of all give serious consideration to the Lebanese suggestion. The proposed standard agreement would set up definite standards and would make it possible for Member States to adopt the draft resolution which was before the Committee.

13. The CHAIRMAN stated that, as the Lebanese representative had not submitted any formal proposal, his suggestion could not be considered as constituting a previous question.

14. Mr. RAMADAN (Egypt) thought there was no connexion between the subject under discussion and the Israeli representative's statement. Each State was free to act in accordance with its general policy in any situation.

15. Mr. AZKOUL (Lebanon) said that the relations or lack of relations between Israel and the Arab States were well known to all and so were the restrictions and precautions which they inevitably entailed on both sides. There was hardly any need to emphasize that considerations of national security remained paramount in view of prevailing circumstances.

16. Mr. SCHACHTER (Secretariat) pointed out that the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations already contained provisions concerning the access of news personnel to meetings of the United Nations and the specialized agencies. That Agreement had been approved by the General Assembly in its resolution 169 (II) and if the Secretariat were asked to prepare a standard agreement it would naturally base such an agreement on the provisions which already existed.

17. Mr. KAYSER (France) said that the question had been exhaustively debated by the Economic and Social Council. There were already various separate agreements in existence: besides the Headquarters Agreement, there was also an agreement between the French Government and the United Nations Educational, Scientific and Cultural Organization. He admitted that the Lebanese representative's suggestion seemed logical, but asked whether the proposed standard agreement was intended to supersede the existing agreements or simply to serve as a pattern for the future. He would be prepared to support the suggestion as long as it did not affect the existing agreements, because any attempt to revise them might give rise to grave difficulties.

18. Mr. AZKOUL (Lebanon) said that his Government also had an agreement with UNESCO, so that in that respect he was in the same position as the representative of France. Nevertheless, his Government would be prepared to sacrifice the existing agreement for the sake of uniformity if the Assembly were to approve a new standard agreement as a pattern for all cases when meetings of United Nations organs or of specialized agencies were held away from the Headquarters. If other representatives felt that it would be too difficult to revise the existing agreements, he would limit his proposal to cover only the agreements which might be signed in the future.

19. In reply to Mr. Schachter, he said that the new standard agreement might differ slightly from the existing Headquarters Agreement or it might be based on exactly the same lines. In any event, the Headquarters Agreement itself would not be affected.

20. Mr. TEJERA (Uruguay) said that he would favour the revision of any existing agreements if a new standard agreement according even more freedom of access to information sources could be prepared.

21. Mr. CONTOUMAS (Greece) was in favour of the existing text of the resolution as recommended by the Economic and Social Council. He pointed out that it applied only to a limited category of news personnel, namely those who had been accredited to the United Nations or to specialized agencies. The advantage of the existing text lay in the fact that it left Member States free to negotiate their own agreements. Furthermore the adoption of the resolution would not in any way preclude the preparation of a standard agreement to supersede all other agreements at some future date.

22. Mr. BRAÑA (Cuba) agreed with the representative of Greece that the Lebanese proposal should be considered after the adoption of the resolution, rather than before, as advocated by the representative of Uruguay.

23. Mr. DAVIES (United Kingdom) did not think there was any need for a standard agreement because, as the representative of Greece had pointed out, the resolution was limited in scope and was intended solely to prevent any discrimination between the correspondents covering meetings of United Nations organs or of the specialized agencies.

24. He could not agree to the Cuban amendment to sub-paragraph *b* because he thought its adoption would lead to a certain ambiguity in the text. If the word "public" were omitted before "information sources," it might be taken to mean that news personnel were entitled to access to all information sources of any kind. For example, delegations sometimes wished to hold Press conferences for only some of the news personnel and that practice might become impracticable if the Cuban amendment were adopted.

25. The Economic and Social Council had taken great trouble to draft an acceptable text and he urged the Committee to adopt that text without alteration.

26. Mr. GONZÁLEZ (Chile) agreed with the United Kingdom representative that the adoption of the Cuban amendment might lead to ambiguity, both in the English and Spanish texts.

27. He therefore favoured the original text of the resolution as recommended by the Economic and Social Council.

28. With regard to the Lebanese proposal for the preparation of a standard agreement, he would be prepared to support the idea, but he thought it should be considered after the adoption of the resolution rather than before.

29. Mr. KAYSER (France), referring to the Cuban amendment, pointed out that the word "public" did not appear at all in the French text.

30. The CHAIRMAN explained that the English text had been the one on the basis of which the Economic and Social Council had originally adopted the resolution. The French text should therefore be brought into line with the English.

31. Mr. RAO (India) shared the view of the United Kingdom representative concerning the probable effect of the Cuban amendment. In order to meet the point raised by the Cuban representative, he suggested that sub-paragraph *b* should be reworded as follows:

"(*b*) To all *such* information sources and services of the United Nations and the specialized agencies and to all *such* meetings and conferences of the United Nations or of the specialized agencies *as* are open to the Press, equally and without discrimination."

32. Mr. OTAÑO VILANOVA (Argentina) agreed with the representative of Greece that the number of correspondents affected by the resolution would be very small. If, however, the last part of sub-paragraph *a* were adopted, Member States which had no relevant agreements with the United Nations might find themselves bound by obligations which they had not been able to study in detail.

33. He therefore agreed with the Lebanese representative that the drafting of a standard agreement should be a prerequisite for the adoption of the resolution.

34. Mr. KHALIDY (Iraq) supported the retention of the word "public" in the Economic and Social Council's text and that text as a whole. The word "public" would adequately cover the intention of the Indian amendment. It was obvious that certain meetings could not be public, such as those at which the character of persons nominated to certain posts were being discussed.

35. Mr. BOKHARI (Pakistan) said that the text of the standard agreement suggested by the Lebanese representative should be available before any decision was taken on the substance of sub-paragraph *a*.

36. With regard to sub-paragraph *b*, he noted that the Indian amendment, which he would support, covered the intention of the Cuban amendment and would allay the doubts of the United Kingdom representative.

37. Mr. LÓPEZ (Philippines) agreed with the Lebanese representative that the existing text of sub-paragraph *a* might give the impression that Members of the United Nations were urged to give news personnel access to other countries — not merely to their own territory.

38. He therefore proposed that the sub-paragraph should begin:

"To their respective territories whenever meetings of the United Nations or specialized agencies or any conferences convened by them are held therein."

39. Attention might be directed, furthermore, to cases in which Governments might prevent news personnel from leaving their territory to attend United Nations meetings.

40. He supported the Pakistan representative with regard to the desirability of having the text of the proposed standard agreement made available for study. The Committee could discuss and adopt the resolution before it without prejudice to the subsequent examination of the standard agreement. The adoption of the resolution would, however, assist news personnel to obtain legitimate facilities in the interval before the standard agreement came into force.

41. The Indian amendment made the text of sub-paragraph *b* clearer and he would therefore support it.

42. Mr. KAYSER (France) explained that it had been intended in sub-paragraph *b* to differentiate between the United Nations meetings and information sources because of the existence of closed meetings. Precisely because some meetings were closed, news personnel needed greater access to the sources qualified to give them information about those meetings. If meetings and sources were placed on the same footing, the ambiguity previously eliminated might again result.

43. Mr. BRAÑA (Cuba) maintained that the text given in the Final Act of the United Nations Conference on Freedom of Information had been less ambiguous than that of the Economic and Social Council because it had made restriction of access subject to the rules of procedure. The difficulty felt by the United Kingdom representative arose from the discrepancy, in the latter version of sub-paragraph *b*, between the limitation established by the word "public" and the phrase "open to the Press, equally and without discrimination".

44. Mr. TEJERA (Uruguay) felt that the examination of the proposed standard agreement should be taken up before the resolution was adopted, because that resolution might otherwise prove ineffective. The time required to draft the standard agreement would not be great. If sub-paragraph *a* were adopted as it stood, it would be tantamount to an expression of satisfaction with the existing agreements. With regard to sub-paragraph *b*, the discrepancy pointed out by the Cuban delegation was serious. It should not, however, be exaggerated. Access to meetings and conferences of the United Nations had no connexion with access to Press conferences held by the delegations; it meant only access to the meetings of substantive United Nations bodies and their commissions and sub-commissions.

45. Mr. AZKOUL (Lebanon) observed that considerable time would be needed for the drafting of the standard agreement which he had proposed, and for its circulation to the Governments for comment. In the interim, no provision would be made for free access of news personnel to meetings of the United Nations. It was therefore undesirable that the adoption of the resolution should wait upon the adoption of the proposed model agreement.

46. He therefore proposed that an additional paragraph should be inserted in the resolution transmitted by the Economic and Social Council, in which a recommendation should be made that a standard agreement be drafted, circulated to the Governments for comment, submitted to the Sub-Commission on Freedom of Information and of the Press, and transmitted by it to the Economic and Social Council for action.

47. With that insertion, he would accept the existing text as amended by the Philippine proposal concerning sub-paragraph *a* and with some

alteration of sub-paragraph *b*. In sub-paragraph *b* the principal difficulty appeared to be in the word "sources". All information sources were public by their very nature. The word "sources" was open to a broad interpretation and might be stretched to cover closed meetings; it might, therefore, be deleted.

48. Mr. DAVIES (United Kingdom) felt that the Indian amendment would restrict rather than broaden the scope of sub-paragraph *b*, as it would permit the interpretation that some public information sources would not be open to the Press. Furthermore, it did not remove the objection with regard to the Press conferences held by delegations, most of which assumed that they had the right, even if they did not exercise it, to restrict attendance at their Press conferences to their own nationals.

49. He would therefore support the existing text.

50. Mr. ZONOV (Union of Soviet Socialist Republics) reminded the Committee that his delegation had supported both resolution 74(V) of the Economic and Social Council and resolution No. 9 of the Conference on Freedom of Information. It would also support the Economic and Social Council resolution under discussion. It was essential to accord the fullest possible facilities to correspondents accredited to the United Nations, because the work of that Organization should be widely publicized. The adoption of such a resolution would be extremely opportune, subject to the definite understanding that access should be granted only to open meetings.

51. With regard to the proposed standard agreement, he had some hesitation owing to the length of time which would be involved in its preparation. It should therefore be examined after the Economic and Social Council's resolution had been adopted.

52. Mr. NORIEGA (Mexico) said that to impose greater restrictions on correspondents accredited to the United Nations would be inconsistent with the spirit of the Convention on the International Transmission of News and the Right of Correction which the Assembly had adopted at the previous session. With regard to sub-paragraph *b*, the word "public" was self-explanatory and possibly redundant. Press conferences of delegations had never been regarded as public information sources. The Conference text had been satisfactory in that respect. He would support the Cuban amendment because it was closer to that text than the Economic and Social Council text.

53. Mr. CISNEROS (Peru) recalled that his delegation had always favoured the utmost possible freedom of access to information sources and had originally proposed an even broader resolution, which had not been adopted; its views, however, were on record.

54. With regard to sub-paragraph *b*, the emphasis was wrongly distributed as between the meetings and conferences of the United Nations and public information sources and services. He proposed, therefore, that that order should be reversed.

55. The CHAIRMAN announced the closure of the debate on document A/965. At the following meeting the Committee would have before it only the examination of the amendment submitted by the representative of Lebanon.

The meeting rose at 1 p.m.

TWO HUNDRED AND THIRTY-SIXTH MEETING

Held at Lake Success, New York, on Thursday, 29 September 1949, at 10.45 a.m.

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

Freedom of information — Access for news personnel to meetings of the United Nations and the specialized agencies (A/965) (*continued*)

1. The CHAIRMAN drew attention to document A/C.3/L.7 which contained the text of the resolution recommended by the Economic and Social Council together with all the amendments submitted at the previous meeting.

2. Mrs. ROOSEVELT (United States of America) referred to the Lebanese amendment proposing that a standard agreement should be prepared as a basis for all future agreements on the subject. Since sub-paragraph *a* of the original text of the resolution provided that Member States should grant to news personnel free access to meetings in accordance with the terms and conditions of unspecified agreements, it was perhaps plausible to propose that a basic agreement should be prepared setting forth exactly what those terms and conditions were. She feared, however, that in existing circumstances the pursuit of logic might lead to practical difficulties.

3. In the first place, it would be most logical to take the existing Headquarters Agreement entered into between the United Nations and the United States of America as a basis for all future agreements. All the Member States had participated in the drafting of that agreement and it had been unanimously adopted. It was true that the terms of agreements between the specialized agencies and their host countries might vary slightly from those of the Headquarters Agreement and, in some cases, such agreements might actually be in the process of negotiation.

4. If the Secretary-General were asked to prepare a fresh model to cover the limited class of cases dealt with in the resolution, it would not only reopen a question which, for some countries, had already been completely and satisfactorily settled, but there would also be the danger of involved and conflicting legal instruments and obligations inviting a state of general confusion.

5. In her opinion, therefore, it would be best to adopt the resolution as recommended by the Economic and Social Council without any change. She did not think that the obligations which States

might undertake in future agreements should be prejudged by the preparation of a specific standard agreement. It would be better simply to draw attention to the existing agreements and to trust the countries concerned to undertake similar obligations as far as was possible in accordance with their own legislation.

6. Mr. KAYSER (France) did not think there was really any danger to be feared from the adoption of the Lebanese amendment. The representative of Lebanon had in fact raised the question during the discussions in the Economic and Social Council and several delegations had favoured the idea.

7. He emphasized the fact that there was no question of revising the existing agreements. Moreover, no State would be obliged to accede to the new standard agreement; it would simply serve as a basis to simplify the preparation of future agreements. As long as the representative of Lebanon agreed to that interpretation of his amendment, the French delegation would consider it an extremely helpful contribution and would gladly support it.

8. Mr. BOKHARI (Pakistan) expressed his wholehearted support of the Lebanese amendment which he interpreted in the same way as the representative of France.

9. As for the fears expressed by the United States representative, Mr. Bokhari thought that, far from creating confusion, the adoption of the Lebanese amendment would help to bring order and uniformity into any future agreements. In his opinion, the adoption of the original text would be more likely to lead to confusion, since the second part of sub-paragraph *a* was extremely vague. States were asked to adhere to future agreements based on "terms and conditions similar to those contained in agreements made by the United Nations or its specialized agencies with other Member States". As the existing agreements already differed in various respects, the future agreements would probably differ still more and the confusion feared by the United States representative would thus ensue. If, on the other hand, a standard agreement were prepared, States would know exactly what obligations they were expected to undertake and it would be much easier to achieve uniformity.

10. Mr. TEJERA (Uruguay) said that he had supported the Lebanese amendment at the previous meeting because he had understood that the standard agreement would be prepared and adopted during the current session of the General Assembly. Since the text of the amendment specified that no final decision on the subject would be reached until the fifth session, he regretted that he could no longer support it.

11. In his opinion, it was extremely important to adopt adequate provisions without delay; he would, therefore, vote in favour of the original text of the resolution with the amendment submitted by the representative of Cuba.

12. Mr. MENESES PALLARES (Ecuador) was in favour of the Lebanese amendment because he felt that the adoption of such a standard agreement would prevent States from imposing restrictions on the entry of correspondents for purely political motives, a fact which had no relation whatever to the economic and social work of the United Nations.

13. He would also support the Cuban amendment to sub-paragraph *b*.

14. Mr. GEORGE (Liberia) said that, in creating the Economic and Social Council, the United Nations had implicitly expressed its confidence in that body's capacity to perform its work satisfactorily. The Council had put a great deal of work into the drafting of the text of the resolution. His delegation therefore endorsed the arguments advanced by the United States representative and would support the Council's text.

15. Mr. AZKOUL (Lebanon) agreed with the interpretation of his amendment given by the representative of France and pointed out to the representative of Uruguay that there was no delay involved. The words "and meanwhile" at the end of the paragraph he proposed to insert showed quite clearly that the remainder of the resolution would be implemented during the interval required to prepare the standard agreement.

16. Mr. GARCÍA (Guatemala) emphasized the need for some common standard to which States could adjust their domestic legislation on freedom of information. He would therefore support the Lebanese amendment, although he regretted that the production of the proposed model agreement might be delayed in the same way as had been the opening for signature of the Convention on the International Transmission of News and the Right of Correction. That convention had already laid down the requisite limitations implicit in the Lebanese amendment, particularly in the references to existing national laws and regulations in article II, to national security in article V and to the full discretion of contracting States as to the refusal of entry and restriction of the period of residence in article XII, paragraph 7. The fullest possible freedom of access to information should be accorded as rapidly as possible, but, obviously, national security must be the overriding consideration.

17. Mr. LUNDE (Norway) doubted whether the proposed standard agreement would serve any useful purpose. Specific agreements should be drafted to meet the conditions of each case as it arose. He would therefore oppose the Lebanese amendment and vote for the Economic and Social Council's text as it stood.

18. Mr. OTAÑO VILANOVA (Argentina) maintained his support of the Lebanese amendment. He would also support the Saudi Arabian amendment. Even if the second part of paragraph *a* were rejected, the substance of the whole paragraph would not be altered and free access would still be fuly guaranteed.

19. Mr. ALAMAHEYOU (Ethiopia) was particularly satisfied with the principle of the Lebanese amendment because it would provide valuable guidance in the conduct of international affairs in general, and not merely in the case of the subject under discussion. The amendment would not affect any previous or future agreements. It should be clearly stated, however, whether the proposed standard agreement was to be optional or compulsory, for in the latter case, some governments might be reluctant to implement it.

20. Mrs. VIAL DE SEÑORET (Chile) supported the Lebanese amendment because a standard for future agreements was needed. It was clear, however, that the proposed standard agreement

need not be drafted before action had been taken on the resolution before the Committee.

21. Mr. DAVIES (United Kingdom) like the representative of Norway, failed to see the purpose of a standard agreement. The Lebanese amendment itself provided that such an agreement would merely serve as a basis for future agreements. The existing agreements could, however, serve the same purpose. In any case, any such agreements would have to be made consistent with existing national legislation. The drafting of such an agreement, moreover, would make additional work for the Secretariat and for the Sixth Committee. He would therefore vote for the Economic and Social Council's text as it stood.

22. Mr. FREYRE (Brazil) said that all the amendments submitted merely complicated the original text, to which no objection could be raised in its existing form. The Lebanese amendment had introduced an innovation, interesting but of doubtful value, which might delay the implementation of the original resolution. Moreover, the adoption of that amendment might entail unnecessary financial implications.

23. Mr. AQUINO (Philippines), replying to a question asked by the representative of the United States of America, said his amendment referred solely to the first phrase of the original text of sub-paragraph *a,* the remainder of that sub-paragraph being left intact. The only aim of his amendment was to remedy the ambiguity which existed in the original text.

24. Mr. AZKOUL (Lebanon) emphasized again, in reply to the point raised by the Ethiopian representative, that the proposed standard agreement would naturally be modified by its various signatories in accordance with the existing provisions of their domestic legislations. It would in no way affect existing agreements and would itself be only optional in character.

25. Mr. BRAÑA (Cuba) and Mr. RAO (India) announced that they had reached agreement on the following joint amendment to sub-paragraph *b* of the Economics and Social Council draft resolution:

"(*b*) To all such information sources and public services of the United Nations and the specialized agencies and to all such meetings and conferences of the United Nations or of the specialized agencies as are open to the Press, equally and without discrimination."

26. Mr. CISNEROS (Peru) withdrew his amendment to sub-paragraph *b.*

27. The CHAIRMAN announced that the following order would be followed in the voting on the various amendments submitted to the resolution of the Economic and Social Council: The Lebanese amendment, the Philippines amendment, a separate vote on two parts of sub-paragraph *a,* divided at the request of the representative of Saudi Arabia, and the joint Cuban and Indian amendment.

28. He put the Lebanese amendment to the vote.

The amendment was not adopted, 19 votes being cast in favour and 19 against, with 12 abstentions.

29. The CHAIRMAN put the Philippine amendment (235th meeting) to the vote.

The amendment was rejected by 17 votes to 13, with 16 abstentions.

30. The CHAIRMAN put to the vote the first part of sub-paragraph *a,* ending with the words "the governments of such countries".

That part was adopted by 41 votes to none, with 4 abstentions.

31. Mr. BOKHARI (Pakistan) wondered whether the Chairman could allow members of the Committee to speak at that stage of the proceedings. Indeed, although under rule 80 of the rules of procedure no representative could interrupt the voting except on a point of order, he felt that the voting was not one single continuous vote but a series of separate actions. Consequently, members of the Committee might be allowed to speak in the interval between the end of one vote and the beginning of the next.

32. The CHAIRMAN replied that under rule 80 of the rules of procedure, after the Chairman had announced the beginning of voting, no representative could interrupt the voting except on a point of order in connexion with the actual conduct of the voting. Explanations of votes, however, might be permitted by the Chair either before or after the voting.

33. He put to the vote the second part of sub-paragraph *a,* beginning with the words "or in the absence of such an agreement".

That part was adopted by 30 votes to 6, with 9 abstentions.

34. Mr. BRAÑA (Cuba) requested a roll-call vote on the joint Cuban and Indian amendment to sub-paragraph *b.*

A vote was taken by roll-call.

In favour: Argentina, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, India, Mexico, Pakistan, Uruguay.

Against: Australia, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Denmark, France, Greece, Liberia, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Burma, China, Egypt, El Salvador, Ethiopia, Guatemala, Iran, Iraq, Israel, Lebanon, Philippines, Saudi Arabia, Syria, Yemen, Yugoslavia.

The amendment was rejected by 24 votes to 10, with 15 abstentions.

35. The CHAIRMAN put to the vote the draft resolution of the Economic and Social Council (A/965).

The draft resolution was adopted by 42 votes to none, with 7 abstentions.

36. Mr. BRAÑA (Cuba) said he voted in favour of the draft resolution as a whole although he considered that the insertion by the Economic and Social Council of the word "public" into sub-paragraph *b* of the original text submitted by Cuba was unfortunate and did not correspond to his delegation's original intention.

37. Mr. OTAÑO VILANOVA (Argentina) felt that the resolution as adopted embodied many useful

provisions, but he objected to the second part of sub-paragraph *a*. Indeed, his Government could not agree to abide by the terms of agreements to which it had not been a party.

38. Mr. TEJERA (Uruguay) said he had supported the resolution because it represented an important step forward in the field of freedom of information.

39. Referring to the point raised by the representative of Pakistan during the voting, he expressed the opinion that common sense should apply whenever any situation was not explicitly covered by the existing rules of procedure. He felt that when any text was being voted on paragraph by paragraph, representatives should be allowed to clarify various points during the intervals between the separate votes.

40. Mr. KAYSER (France) observed that the word "public", which had given rise to so much discussion, was not included in the French version of sub-paragraph *b* of the resolution just adopted by the Committee. In view of the discussion which had taken place, that omission seemed to constitute a differenc of substance.

41. Mr. HESSEL (Secretary of the Committee) having pointed out that the English expression "public information" was usually translated into French merely by the word *information*, Mr. KAYSER (France) said he would leave that matter to the discretion of the Secretariat of the United Nations.

The meeting rose at 12.35 p.m.

TWO HUNDRED AND THIRTY-SEVENTH MEETING

Held at Lake Success, New York, on Friday, 30 September 1949, at 10.45 a.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)[1]

1. The CHAIRMAN called for examination of two notes by the Secretary-General on the 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).

2. Mr. DELIERNEUX (Secretariat) summarized the background of the text of the draft convention, which had been transmitted to the General Assembly by the Economic and Social Council under its resolution 243 (IX) B. A summary account of the action taken on the subject was contained in the two documents before the Committee. At its ninth session the Economic and Social Council had discussed the draft convention in general terms, article by article, but had not voted on it. The principal articles on which there had been disagreement had been articles 1, 6, 8, 12, 17, 23, 24, 27 and 30. The Secretariat had subsequently introduced a number of drafting changes which had in no case affected the substance of the original text (A/C.3/520, annex I).

3. In view of the somewhat complex juridical questions involved, it might be desirable to transmit articles 8, 12, 25, 26, 28, 29, 30, 31 and 32 to the Sixth Committee for exhaustive examination.

4. The CHAIRMAN observed that a general debate would be unnecessary, since the substance of the draft convention had been amply discussed by the Social Commission and the Economic and Social Council.

5. He therefore proposed that the discussion should be taken article by article.

It was so decided.

6. The CHAIRMAN said that the Economic and Social Council's text as revised by the Secretariat (A/C.3/520, annex I) would be taken as the basic working paper.

7. Replying to Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic), the CHAIRMAN said that amendments to any of the articles should be submitted before 6 p.m. on Monday, 3 October 1949.

8. In accordance with the suggestion of Mr. REEDY (New Zealand), the CHAIRMAN said that the examination of the preamble should follow the discussion of the articles.

9. Mr. REEDY (New Zealand) emphasized that the Economic and Social Council had requested its Social Commission to exclude from its draft, based on the draft convention prepared by the League of Nations in 1937, any changes which did not meet with general approval. The draft convention before the Committee, therefore, contained little that was new but was in the nature of a consolidation of previous agreements and conventions. There could no longer be grounds for any wide divergences of opinion on the substance of the draft convention submitted to the Committee, but certain articles, such as article 6, might still be open to disagreement. His own delegation, however, believed that the existing text was satisfactory.

10. Articles 24 and 27 involved the so-called colonial application clause. That clause had been fully explained and discussed in another context at the third session. It was to be hoped that it would be regarded as a standard form, at least provisionally, for inclusion in international instruments.

11. Mr. Reedy supported the proposal of the representative of the Secretariat that the articles mentioned by him should be transmitted to the Sixth Committee for examination. The Social Commission and the Economic and Social Council had taken a similar view.

12. Mrs. CASTLE (United Kingdom) suggested that all articles except articles 1 to 6 inclusive should be referred to the Sixth Committee, as the legal experts might wish to raise points on

[1] See *Official Records of the Economic and Social Council*, Fourth Year, Ninth Session, *Supplement No. 1*, resolution 243 (IX) B.

articles other than those mentioned by Mr. Delierneux, the representative of the Social Activities Division, such as article 14.

13. Mr. CONTOUMAS (Greece) suggested that the Secretary-General should act as an intermediary through whom the Third Committee might transmit to the Sixth Committee its views on the articles referred to the latter.

14. The CHAIRMAN said that the liaison between the Third and Sixth Committees would be maintained by their presiding officers. The Secretariat could perform a useful function in supplying the previous history of matters under joint discussion. His intention had been to transmit the entire draft convention to the Sixth Committee, with particular emphasis on those articles which in the opinion of the Third Committee required expert legal study. The Sixth Committee would, moreover, be able to examine any other articles on which it felt that a legal opinion might be desirable. He would take the suggestions of the representatives of New Zealand, the United Kingdom and Greece as guidance in co-operating with the Chairman of the Sixth Committee.

ARTICLE 1

15. The CHAIRMAN called for discussion of article 1.

16. Mr. CONTOUMAS (Greece) supported the text before the Committee.

17. Mr. OTAÑO VILANOVA (Argentina) wondered why the age-limit mentioned in paragraph 2, sub-paragraph *a* had been fixed at 21 years. The age at which majority was recognized differed in different countries; in his own it was 22. To fix the age at 21 might bring the convention into conflict with existing law in some countries.

18. Mr. DELIERNEUX (Secretariat) explained that the Social Commission had decided on the age-limit of 21 years precisely because the differences between existing law in many countries made it advisable to avoid any attempt to give an internationally valid definition of minority.

19. Mr. NORIEGA (Mexico) observed that conflict with existing law would be inevitable if the age-limit were fixed at 21 — whatever the practical advantage of such a step — since in certain countries application of the convention would fall under statutes against the corruption of minors, whereas, in others, minors had the right to marry with the consent of their parents. It might therefore be advisable to substitute for the fixed age-limit some phrase referring to minority within the meaning of the existing law in each country concerned.

20. Mr. RAMADAN (Egypt) felt that it was not clear whether the words "for purposes of gain" excluded any other purpose. The phrase in paragraph 2, sub-paragraph *b* "for the purpose of being sent abroad" needed explanation.

21. Mrs. ROOSEVELT (United States of America) said that her delegation wished to record its understanding that paragraph 1 was aimed at the traffic in persons for the purpose of prostitution and did not, and was not intended to, provide for the punishment of prostitutes.

22. Mr. DE MARCHENA (Dominican Republic) agreed with the view of the United States representative. The law in his country was based on that principle. He also agreed with the representative of Mexico; in his own country, the age of the offender was a deciding factor in the prosecution of various offences. The mention of the age of 21 should therefore be deleted, in order that the provisions of the convention might be made compatible with laws of different countries.

23. Mr. FREYRE (Brazil) felt that the existing text of article 1 was unsatisfactory and required more exhaustive examination. The tendency to regard the motive of gain as essential was dangerous. The application of the article in his own country would be weakened if that view prevailed, as it was extremely difficult for prosecutors to prove the motive of gain.

24. Mr. BAROODY (Saudi Arabia) pointed out that while the parties to the convention would agree to punish any person guilty of certain specific actions, the punishment itself would vary greatly as the sentences would be passed in accordance with the domestic legislation of each country concerned. He felt, therefore, that article 1 should make reference to the domestic legislation of the signatories to the convention.

25. Mr. Vos (Belgium) supported the views expressed by the Brazilian representative. It was true that motives of gain made the offences in question even more reprehensible, but they remained offences even when not committed for purposes of gain. It was equally true that motives of gain were usually at the root of such offences, but they were often extremely difficult to prove. He believed, therefore, that the convention would only benefit from the deletion of the words "provided these offences are committed for purposes of gain".

26. Mr. BOKHARI (Pakistan) formally moved the deletion of the words "provided these offences are committed for purposes of gain", and all the words following. Since he supposed there was general agreement that the offences mentioned in article 1 should not take place at all, the purposes for which they might so take place became immaterial. The offence was constituted by the action itself and not by the motives underlying that action.

27. Mr. CONTOUMAS (Greece) felt that members of the Committee should remember that they were drafting an international convention and that they should in no way interfere with the right of Member States freely to enact their own legislation. The aim of the convention was to provide certain minimum provisions for all Member States. If, however, some countries felt that they wished to go further and punish the offences in question regardless of the purpose of gain, they were perfectly free to do so. He knew full well that such offences might at times be motivated by other considerations than those of gain, but prostitution for purposes of gain was a typical case and as such should be punished by all Member States.

28. He also realized that to define the exact age at which a person reached his or her majority was extremely difficult in view of the varied, and at times conflicting, provisions of various legislations. He felt, however, that the age of 21 years was on the whole a good choice, for it was generally agreed that below that age a person's mind or character was not yet sufficiently developed to resist pressure or enticement.

29. Mr. KATZNELSON (Israel) said that his delegation would prefer not to change a text which had already been thoroughly examined by various competent and technical bodies. He also supported the view that majority was reached at the age of 21. He wondered, however, whether the Secretariat might not be able to supply more information on the question of motives of gain, which had proved so highly controversial in the past.

30. Mr. ORTIZ MANCÍA (El Salvador) believed that it would often be extremely difficult to prove that a particular offence had been committed for purposes of gain. Furthermore, he agreed with the representatives of Mexico and the Dominican Republic that it would be better to avoid any reference to a definite age of majority and leave the matter to be settled in accordance with the various existing domestic legislations.

31. Mr. RAMADAN (Egypt) supported the views expressed by the representative of El Salvador. Pointing out that identical sentences could not be passed on criminals and accomplices, he wondered whether the Sixth Committee might not be asked to prepare different scales of punishments for criminals and their accomplices.

32. The CHAIRMAN observed that any attempt to draw up a scale of punishments might be considered as interference with the domestic legislations of Member States.

33. Mr. MENESES PALLARES (Ecuador) thought there was no need to delete the reference to purposes of gain since it was clearly stated in the final protocol to the draft convention that the provisions of that convention should be regarded as a minimum in the sense that the parties to the convention remained free to punish the offences in question regardless of the purpose of gain.

34. Mr. OTAÑO VILANOVA (Argentina) believed it was extremely difficult to determine the exact intent of any offence. Hence, he agreed with the suggestions made that the words "provided these offences are committed for the purposes of gain" should be deleted. The reference to persons being enticed for the purpose of being sent abroad again raised the difficulty of determining the exact motive of a given offence; he therefore supported the Brazilian and Pakistan suggestion that it also should be deleted. Furthermore, there was no real need for the words "to gratify the passions of another" as that was the generally accepted aim of prostitution. He also wished to emphasize that the deletion of the reference to purposes of gain would render unnecessary any distinction between adults and minors and thus obviate many legal difficulties.

35. Mr. PITTALUGA (Uruguay) supported the text which the Social Commission had drafted after thorough consideration of all the problems involved. It was obvious that gain was one of the main motives underlying prostitution. He wished to support the view expressed by the United States representative that the purpose of the convention was not to punish prostitutes, but those who derived profit from prostitution.

36. Mr. PAJVAK (Afghanistan) taking up the suggestion originally made by the representative of Saudi Arabia, formally proposed that the words "in accordance with their domestic legislation" should be inserted after the words "The Parties to this Convention agree to punish". He realized that the point in question was already covered by article 13 but wished to have it stressed in the first article of the convention.

37. Mrs. CASTLE (United Kingdom) could not agree with the amendment proposed by the representative of Pakistan although she fully sympathized with his views. It was widely held that the most efficient way of dealing with prostitution was to tackle the very root of the evil, namely the *souteneurs* and the *procurers*. Hence, the convention was directly aimed at the commercial aspect of prostitution. It had been argued that it would be very difficult to produce concrete evidence of the motives of gain. She felt, on the contrary, that it was essential to retain some factual element which could be proved in any court of law, and in her opinion motives of gain would constitute such a factual element. Without any reference to motives of gain, the convention would render liable to punishment many acts which, however reprehensible from a moral point of view, could not easily be given a statutory definition. As the representative of Ecuador had rightly remarked, there was nothing to prevent any country from punishing the offences in question regardless of the purpose of gain if they wished to do so.

38. Mr. DE MARCHENA (Dominican Republic) referred to paragraph 2 of article 1 and pointed out that the Spanish expressions *ánimo lucrativo* or *ánimo de lucro* did not convey the same meaning as the French expression *but lucratif*, which was usually translated into Spanish as *fin lucrativo*, and was a generally accepted legal definition in all Latin-American countries.

39. The CHAIRMAN said he would refer that matter to the Secretariat.

40. Mr. BOKHARI (Pakistan) was glad that the representatives of El Salvador, Egypt, Brazil and Argentina shared his view that it was unnecessary to mention the motive of gain. At the same time, however, those representatives had discussed the merits of sub-paragraphs *a*, *b* and *c*. He therefore wished to emphasize that the whole of the second part of the article would become unnecessary if the reference to the motive of gain were deleted. It was only because of the insertion of the concept that the offences should only be punishable when committed for purposes of gain that it had become necessary to list the exceptions.

41. The representative of Greece had quite reasonably pointed out that if the mention of the motive of gain were deleted, the provisions of the convention would go beyond those contained in the legislation of various countries. Mr. Kokhari recognized that fact, but pointed out that it was the purpose of international conventions to encourage countries to improve their existing legislation. In his opinion, the drafters of international agreements should take the lead in advocating advanced measures instead of basing their drafts on the minimum provisions of existing legislations.

42. The preamble to the draft convention stated that prostitution was incompatible with the dignity and worth of the human person and endangered the welfare of the individual, the family and the community. That statement remained equally true no matter what the motives for the offence were and it would therefore give a false impression if undue emphasis were laid on the motive

of gain. It would seem, in fact, as though it was only by making money out of the prostitution of others that the dignity and worth of the human person could be impaired. Some representatives had stated that if the draft convention contained the minimum provisions acceptable to all, it would not prevent certain countries from applying stricter legislation, or from punishing the offence even when it was not committed for purposes of gain. Mr. Bokhari pointed out that the reverse was also true. If the draft convention stated that the offence was punishable in any circumstances, States would still be able to punish those who committed it for purposes of gain. It seemed almost as though those who objected to his amendment were attempting to protect a certain category of offenders.

43. The United Kingdom representative had argued that the retention of the reference to the motive of gain would provide a concrete element which would make it easier to convict the offenders, but Mr. Bokhari emphasized that, in any event, the actual offence would still have to be proved. Thus the retention of the reference to the motive of gain would simply mean that two things would have to be proved instead of one.

44. In conclusion, he strongly urged the Committee to adopt his amendment and to refrain from placing such undue emphasis on the profit motive when the question at issue was so much more far-reaching in scope.

45. Mr. NORIEGA (Mexico) felt that some mention of the motive of gain should be retained. He suggested, however, that it might be possible to reach a compromise between the two divergent points of view by saying "for gain or any other purpose".

46. Mr. AQUINO (Philippines) pointed out that there were two essential motives mentioned in the existing draft of the article, to wit, the gratification of the passions of another and the purposes of gain. The phrase "to gratify the passions of another" appeared at the very beginning of the article and thus governed all the other provisions. It would therefore be necessary to prove that motive as well as the motive of gain when attempting to convict anyone under sub-paragraphs 1 and 2. In his opinion, it was more important, for the purposes of the convention, to emphasize the motive of gain and he therefore suggested that the first part of the article should be amended to read as follows:

"The Parties to this Convention agree to punish any person who, for purposes of gain . . .".

The reference later in the article to the purposes of gain would then be unnecessary.

47. Mrs. VIAL DE SEÑORET (Chile) pointed out that, according to *The Oxford Dictionary,* the motive of gain was implicit in the meaning of the word "prostitution". It might therefore simplify the discussion if the Committee were to decide to delete from article 1 the reference to the motive of gain. Since many tricky legal points had already arisen during the discussion, she suggested that it might be better to refer the article to the Sixth Committee.

48. Mr. CONTOUMAS (Greece) thought it would be better for the Third Committee to decide the question of prinicple involved in article 1, as the discussion thus far had shown that members had sufficient knowledge of legal matters to do so. If necessary, the Sixth Committee could review the drafting afterwards.

49. He supported the retention of the reference to the motive of gain since the basic purpose of the convention was to prevent the exploitation of the prostitution of others as a commercial enterprise. If that much could be achieved on an international level, it would already be a step forward. As the representative of Ecuador had stated, countries would be free to enact stricter legislation than that provided for in the convention if they wished.

50. He supported the Philippine representative's suggestion that the reference to the purpose of gain should be transferred to the beginning of the article.

51. Mr. NORIEGA (Mexico) agreed with the representative of Greece that the Third Committee itself should settle the question. The Committee would gain experience in legal matters in the course of its discussion of the draft convention and in the end it might not prove necessary to refer any of the articles to the Sixth Committee.

52. Replying to the point raised by the representative of Chile, the CHAIRMAN said he thought it would be better for the Third Committee to continue studying the draft convention itself. If the legal problems became too involved, it would always be possible to refer them to the Sixth Committee in the last resort.

53. Mr. OTAÑO VILANOVA (Argentina) reaffirmed his opinion that the reference to the motive of gain should be deleted. Nevertheless, he was prepared to support the Mexican compromise proposal in order to facilitate agreement.

54. Mr. BOKHARI (Pakistan) said that if the Mexican amendment were put to the vote he would be prepared to support it because, in his opinion, its adoption would have the same effect as he had wished to achieve in proposing the deletion of the last part of the article.

55. The CHAIRMAN suggested that the Committee might decide in principle whether it wished to retain or delete the reference to the motive of gain, without prejudice to the final drafting.

56. Mrs. ROOSEVELT (United States of America) said that she would prefer to vote on the actual texts of amendments rather than on the question of principle.

57. The CHAIRMAN agreed to postpone the vote until the following meeting when the texts of amendments would be circulated.

The meeting rose at 1.10 p.m.

TWO HUNDRED AND THIRTY-EIGHTH MEETING

Held at Lake Success, New York, on Friday, 30 September 1949, at 3.15 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 1 *(continued)*

1. Mr. CONTOUMAS (Greece) thought it would be preferable for the Committee to limit itself, for the time being, to taking a decision of principle on the retention of the concept of gain in article 1. He was under the impression that the non-governmental organizations, which had closely followed all stages of the preparation of the draft convention, had pronounced themselves in favour of mention of the motive of gain, which they wished the convention to specify to the exclusion of all others: he would be glad if the Secretariat could provide some information on the position of the various organizations in the matter.

2. For its part, his delegation preferred the original text to the various amendments which had been submitted to it, for it considered that Governments should not be placed under the obligation to punish acts which had not been committed for purposes of gain.

3. Mr. BAROODY (Saudi Arabia) did not think that a vote on principle would be a useful contribution to the discussion; on the contrary, it was to be feared that it would establish an awkward precedent. As the Committee had several amendments before it, the voting should logically be on those amendments.

4. His delegation would vote for the amendment submitted by the delegation of Pakistan (237th meeting), which broadened the scope of article 1; if that were defeated, it would vote, for the same reason, in favour of the Argentine amendment (237th meeting). If, however, that proposal were also rejected, it would take up and present as its own, with slight alterations, the Mexican amendment incorporated in the Argentine amendment, and would formally propose to the Committee that the last part of paragraph 2 should be drafted as follows:

". . . whether these offences are committed for the purposes of gain or for any other purpose."

5. Mr. MENESES PALLARES (Ecuador) emphasized the fact that the final protocol which would accompany the convention and would be an integral part of it, would safeguard the free will of parties to the convention so far as the application of the provisions of that instrument was concerned, including those of article 1. Under the protocol, signatory States would remain free to decide themselves what motives they considered punishable: his delegation therefore thought, like the Argentine and Mexican delegations, that the scope of article 1 should be enlarged. In his opinion, the aim of the convention was not to suppress prostitution but to punish the traffic in minors or the exploitation of the prostitution of others, and gain was certainly the determining factor in all traffic of that type.

6. In conclusion, he stated that the question of the suppression of the traffic in minors and of the exploitation of the prostitution of others had been the object of long and learned discussions since 1910; the draft under study was the fruit of that experience, as well as of the qualified efforts of members of the Social Commission and of the Economic and Social Council: as such, it deserved respect and approval.

7. Mr. PLEJIC (Yugoslavia) deplored the fact that the draft convention before the Committee dealt only with one particular aspect of the regrettable social problem of prostitution. The campaign against the traffic in persons could be successfully carried out only if an effort were made to suppress the causes of the evil. That conclusion was far from new: but the Committee should recognize its importance and be guided by it at that stage of its work. It should refuse to limit the scope of the convention and should not make it the expression of an opportunist and formal point of view.

8. For that reason his delegation, basing itself on the results obtained by the legislation in force in his country, would agree to any proposal aimed at eliminating from article 1 the clause which restricted to gain the motive of the offences treated in the draft convention.

9. In reply to the representative of Greece, Mr. DELIERNEUX (Secretariat) briefly summarized the general observations on article 1 contained in the Secretary-General's note on the draft convention under discussion (E/1072 annex 2). He explained that the Association for Moral and Social Hygiene, the International Alliance of Women and the International Bureau for the Suppression of Traffic in Women and Children had announced their support of the retention of the factor of gain, arguing that the stressing of the commercial aspect would make the convention acceptable to a greater number of countries. Two other non-governmental organizations, the International Abolitionist Federation and the International Criminal Police Commission, however, believed that the motive of gain should not be retained, the former adducing in support of its view the need for progressive regulations such as those inserted in French and Belgian legislation after the war, the letter expressing the fear that retention of that idea would make the prosecution and punishment of *souteneurs* and other exploiters more difficult.

10. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) emphasized that it was essential that all ambiguity should be obviated in the text under discussion. The words "for purposes of gain" introduced an element of doubt with regard to article 1, because they raised the question who would judge the intent. The Byelorussian delegation would prefer that the article should have a wider scope and would therefore vote for the deletion of the notion of gain.

11. Mr. AQUINO (Philippines) drew the Committee's attention of the circumstances which had prevailed when the draft convention for the suppression of the traffic in persons and of the exploitation of others had been initiated. That background showed that the definite aim of that

instrument was the elimination of commercialized vice. That should be taken into account when any attempt was made to define offences within the framework of article 1.

12. Mr. Aquino had had occasion to say that the retention of the first factor in that article, the gratification of passion, would lead to serious difficulties of a legal nature. It was advisable that a distinction should be established between sexual promiscuity and prostitution. An ideal society would, of course, be a society from which immoral promiscuity was excluded, but such a society did not exist and, in the existing state of society, it was the factor of gain which made promiscuity punishable.

13. Mr. Aquino therefore suggested that the allusion to the gratification of passion should be deleted and only the motive of gain be retained by changing its position in the body of the article in such a way as to make it apply to all the sub-paragraphs. If that were done, the provision would be realistic and its legal character would be unassailable.

14. Mr. OTAÑA VILANOVA (Argentina) agreed with the views of the Philippine representative. He added that the effect of prostitution, whatever its motives, was the gratification of the passions. The deletion of that phrase, therefore, was required by both legal considerations and logic.

15. Mr. Otaña Vilanova pointed out that the commercial aspect of prostitution was not the only one which public morality regarded as punishable. There were offences such as instigation to prostitution without the purpose of gain. The Argentine delegation had therefore reintroduced the Mexican amendment, adding to it the words "or for any other purpose", in the belief that that would assist in broadening the scope of article 1 in a way which would not conflict with any existing national legislation.

16. The Argentine delegation would support the Afghan amendment to insert the words "in accordance with their domestic legislation". Although article 13 contained a general reservation with regard to respect for domestic law, that idea was important and could be repeated in article 1.

17. The Argentine delegation would be prepared, furthermore, to adopt the suggestion of the Pakistan representative, which would provide a short, clear and complete text.

18. Mr. KAYSER (France) said that the French delegation was prepared to go further than the text before the Committee, in conformity with the spirit of the law in force in France and with the attitude adopted by the French representatives on the Social Commission and the Economic and Social Council. It would therefore vote for the amendments which did not limit the scope of article 1 solely to the idea of gain. Of course, it would vote for the more restricted version which had been approved by the Economic and Social Council and which was already a step forward.

19. Mrs. KRIPALANI (India) emphasized that the basic purpose of the convention, as could be seen from the preamble, was to safeguard the dignity and worth of the human person. The aim therefore was to denounce and punish prostitution, not to set up a scale showing the relative gravity of offences connected with prostitution.

20. The Indian delegation was opposed to the retention of the factor of gain, because it believed that the punishment of the offence would be made more difficult by the introduction of a factor for which it was difficult to produce proof.

21. The Indian delegation would vote for the amendment submitted by the delegation of Pakistan.

22. The CHAIRMAN announced the closure of the debate and invited the Committee to vote.

23. He first called for a vote on the Afghan amendment that the words "in accordance with their domestic legislation" should be inserted in article 1.

That amendment was rejected by 18 votes to 7, with 19 abstentions.

24. The CHAIRMAN put to the vote the Philippine amendment to the effect that the words "for purposes of gain" should be substituted for the words "to gratify the passions of another".

The amendment was rejected by 30 votes to 3, with 11 abstentions.

25. The CHAIRMAN put to the vote the Argentine amendment to the effect that the words "for gain or any other purpose" should be substituted for the words "to gratify the passions of another".

That amendment was rejected by 19 votes to 15, with 6 abstentions.

26. The CHAIRMAN called for the vote on the Pakistan amendment for the deletion of all that part of the article which followed paragraph 2.

That amendment was adopted by 22 votes to 15, with 5 abstentions.

27. The CHAIRMAN, noting that as a result of that vote the oral proposal made by the Saudi Arabian representative and the amendment submitted by the Mexican delegation had fallen, as they had applied to the part of the article which had been deleted, put to the vote the article as a whole, as amended.

28. Article 1 read as follows:

"The Parties to this Convention agree to punish any person who, to gratify the passions of another:

1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

2. Exploits or is an accessory in the prostitution of another person, even with the consent of that person."

Article 1 was adopted by 25 votes to 5, with 2 abstentions.

29. Mr. BOKHARI (Pakistan) said that he had abstained from voting on the Afghan amendment because, in the opinion of his delegation, it was only of secondary importance in view of the existence of article 13.

ARTICLE 2

30. Mr. Vos (Belgium) said that it would be preferable to ensure uniformity in the text and that therefore in article 2 the word "punish" (which also appeared in article 1) should be used

instead of the phrase "provide for the punishment", which might give the impression that the authors had wished to restrict the scope of article 2.

31. Mrs. CASTLE (United Kingdom) would prefer the phrase "provide for the punishment", because the decision to punish offenders in practice was a matter for the judiciary.

32. Mr. CONTOUMAS (Greece) quoted in that connexion the precedent of the convention concerning the illicit traffic in dangerous drugs, in which the signatory States agreed to punish severely certain offences. It had always been agreed that, in documents of that kind, the word "punish" meant to make penalties statutory, not to apply them in specific cases, for that was undoubtedly within the province of the courts.

33. The CHAIRMAN, speaking as the representative of VENEZUELA, said that his delegation had voted in favour of the word "punish" in article 1. He therefore saw no difficulty in using the same expression in article 2.

It was so decided.

34. Mr. RAMADAN (Egypt) thought it should be specified that any person who allowed his name to be used for the kind of illicit undertakings mentioned in article 2 was also liable to punishment.

35. The CHAIRMAN said that that point was already covered by the words "takes part in the financing of a brothel" in sub-paragraph *a*.

36. Mr. RAMADAN (Egypt) did not think that the wording of article 2 was clear enough on that point. He proposed that the words "or allows his name to be used for such a purpose" should be added at the end of sub-paragraph *a*.

37. Mr. PAJVAK (Afghanistan) proposed that the word "knowingly" should be deleted from both sub-paragraphs *a* and sub-paragraph *b*. The word was unnecessary because it was highly improbable that prostitution could be carried on in a building without the proprietor's knowing about it.

38. Mr. AQUINO (Philippines) said that it was the criminal motive which made an offence punishable. That was why the word "knowingly" should be retained. He thought that the difficulty pointed out by the representative of Egypt could be solved if an expression which could be applied equally to the lessee and to the lessor were used. In the English text, the word "lets" should be replaced by "leases".

39. Mrs. CASTLE (United Kingdom) said that in English the word "lets" applied both to the lessee (sub-paragraph *a*) and to the lessor (sub-paragraph *b*).

40. Mrs. ROOSEVELT (United States of America) also thought that the word "knowingly" should be retained as it was quite possible that an owner might not know to what use his property was being put.

41. Mr. OTAÑA VILANOVA (Argentina) supported the Afghan proposal. It was only logical to start from the assumption that the lessor knew the use to which his property was to be put. It was only in very exceptional cases that he did not know the purpose of the lessee and then it was for him to prove his ignorance.

42. Mr. CONTOUMAS (Greece) pointed out that, in sub-paragraph *a*, the word "knowingly" was only connected with the financing and that such undertakings could only be financed by fraud. The word "knowingly" was therefore unnecessary. It was also redundant in sub-paragraph *b* as had already been shown by other speakers. Moreover, if it were retained it would be only logical to insert it in article 1 as well.

43. Mr. RAMADAN (Egypt), Mr. BOKHARI (Pakistan), Mr. GEORGE (Liberia) and Mr. HEVIA (Cuba) thought that the word "knowingly" should be retained. Mr. Hevia pointed out that when an owner found out that his house was being used, without his knowledge, for purposes of prostitution, the offence had already been committed. It would, however, be unjust to consider him responsible.

44. Mr. NORIEGA (Mexico) wondered whether lodgings should not be explicitly mentioned in article 2, because there the circumstances were quite different from those governing buildings rented on a long-term basis.

45. Mr. DELIERNEUX (Secretariat) explained that sub-paragraph *a* dealt with brothels, while sub-paragraph *b* dealt with any building where prostitution might be carried on. Nevertheless, the underlying purpose of article 2 was to do away with the brothels and not to prevent prostitutes from finding somewhere to live.

46. The CHAIRMAN put to the vote the Afghan amendment for the deletion of the word "knowingly" from sub-paragraph *a*.

The amendment was rejected by 25 votes to 11, with 4 abstentions.

47. The CHAIRMAN put to the vote the Egyptian amendment for the addition of the words "or allows his name to be used for such a purpose" at the end of sub-paragraph *a*.

The amendment was rejected by 15 votes to 14, with 16 abstentions.

48. The CHAIRMAN put to the vote the Afghan amendment for the deletion of the word "knowingly" from sub-paragraph *b*.

The amendment was rejected by 30 votes to 11, with 3 abstentions.

49. Mr. NORIEGA (Mexico) proposed that the word "lets" should be replaced by the expression "lets or rents".

That proposal was adopted by 32 votes to none, with 7 abstentions.

50. Mrs. CASTLE (United Kingdom) requested that the vote should be taken again as she had not understood what was being put to the vote because of an interruption in the simultaneous interpretation.

51. The CHAIRMAN stated that in accordance with rule 112 of the rules of procedure a vote would be taken on the question whether the Committee should proceed to a further vote on the amendment.

There were 35 votes in favour. The motion was adopted, having obtained the required two-thirds majority.

52. The CHAIRMAN again put the Mexican amendment to the vote.

The Mexican amendment was adopted by 31 votes to 2, with 7 abstentions.

53. The CHAIRMAN then put to the vote the whole of article 2, as amended.

Article 2, as amended, was adopted by 41 votes to none, with 1 abstention.

54. Mrs. ROOSEVELT (United States of America) pointed out that in English "to let" meant both to take and to give against payment. Sub-paragraph *a* gave it the first meaning and sub-paragraph *b*, the second. The introduction of the word "rents" after the word "let", as a result of the Mexican amendment, merely made the English text unnecessarily repetitious.

ARTICLE 3

55. Mrs. ROOSEVELT (United States of America) stated that the introduction of the concept of attempt into the draft convention created serious legal difficulties for the United States delegation and it reserved the right to submit comments thereon at a later date, in the light of the opinion on the question for which the Sixth Committee would be asked.

56. The CHAIRMAN thought that the Committee could take a decision of principle on the article, subject to any modifications which it might introduce after hearing the Sixth Committee's opinion on the legal aspects of the question.

57. Mr. AQUINO (Philippines) proposed that the debate on article 3 should be adjourned until the Sixth Committee had given its opinion.

58. He did not see the use of taking an immediate decision of principle on a question which required profound study. What was being proposed was the introduction into the convention of a concept foreign to criminal law, namely, the punishment of a crime which had not been consummated.

59. In his opinion, only the punishment of offences which had been committed should be considered, as certain penal codes did not admit the punishment of attempts to commit an offence.

60. Mr. NORIEGA (Mexico) pointed out that in view of the particular nature of the offences which the draft convention was intended to abolish — offences of which it was usually difficult to say that they were consummated at any one time — it would ensure a considerable degree of impunity to the guilty parties if consummated offences alone were punished and all attempts and preparatory acts leading to the offence could be accomplished without risk or without any possible control. For example, it would leave the way open to the incitement of minors in all its forms.

61. Article 3 should therefore be maintained; it had been drafted with the necessary prudence and, in view of the proviso concerning domestic law, it could be accepted by all delegations. Mr. Noriega asked the Committee to take an immediate vote on article 3 and not reject the obligation to punish attempts and preparatory acts contained therein.

62. Mr. CONTOUMAS (Greece) also thought that there was no need to adjourn the debate.

63. The CHAIRMAN put to the vote the motion for adjournment submitted by the Philippines delegation.

The motion was rejected by 21 votes to 12, with 8 abstentions.

64. Mr. RAMADAN (Egypt), supported by Mr. KAYSER (France), proposed that in the French text of article 3, the word *exigences*, in the phrase *sous réserve des exigences de la législation nationale*, should be replaced be the word *prescriptions*.

65. Mr. MENESES PALLARES (Ecuador) pointed out that that modification would make the French text concord better with the Spanish text where the corresponding word was *disposiciones*.

66. The CHAIRMAN suggested that the Committee should approve the drafting change proposed by the representative of Egypt and that in the English text the word "requirements" should be replaced by the word "provisions".

It was so decided.

67. Mr. AZKOUL (Lebanon) thought that if the reservation contained in article 3 were to be interpreted as making the punishment of attempts and preparatory acts subject to the requirements of domestic law, the word "requirements" had a meaning which did not quite correspond to the word "provisions". In his opinion, however, that interpretation was open to doubt, for it could then be asked what purpose was served by article 3 if it did not render obligatory the punishment of attempts in countries where they were not at the time punishable.

68. Mr. DELIERNEUX (Secretariat) explained that in adopting that article the Social Commission had wished first to render attempts and preparatory acts punishable, together with the crime itself, and secondly, to add the same reservation concerning domestic law which appeared in article 13.

69. Mr. CONTOUMAS (Greece) noted that the question raised by the Lebanese representative had brought to light possible divergences in the interpretation of the reservation which had been included in article 3. According to the Greek representative, that article meant that attempts and preparatory acts should also be rendered punishable in all the States signatories to the convention, but that those States were entirely free to legislate on the punishment of both acts. He pointed out, on the other hand, that if the word *prescriptions* were adopted, it would be necessary in the French text to say *prescriptions de la loi nationale* and not *prescriptions de la législation nationale*.

70. The CHAIRMAN agreed with the Greek representative's interpretation: article 3 clearly stated that it was obligatory to punish attempts and preparatory acts.

71. Mr. AZKOUL (Lebanon) said that Mr. Contoumas' explanation gave a plausible meaning to article 3 but that it could not be reconciled with the text as it stood. On the other hand, it would be quite adequate if the expression "subject to domestic law" was substituted for the words "subject to the requirements of domestic law".

72. The CHAIRMAN thought that the reservation appearing at the end of article 3 could be deleted without inconvenience since it also appeared in article 13, which was generally applicable to all the provisions of the draft convention. In that way the delegations which had raised objections to the presence of the reservation in article 3 would be satisfied.

73. Mr. JOCKEL (Australia) asked for an explanation of the Social Commission's intention in adding that reservation at the end of article 3, despite the existence of article 13. In view of the obscurity on that point, he reserved his opinion until the Sixth Committee had given its views on the question.

74. Mr. DELIERNEUX (Secretariat) explained that the purpose of article 13 was to leave intact the principle that the acts covered by the convention should be qualified, prosecuted and punished in conformity with the domestic laws of each country.

75. In adding the reservation in question to article 3, the Social Commission had repeated the same idea. It had therefore intended to make it clear that article 3 could only apply within the limits of domestic law. If the Third Committee considered those limits too restrictive, it could, of course, render the punishment of attempts obligatory for all signatories, irrespective of the provisions of their domestic law.

76. Mr. CONTOUMAS (Greece) supported the Chairman's suggestion that the reservation in article 3 should be deleted purely and simply in view of the fact that article 13 made the same reservation, extending its application to all the articles of the convention. That solution would have the added advantage of removing any doubt as to the general bearing of article 13, which would no longer be weakened by useless repetition within the text of another article.

77. Mr. OTAÑO VILANOVA (Argentina) fully shared the point of view of the Greek representative and was in favour of deleting the reservation in article 3.

78. Mrs. ROOSEVELT (United States of America) agreed that as article 13 recognized in explicit and general terms the principle of respect for domestic law, there was no point in insisting that that principle should be mentioned in other articles, such as articles 3 or 4. She would therefor vote in favour of deleting the reservation in article 3.

79. As to substance of article 3 and the legal difficulties it raised in countries with Anglo-Saxon legal systems where attempts to commit offences were not punishable unless they could be qualified as conspiracy, it was to be hoped that the Sixth Committee would succeed in solving those difficulties and establishing a text which would be acceptable to all.

80. The CHAIRMAN thought that the essential question was one of defining terminology and that the Sixth Committee would have to try to seek out the common factors which could be embodied in the different terms used in various legislations.

81. Mr. RAMADAN (Egypt) supported the Chairman's proposal to delete the reservation in article 3.

82. Mr. AZKOUL (Lebanon) objected that that solution would not solve the legal problem created by article 3, any more than the solution he had himself proposed. The problem could be stated as follows: was it possible to oblige countries in which the intent to commit an offence was not punishable to make it punishable in respect of the traffic in persons and the exploitation of the prostitution of others, or were they to be left free to adhere to their current legislation?

83. The CHAIRMAN pointed out that article 13 left each State free to define offences, and therefore to determine the acts which constituted attempted offences.

84. Mr. AZKOUL (Lebanon) stressed that it was not a matter of deciding whether an act was or was not an attempted offence, but whether those States whose criminal law did not punish attempted crime would be exempt from making punishable acts which they themselves had defined as attempted crime.

85. The CHAIRMAN put to the vote the proposal to delete from article 3 the phrase "subject to the requirements of domestic law".

The proposal was adopted by 23 votes to 1, with 17 abstentions.

Article 3, as amended, was adopted by 33 votes to 1, with 8 abstentions.

ARTICLE 4

86. Mrs. ROOSEVELT (United States of America) was anxious that the meaning of article 4 should be more closely defined, in particular the concept of separate offenders.

87. Also, the reservation regarding domestic law should be deleted, as in the preceding article.

88. Mr. DELIERNEUX (Secretariat) explained that the purpose of article 4 was to ensure that when several persons had participated in one of the offences referred to in the convention, and had fled to different countries, their acts would be regarded as separate offences so that they could be punished in the various countries in which the guilty parties had taken refuge.

89. Mr. BOKHARI (Pakistan) observed that if that was in fact the meaning of the article, it was difficult to understand the word "even" which appeared in the English text and the translation of which did not appear in the final French text (A/C.3/520, annex II). "If" should be substituted for "even when".

90. The CHAIRMAN proposed that the Committee should adopt that suggestion.

It was so decided.

91. Mr. NORIEGA (Mexico) thought that the text of article 4 was much too confused to enable the legislative, judicial and administrative authorities of the signatory States to interpret it with certainty and apply it correctly.

92. Mr. CONTOUMAS (Greece) thought that the whole difficulty arose from the fact that article 4 defined preparatory acts as separate offences only in cases where the offenders could not be tried in the same country. The paradoxical result was that if all the offenders were to be found in a single country, there was no longer any international obligation to punish acts of participation.

93. In view of those considerations, it was obvious that the word *même,* corresponding to "even" in the English text, served some purpose.

94. Mr. REEDY (New Zealand) thought that the English text had been satisfactory and had only been made obscure by being mutilated.

95. Mr. AQUINO (Philippines) requested the Secretariat to supply further information as to the meaning of article 4 and the disputes over

competence to which its application might give rise.

96. The CHAIRMAN explained that article 4 was in fact simply a procedural clause designed to co-ordinate action by States, so that accomplices could not escape punishment by being in a country other than that in which the offence was committed. To emphasize the procedural character of article 4, it would be preferable to substitute the word "prosecuted" for "brought to trial" in the text.

97. Mr. NORIEGA (Mexico) suggested that the Secretariat should prepare a new text for the following meeting, eliminating all the obscurities that had been pointed out in the course of the discussion.

The meeting rose at 5.45 p.m.

TWO HUNDRED AND THIRTY-NINTH MEETING

Held at Lake Success, New York, on Monday, 3 October 1949, at 10.45 a.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)*

DISCUSSION ON PROCEDURE

1. Mrs. CASTLE (United Kingdom), speaking on a point of order, said that the Committee should clear up any misunderstanding concerning the procedure for referring certain articles of the draft convention to the Sixth Committee, which dealt with legal questions.

2. Indeed, on the one hand, the *Journal of the General Assembly* for Saturday, 1 October, indicated that the Third Committee had decided to examine the draft convention article by article but did not note the decision to refer to the Sixth Committee, before any preliminary examination, certain articles of a legal nature. On the other hand, according to the summary record of the 237th meeting, the Chairman had said that "his intention had been to transmit the entire draft convention to the Sixth Committee, with particular emphasis on those articles which . . . required expert legal study. The Sixth Committee would, moreover, be able to examine any other articles on which it felt that a legal opinion might be desirable."

3. In her opinion, difficulties would arise if two committees were dealing simultaneously with the whole draft convention. At all events, the decision which appeared in the *Journal of the General Assembly* was inexact, and she asked that it should be clearly established that the Committee would not examine articles 8, 12, 25, 26, 28, 29, 30, 31 and 32 before asking the opinion of the Sixth Committee.

4. After a more careful reading of the draft convention, she had reached the conclusion that other articles also raised complex legal questions and that the Committee would lose time by undertaking a preliminary examination of those articles. She therefore suggested that articles 5, 7, 9, 10, 11, 13, 14, 23, 24 and 27 should also be referred to the Sixth Committee. She drew paricular attention to articles 8 to 11, which dealt with the extradition of offenders, and thought that a decision on the principle governing those articles should be taken by jurists.

5. She asked the Chairman to submit her suggestion to the Committee and decide on the procedure to be adopted.

6. The CHAIRMAN proposed that that question should be settled first and asked members of the Committee to limit their remarks to it.

7. Mrs. ROOSEVELT (United States of America) said that after further study of the draft convention she had reached practically the same conclusions as the United Kingdom representative.

8. The Committee should first of all take a decision on the articles which would be referred to the Sixth Committee and which, in her opinion, were those enumerated by the United Kingdom representative, together with article 4. She considered, moreover, that the Committee should undertake an examination of articles 15 to 22 and of the final protocol before referring them to the Sixth Committee. The draft convention as a whole would of course be referred to it ultimately. However, it was the Third Committee itself which would in the end transmit to the General Assembly as final text of the draft convention.

9. She concluded by saying that the Committee could carry out its work more efficiently if it referred to the Sixth Committee before or after examination, the articles which raised very delicate legal questions.

10. The CHAIRMAN, in reply to the request of the United Kingdom representative, recalled that the Committee had previously decided to refer to the Sixth Committee articles 8, 12, 25, 26, 28, 29, 30, 31 and 32, asking it to study their legal aspects. The Committee had also decided that it could request the opinion of the Sixth Committee on any legal difficulty which might arise. The draft convention as a whole would, moreover, be referred to the Sixth Committee, which could only settle certain difficulties if it had the full context.

11. He thought that no member would have any objections to the Committee's referring to the Sixth Committee, without previous examination, the articles he had just mentioned. Moreover, the United Kingdom representative had enumerated the articles which, in her opinion, were legal in character and should also be referred to the Sixth Committee. That procedure would perhaps shorten the discussion. In any case, the Committee must now decide whether the latter articles were to be submitted to the Sixth Committee before or after examination.

12. Mr. RAMADAN (Egypt) wished to stress the legal nature of some of the articles mentioned by

the United Kingdom and United States representatives. That was particularly true of articles 8 to 11, since the majority of extradition cases were based on reciprocal treaties and thus were subject to international law. Moreover, the provision of article 9: ". . . even in a case where the offender has acquired his nationality after the commission of the offence" was incompatible with the principle that no law could be retroactive in effect. He thought that it was absolutely necessary to refer that article to the Sixth Committee. Being a party to proceedings, a matter dealt with in article 5, was also a very delicate question, since certain countries admitted it *ipso facto* in penal cases and others did not admit it. Therefore that article must also be referred to the Sixth Committee.

13. The CHAIRMAN invited Mr. Sutch, Chairman of the Social Commission, to explain the genesis of the draft convention.

14. Mr. SUTCH (New Zealand), speaking as Chairman of the Social Commission, recalled that the latter had undertaken to draw up the draft convention at the request of the Economic and Social Council; it had been asked by the Council to establish a text representing a minimum acceptable to all States Members of the United Nations. Consequently, the document under study contained very few new elements; it was, on the other hand, a synthesis of principles generally recognized and internationally applied.

15. He emphasized that the Social Commission, and later the Economic and Social Council, had discussed at length the social aspect of the problem of prostitution; but neither of those bodies had felt itself competent to discuss its legal aspects. They had preferred to have recourse to the Sixth Committee, and the Council had limited itself to making a general recommendation approving the draft as a whole.

16. Giving a historical survey of the previous conventions, Mr. Sutch retraced the different legal stages which had marked the suppression of the traffic in persons on an international plane: the Agreement of 1904 and the Convention of 1910 for the Suppression of the White Slave Traffic, the Convention 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.

17. He pointed out that those four instruments were separate acts, each applying to a specific category of offences. Thus, 42 States had adhered to the 1904 Agreement, 41 to that of 1910, 51 to that of 1921, and only 28 to that of 1933.

18. The machinery for applying the first two conventions had been entrusted to France. After the war of 1914-1918, the League of Nations had turned its attention to the problem, and it was under the League's auspices that the conventions of 1921 and 1933 had been drawn up. In 1937, the League of Nations had recognized the need for a new instrument of wider scope, and one more closely in harmony with the evolution of social thought. It prepared the 1937 draft convention, to which most Members of the League of Nations had given their assent in principle, but which had never been signed.

19. After the Second World War, the United Nations had given up the text of the 1937 draft convention and had consulted the Governments of the Member States thereon, as well as the non-governmental organizations concerned. It was on the basis of the observations obtained that the Social Commission had prepared the draft convention then before the Third Committee, a draft which embodied the essential provisions of the four conventions currently in force, as well as the main provisions of the 1937 draft convention.

20. It could therefore be said that the draft under study really represented what might be called the lowest common denominator of international legislation relating to the suppression of the traffic in persons.

21. He pointed out how delicate was the task confided to the Social Commission. Any modification introduced into a provision included in one of the four conventions in force was liable to make it more difficult for one or more of the parties to those conventions to accept the new instrument. The main thing, however, according to the very terms of the instructions given by the Economic and Social Council, had been to prepare a draft which would be acceptable to the greatest possible number.

22. If it wished to secure general accession to the new convention, the Third Committee should also conform to the rule of prudence which had guided the work of the Social Commission. It had, however, already failed to observe that rule. Thus, for example, by deleting (238th meeting) the expression "subject to the requirements of domestic law" from the original text of article 3, it had removed from that article an essential element.

23. As representative of NEW ZEALAND, Mr. Stuch was obliged, as a result of that decision, to reserve his position with regard to article 3 pending the receipt of instructions from his Government. Again, by removing (238th meeting) the motive of gain from article 1, the Committee had made the application of that provision extremely difficult for States which did not wish to grant excessive powers to the police, and it had therefore jeopardized the adoption of the document as a whole.

24. That did not mean that the draft convention, drawn upon by the Social Commission did not, from the social point of view, represent progress over the previous conventions. The 1937 draft by which it took pattern had been prepared as the result of an extensive enquiry into regulated prostitution undertaken by the League of Nations. The enquiry had resulted in the conclusion that it was necessary to close brothels and to abolish the police registration of prostitutes: hence article 6. Some people had wished to go still further and make provision for a social programme for the rehabilitation of young women of loose morals. Without going so far, the Commission had adopted the more general provisions of article 17.

25. Thus, articles 6 and 17 represented the two new elements from the social point of view, and they were consequently the two matters which would lead to controversy. The Social Commission had given much time to the discussion of those questions, which were within its competence; and it had not given much thought to the articles of application, which, for the most part, were already included in the conventions in force. It had considered that the opinion of the Sixth

Committee was more authoritative than its own on all matters within the field of international law.

26. He urged the members of the Third Committee to follow the example of the Social Commission, whose attitude had been the result of mature reflection. He thought the Committee should adopt the proposal submitted by the representatives of the United Kingdom and the United States and concern itself only with questions of an essentially social character.

27. As representative of NEW ZEALAND, he would for his part conform to the instructions of his Government, which advised him to refer consideration of legal problems, as far as possible, to the competent committee of the General Assembly.

28. Mr. BOKHARI (Pakistan) thanked the Chairman of the Social Commission for his statement. It appeared from that statement that the Commission had not confined itself to a mechanical task of compilation, but had done constructive work on the social level. That should also be the task of the Third Committee, which should carry out the instructions it had been given and prepare the draft convention which seemed to it most likely to secure the suppression of the traffic in persons and the exploitation of the prostitution of others without concerning itself at that stage with the reception with which the draft would meet. In his opinion they should avoid speaking of the lowest common denominator as they had in connexion with the convention on freedom of information. They must not, either, exaggerate the difficulties of applying an instrument intended to combat a scourge as to the seriousness of which all nations were agreed. He did not think, for example, that article 1 had been rendered inapplicable by the removal of reference to the purpose of gain, since the initial draft had provided for three categories of offences in connexion with which it had been readily agreed that the motive of gain should not be maintained.

29. The Committee should adhere to the decision on principle that it had taken and refer to the Sixth Committee only articles which were considered essentially legal. As for the others, it should discuss them in order, and only in the light of such discussion should it decide, if need be, to refer them to the Sixth Committee.

30. The draft as a whole would of course be communicated to the Sixth Committee, not for detailed discussion, but in order that that Committee should be able to examine in their context the articles that had been referred to it. The Third Committee was undeniably the body instructed by the General Assembly to frame a draft convention on the suppression of the traffic in persons and of the exploitation of the prostitution of others, and it was for the Third Committee, in the last resort, to decide on the text to be submitted to the General Assembly.

31. Mr. KAYSER (France) stated that numerous articles had legal implications and it would therefore be indispensable to establish liaison between the Third and Sixth Committees. He would like to know the general trend so far of the conversations that had taken place between the Chairmen of those two Committees. Would the Sixth Committee, which had a fairly heavy agenda, interrupt its work to consider the difficult texts that the Third Committee would submit to it, or would it only consider them when it had exhausted its own agenda? It was to be feared that the opinions it would give would arrive too late to make it possible to submit the draft convention to the General Assembly at its current session.

32. The existing difficulties were the result of certain methods in force in the United Nations whereby a question was submitted from a Committee to a Council, from a Council to the Assembly and from the Assembly to a Committee. Those difficulties might in the future lead to an improvement in the methods of work and in the output.

33. In the opinion of Mr. CONTOUMAS (Greece), it would appear from Mr. Sutch's statement that the Third Committee should concern itself only with controversial questions, that is, articles 6 and 17. It was doubtless important to take account of the recommendations formulated by the Social Commission, which had dealt with the question at length, but he thought the Third Committee's field of action was not so restricted, since the General Assembly had given it the task of considering the draft convention in its entirety.

34. Mr. Sutch had stated that certain provisions that had entered into international law and been adopted by numerous Governments should not be modified, in order to avoid creating difficulties for those Governments. That point of view was perhaps reasonable, but the Committee should not on that account refuse to introduce improvements into certain articles. Mr. Contoumas was of the opinion that the Third Committee would be failing in its task if it dealt only with articles 6 and 17 and referred the others to the Sixth Committee. Such a procedure would jeopardize the possibility of submitting the draft convention to the vote in the General Assembly at the current session. He thought that among the members of the Third Committee there were competent jurists who could give their opinion in doubtful cases.

35. He shared the opinion of the representative of Pakistan and considered the Committee should abide by the decision it had already taken in connexion with the reference of articles to the Sixth Committee, and that it should begin its consideration of the other articles immediately.

36. Mr. NORIEGA (Mexico) also regretted that the Committee had not had the opportunity of hearing the explanations given by the Chairman of the Social Commission before it began to consider the draft convention.

37. In the matter in question, social and legal problems were closely linked; it was the relationship between the means and the end. Mr. Noriega quoted the precedent of the Convention on the International Transmission of News and the Right of Correction which the Third Committee had drafted without flinching before the legal difficulties it had encountered. It was not necessary to be a specialist in legal affairs in order to undertake such a task. A knowledge of the fundamental principles of law, together with common sense, should be sufficient. Delegations had, moreover, had time to request the opinion of their own experts or jurists of international repute.

38. The wisest procedure was to continue consideration of the draft convention article by article,

deciding in each case whether it was necessary to seek the opinion of the Sixth Committee.

39. Mr. KAYSER (France) thought that, before taking a decision on the joint proposal by the United Kingdom and the United States, it would be advisable to know from an authoritative source whether the Sixth Committee could accept the extra work which consideration of an additional number of articles would involve. The Committee should therefore await the result of the conversations which the Chairman would have on the subject with the Chairman of the Sixth Committee.

40. It would perhaps also be useful to set up an informal joint working group of the Third and Sixth Committees, which would be in a position to arrange a logical division of the work between these two Committees.

41. Mr. FREYRE (Brazil) supported the representative of Mexico in his proposal that consideration of the draft convention be continued article by article.

42. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) also supported the Mexican representative's proposal. He pointed out that, if the Sixth Committee were to consider almost the entire draft convention, as the representatives of the United Kingdom and the United States proposed, it would be confronted with social problems which it would not feel competent to solve. It would eventually have to refer them back to the Third Committee.

43. The Third Committee had in any case taken a decision that only certain articles would be referred without discussion to the Sixth Committee. According to rule 112 of the rules of procedure, a two-thirds majority would be necessary to reverse that decision.

44. The CHAIRMAN thought there was no need to insist on a strict application of rule 112 of the rules of procedure, for the list of clauses referred to the Sixth Committee under the previous decision was not restrictive.

45. While awaiting the opinion of the Chairman of the Sixth Committee, it could already be affirmed that the agenda of that Committee was a very heavy one. That was doubtless what the General Committee of the Assembly had had in mind when, without debating the question in detail, it had decided not to refer consideration of the entire draft convention to the Sixth Committee.

46. The Chairman proposed that a vote be taken on the following resolution:

"The Third Committee

"Recommends to the President of the General Assembly to request the Sixth Committee to give as early consideration as possible to articles 8, 12, 25, 26, 28, 29, 30, 31 and 32 of the draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others and any other article in relation with which a legal problem may arise that the Third Committee does not feel competent to decide, together with the text of other articles as approved by the Third Committee, and to forward back to the Third Committee approved texts for the articles submitted to its consideration, together with any comments it deems essential to submit on any other legal problem arising from the draft convention."

47. The Committee first had to vote, as an amendment to that draft resolution, on the list of articles which the United Kingdom and the United States delegations proposed also to refer to the Sixth Committee, namely articles 5, 7, 9, 10, 11, 13, 14, 23, 24, 27 and 4.

48. In reply to questions by Mr. JOCKEL (Australia) and Mr. EREN (Turkey), the CHAIRMAN said that, if the Committee rejected the United Kingdom and United States amendment, it would be no less free to refer to the Sixth Committee later any other article the drafting of which presented particular legal difficulties. After having finished consideration of the clauses it retained, the Committee could proceed to the next item on its agenda. As soon as the Sixth Committee communicated the results of its debates on the articles referred to it, the Third Committee would in its turn begin consideration of those articles from the social point of view.

49. The Chairman put to the vote the joint amendment by the United Kingdom and the United States to the effect that consideration of articles 4, 5, 7, 9, 10, 11, 13, 14, 23, 24 and 27 should also be referred to the Sixth Committee.

The amendment was rejected by 22 votes to 15, with 9 abstentions.

50. The CHAIRMAN put the draft resolution he had submitted to the vote.

The draft resolution was adopted unanimously.

The meeting rose at 12.55 p.m.

TWO HUNDRED AND FORTIETH MEETING

Held at Lake Success, New York, on Tuesday, 4 October 1949, at 11.10 a.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 4 (*continued*)

1. The CHAIRMAN requested the Committee to continue its consideration of article 4, as redrafted by the Secretariat (A/C.3/L.8).

2. Mr. SCHACHTER (Secretariat) explained that the new text had been drawn up with a view to avoiding the paradoxical interpretation which it was possible to give to the text submitted by the Social Commission. The earlier text had not clearly established the international obligation to punish acts of participation carried out in the same country as the main offence, but the new draft provided that participation should be punishable. In a separate paragraph the new text

stated that participation should be treated as a separate offence "whenever this is necessary to prevent impunity".

3. It was recognized by most juridical systems that participation was a punishable offence; the difficulty was that complicity was not always considered as a separate offence, and the object of the second paragraph was to ensure the punishment of an accomplice, even in countries whose domestic law did not allow proceedings to be taken separately against such a person.

4. In its essence the second paragraph of the new draft differed very little from the text submitted by the Social Commission, which had simply repeated a provision contained in the 1937 draft convention and in other international instruments. It had the advantage, however, of being more flexible in its application, in that it did not provide that participation should be treated as a separate offence solely in cases where the accomplices could be brought to trial only in different countries or territories.

5. Mr. CONTOUMAS (Greece) thanked the representative of the Legal Department for his lucid explanation. He, for his part, considered the new draft most satisfactory.

6. Mr. SUTCH (New Zealand) noted that the Secretariat had not maintained the phrase "subject to the requirements of domestic law" which had been included in the original draft of article 4. He wondered whether that omission would strengthen the obligation which signatory States would undertake under the article and whether the general restrictive clause in article 13 was adequate protection for the free will of signatory States in that respect.

7. He would like to know the Secretariat's views on the subject and why it had thought fit to omit the reservation originally contained in article 4.

8. The CHAIRMAN recalled that the New Zealand representative's questions had been discussed by the Committee in connexion with article 3 (238th meeting). The Committee had then decided that the provisions of article 13 would apply to the whole draft convention, and that the inclusion of a special reservation in any other article would only give rise to doubts concerning the scope of article 13.

9. Mr. BOKHARI (Pakistan) thought that no reservation relating to the requirements of domestic law could be interpreted as limiting or cancelling the obligation assumed by States who signed the convention of punishing the offences described in articles 1 and 2. Under that obligation, States would be bound, regardless of any reservations that might be included in article 13 or elsewhere, to enact the necessary laws to ensure the application of the convention. There remained one legal matter to be settled, namely, the definition of the exact scope of the general restrictive clause in article 13.

10. The CHAIRMAN said that the Committee had discussed that matter also in connexion with article 3. It had decided that the provisions of article 13 could not be interpreted as relieving signatory States of the obligation to punish the offences described in articles 1 and 2, but that those provisions did allow them to qualify, prosecute and pass judgment on such offences in accordance with domestic law. Article 13 was stated in very clear terms which admitted of no ambiguity.

11. Mr. SCHACHTER (Secretariat) fully confirmed the Chairman's interpretation. The latitude left to signatory States only related, in fact, to the application of the principles to which those States subscribed in signing the convention.

12. He admitted that the deletion of the phrase "subject to the requirements of domestic law" strengthened the provisions of article 4. It had been deleted intentionally, so that the article could not be interpreted in a way which would defeat its very purpose.

13. According to Mr. AZKOUL (Lebanon), the same difficulty would arise in connexion with each of the articles of the draft convention with regard to which a more particular reservation than the general reservation contained in article 13 would seem to be necessary. The Committee had admitted that the provisions of article 13 applied to the whole draft convention; he would like to know, however, to what extent they applied. Was article 13 a precise substitute for the phrase "subject to the requirements of domestic law", or was it, as Mr. Azkoul was inclined to think, more limited in scope?

14. To take a hasty decision on that point might create difficulties of application which would compromise the acceptance of the draft convention. It was therefore necessary to have an authoritative opinion on the question whether article 13 limited in any way the obligation to inflict punishment assumed by the signatory States under the first articles of the convention, and to what extent the application of the convention was subordinated to the requirements of domestic law under article 13.

15. Mr. NORIEGA (Mexico) pointed out that the Convention of 1936 for the Suppression of the Illicit Traffic in Dangerous Drugs contained provisions similar to those of article 13 and articles 1, 2, and 3 of the draft convention. Article 15 of the said convention was, in fact, a general restrictive clause and sub-paragraph *b* of article 2 provided for the punishment of acts of international participation. That convention had been signed and ratified, and its application did not seem to give rise to any difficulty. The Commission should take past experience into consideration and should not revert to a discussion of questions of principle which had already been settled. The work of the Committee would be facilitated if the Secretariat would draw up a memorandum indicating which articles of the draft convention reproduced provisions of earlier conventions.

16. Mr. CONTOUMAS (Greece) was of the opinion that the explanations given by the Chairman and the representative of the Legal Department of the Secretariat left no doubt concerning the interpretation which should be given to the articles under discussion. It was clear that there could be no question of exempting signatory States from the obligation of punishing acts which the draft convention was designed to suppress.

17. Mr. AQUINO (Philippines) was also of the opinion that the general restrictive clause in article 13 applied only to the methods of application of the convention. The phrase "subject to the requirements of domestic law" would undoubtedly increase that restriction. There was no disputing

the fact that the act of acceding to an international convention imposed on the signatory State the obligation of ensuring the full and complete application of that convention, even if the State had to amend its own legislation. No reservation which would limit or annul that obligation could be accepted.

18. Mr. AZKOUL (Lebanon) recalled that when article 3 had been examined, the Committee had concluded that the provisions of article 13 adequately replaced the reservation in article 3 which it had been proposed to delete and that it was on the strength of that conclusion that certain delegations had consented to that deletion.

19. The discussion had shown quite clearly that article 13 did not replace the phrase "subject to the requirements of domestic law". It was therefore evident that the Committee was called upon to take a decision of principle with regard to article 4, and that it would have to take the same decision with regard to each of the articles of the draft convention in which that restrictive clause appeared. It could not take that decision of principle with full knowledge of the facts until it had eliminated every doubt concerning the scope of the debated reservation.

20. That reservation seemed, at first sight, to annul the force of the provision in which it was contained. Mr. Azkoul did not think that such had been the intention of the authors of the draft convention. That was a point that must certainly be elucidated, and the Legal Committee was the competent body to decide it.

21. He therefore proposed that the Third Committee should ask for the opinion of the Sixth Committee on the question.

22. Mrs. ROOSEVELT (United States of America) supported the suggestion made by the Lebanese representative. It was apparent from the discussion that article 4 was clearly one on which a legal advisory opinion was required, and the United States delegation was whole-heartedly in favour of its being referred to the Sixth Committee.

23. The CHAIRMAN pointed out that all the articles contained certain legal difficulties. The main thing was to know whether States did in actual fact intend to undertake the obligations defined in articles 1, 2 and 3 of the draft convention. He personally did not think that the phrase "subject to the requirements of domestic law" expressed any intention of cancelling the obligations in question.

24. It would, however, be well to ask for the opinion of the Sixth Committee, without prejudice to the decision on principle which would be taken by the Third Committee.

25. Mr. RAMADAN (Egypt) proposed that the difficulty should be solved by redrafting article 13 in such a way as to invite States to bring their legislation into line with the provisions of the preceding articles.

26. The CHAIRMAN said that it would be better to wait until article 13 was discussed before submitting such proposals.

27. Mr. CONTOUMAS (Greece) considered that the Committee should first decide what the offences to be punished were. The only question which might usefully be put to the Sixth Committee was whether the phrsae "subject to the requirements of domestic law" duplicated the provisions of article 13. If it did, the obvious thing would be to delete those words. If, on the other hand, it was possible to give them a specific meaning of their own, particularly one which amounted to the right to refrain from punishing certain of the offences referred to, that would raise a question of principle, which came within the competence of the Third Committee.

28. Mrs. ROOSEVELT (United States of America) stated that her delegation would be unable to take a final decision on article 4 until it heard the opinion of the Sixth Committee. Although the United States delegation preferred the original text of the article, it might be that the light thrown upon the matter by the Sixth Committee would lead to a change of opinion.

29. Mr. SUTCH (New Zealand) recalled that articles 3, 4 and 13 of the original draft reproduced the corresponding clauses of the 1937 draft convention, the text of which had been agreed upon by experts of the League of Nations and of the Governments. The New Zealand Government preferred the original version of the articles in question. It had itself gone very far in the suppression of prostitution. It was not, therefore, in order to escape the obligations laid down by the draft convention that it wished the phrase "subject to the requirements of domestic law" to be retained. The reasons governing its attiude were of a purely legal character. The charge of preparing or participating in an offence depended on the individual concept of each legal system. In the United States, for example, the idea of conspiracy had to be present before a person could be accused of such an act.

30. He felt, therefore, that the exact significance of the question to be put to the Sixth Committee by the Third Committee should be specified by an explicit reference to the phrase contained in the original version of article 4.

31. The CHAIRMAN, speaking as the representative of VENEZUELA, thought that article 13 was sufficiently clear. So long as each State was free to define preparatory acts or acts of participation, or, in other words, to determine all the elements of the offence, the sovereignty of the State would be safeguarded. That did not mean, however, that signatories could escape the obligation of punishing the acts in question.

32. Mr. SCHACHTER (Secretariat) did not think that the Sixth Committee would take a decision of principle on the question, unless it were explicitly requested to do so. It was for the Third Committee to settle the question of principle. The request for the Sixth Committee's opinion might, for example, be couched in the following terms:

"Assuming that it is desired to give States certain discretion as to the procedure regarding participation in an offence, what would be the appropriate method of dealing with it?"

33. Mr. PAJVAK (Afghanistan) proposed that discussion on article 4 should be suspended and that article 13 should be considered forthwith, with a view to determining to what extent its provisions applied to other articles in which the decision of all mention of domestic law was contemplated.

34. Mr. BOKHARI (Pakistan) agreed with the representative of Greece with regard to the necessity of taking a decision on principle first.

The Lebanese proposal might be expressed in the following terms:

"Some members of the Committee are inclined to retain the phrase 'subject to the requirements of domestic law' on the understanding that this gives the States discretion with regard to the legal procedure without giving them the discretion not to treat participation as an offence. The Legal Committee is required to advise whether the retention of the said phrase would achieve this purpose."

35. In reply to a question by the CHAIRMAN, Mr. AZKOUL (Lebanon) worded his proposal as follows:

"The Third Committee requests the Sixth Committee to inform it what would be the legal effects of deleting or retaining the phrase 'subject to the requirements of domestic law' in article 4 of the draft convention."

36. At the CHAIRMAN'S request, Mr. AZKOUL (Lebanon) agreed to add the following words to his text: "having due regard, likewise, to the provisions of article 13 of this draft convention."

37. Mr. KATZNELSON (Israel) pointed out that the restrictive clause in question did not appear only in article 4. In his opinion, it would be better for the Committee to continue its consideration of the draft convention and to decide the exact significance of article 13 when that article came up for discussion.

38. If that procedure was not adopted, the text suggested by the Lebanese representative should be amended to include a request to the Sixth Committee to give an opinion also on the effects of the deletion of the restrictive clause in regard to the other articles in which it appeared.

39. Mr. BOKHARI (Pakistan) agreed to the formula proposed by the Lebanese representative, together with the Israeli representative's amendment. He therefore withdrew the text he had suggested.

40. Mr. KAYSER (France) pointed out that the restrictive clause appeared also in article 3 and that that should be taken into account in the text to be sent to the Sixth Committee. Aricle 3 had already been adopted and it would perhaps be necessary to go back on the decision taken.

41. The CHAIRMAN replied that the point mentioned by the representative of France would not raise any difficulty. When the legal opinion of the Sixth Committee was known, it would always be possible to consider article 3 if the Committee so decided by a two-thirds majority.

42. Mr. RIVERA HERNÁNDEZ (Honduras) thought that the questions on which the Sixth Committee's opinion was requested should be very precisely defined. A country that was a party to the convention must not be allowed to take advantage of the restrictive clause in order not to punish the offences referred to in the convention.

43. He therefore proposed that the Sixth Committee should be especially asked whether a country that had acceded to the convention would be free not to punish all such offences.

44. Before calling for a vote, the CHAIRMAN had the text which the Lebanese representative proposed for submission to the Sixth Committee read aloud. The text, which had the support of the representative of Pakistan and had been amended by the representatives of Israel and Honduras, was drafted as follows:

"The Third Committee

"Requests the Sixth Committee to inform it what woud be the legal effects of deleting or retaining the clause 'subject to the requirements of domestic law' in article 4 and the following articles of the draft convention for the suppression of the traffic in persons and the exploitation of prostitution of others in which this clause appears, having due regard, likewise, to the provisions of article 13 of the draft convention; and, in particular, to inform it whether the retention of this clause would leave the States parties to the convention free to refrain from punishing all the acts which are punishable under the terms of the draft convention."

45. Mr. AZKOUL (Lebanon) submitted two observations. Firstly, the text omitted mention of article 3, and he thought it should be made clear that it referred to *all* the articles in which the restrictive clause appeared.

46. Secondly, he pointed out that the amendment submitted by the Honduran representative applied solely to article 3, and he wondered whether it would not be possible to omit that amendment and to change the text to read in the following manner: ". . . what would be the legal effects . . . article 13 of the draft convention, on the obligations referred to in these articles . . ."

47. Mr. RIVERA HERNÁNDEZ (Honduras) thought that the most important question was to ascertain whether the restrictive clause gave States the discretion not to punish offences which were punishable. He therefore maintained his amendment.

48. Mr. NORIEGA (Mexico) was of the opinion that the Honduran representative's amendment was very sensible. It was indeed important to know, not what would be the legal effects of the deletion of the restrictive clause but what would be its effects on the application of the convention. A country must not be allowed to invoke its domestic law in order to evade its obligations.

49. The CHAIRMAN, having drawn his attention to the words "in particular" in the Honduran amendment, Mr. AZKOUL (Lebanon) withdrew his objection.

50. The CHAIRMAN asked the Committee to vote on the Afghan representative's motion to suspend consideration of article 4 and the following articles and to begin discussion on article 13 immediately.

The proposal was rejected by 18 votes to 2, with 26 abstentions.

51. The CHAIRMAN put to the vote the Lebanese representative's proposal that the opinion of the Sixth Committee should be requested.[1]

The proposal was adopted by 40 votes to none, with 8 abstentions.

ARTICLE 5

52. The CHAIRMAN asked the Committee to begin consideration of article 5, to which no amendment had been submitted.

[1] The final text of the resolution is given in document A/C.3/523.

53. Mr. RAMADAN (Egypt) asked the representatives of the United States and the United Kingdom whether, in the English text of article 5, it would not be preferable from the legal point of view to replace the words "injured persons" by "persons who suffered prejudice".

54. Mrs. CASTLE (United Kingdom) replied that in English legal terminology the expression "injured persons" was perfectly correct.

55. Mr. RAMADAN (Egypt) proposed the addition at the end of article 5 of the following phrase: "in conformity with the rules of procedure adopted in each country". The fact was that in some countries it was possible to become a party to proceedings automatically, while in others a special procedure was required.

56. The CHAIRMAN stated that the Egyptian representative's proposal was not admissible, since the final date for the submission of amendments affecting the substance of the articles had elapsed.

57. Speaking as the representative of VENEZUELA, he remarked that in his opinion that point was already covered by article 13.

58. Reverting to his role as CHAIRMAN, he put article 5 to the vote.

Article 5 was adopted by 51 votes to none, with 1 abstention.

59. Mr. NORIEGA (Mexico) said the Committee would find it extremely useful to have a document prepared by the Secretariat containing the articles of previously adopted conventions, particularly conventions on narcotic drugs, which corresponded to articles of the draft convention under study.

60. The CHAIRMAN stated that the Secretariat would prepare that document and that it would be distributed at the beginning of the next meeting.

61. He announced that he had spoken to the Chairman of the Sixth Committee, who had declared his readiness to provide the Third Committee with all the legal opinions it required.

The meeting rose at 1 p.m.

TWO HUNDRED AND FORTY-FIRST MEETING

Held at Lake Success, New York, on Wednesday, 5 October 1949, at 11.00 a.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 6

1. Mr. DELIERNEUX (Secretariat) retraced the genesis of article 6 as it appeared in the draft convention. In 1924 the League of Nations had asked a committee of experts to advise on the best methods for combating the traffic in persons. In 1927 the committee of experts had published its report, in which it expressed the opinion that the commercial exploitation of prostitution was the fundamental reason for the traffic in persons. Prostitution was, to a certain extent, given official sanction through registration and various measures of control. As a result of those considerations the text of article 6 had been inserted in the draft convention.

2. The majority of Governments that had been consulted had been of the opinion that the initiative was desirable. That had also been the opinion of the qualified non-governmental organizations. According to the International Abolitionist Federation, experience had shown that where the system of registration had been abolished by law, the police had generally attempted to re-establish in practice an equivalent system. The Federation emphasized that, if that legal system was to be combated, action must also be taken against uses and customs in the matter.

3. In the Social Commission the French delegation had proposed an amendment which would have made it possible to retain certain supervisory measures for the purposes of preventive hygiene. The amendment had been rejected, having obtained only 5 votes to 5, with 3 abstentions. The article itself had been adopted in its present form by 7 votes to 4 with 3 abstentions.

4. During the discussion in the Economic and Social Council, the same delegation had presented a new amendment, but the Council had not had an opportunity of voting on it.

5. Mr. PENTEADO (Brazil) emphasized the complexity of the problem. It was only after mature consideration that his delegation had reached the conclusion that article 6 offered the best solution at that time.

6. There was a fairly widespread opinion to the effect that prostitution, even when legally abolished, never disappeared completely. Consequently, those that supported the theory considered that it was better to retain a system of supervision which made it possible to reduce visible corruption to a minimum as well as to combat venereal diseases effectively.

7. Experience however had proved how specious that theory was. Neither morality nor public health had gained anything by its application. Mr. Sutch, Chairman of the Social Commission, had even pointed out that the official registration of prostitutes was an encouragement to the commercial exploitation of vice.

8. The Social Committee of the Economic and Social Council had examined every aspect of the question. So far as public health was concerned, the overwhelming opinion had been that medical treatment could and should be given to every infected person, without having as its corollary the obligatory registration of a certain category of patients.

9. His delegation shared that opinion. It would vote for article 6 as it stood, and hoped that it

would receive the favourable vote of the majority of the members.

10. Mr. KAYSER (France) said that none of the arguments so far brought forward had led his delegation to alter the position it had taken up in the Social Commission and in the Economic and Social Council. The tie vote (5 votes to 5) on the amendment it had submitted in the Social Commission led it to hope that the French point of view would prevail in the end.

11. France had supported the principles which ruled the draft convention. Far from violating those principles, the amendment it proposed would have the advantage of making article 6 compatible with the imperative duty of combating the danger of venereal disease.

12. In that field, as well as in that of the struggle against prostitution, the French Government had enacted a whole series of legal and administrative provisions, namely:

The law of 13 April 1946 for the closing of licensed houses of prostitution;

The law of 24 April 1946 establishing a central health and social register;

The decree for application of 5 November 1947; and

The law of 8 July 1948 on the detection and treatment of venereal diseases.

13. Article 1 of the law of 24 April 1946 placed the central register of prostitution under the direction of the Ministry of Public Health's medical officer in charge of the prevention of venereal disease. The purposes, *inter alia,* of that law were the detection of prostitutes suffering from venereal diseases who wished to avoid undergoing treatment, regularity in and completion of the treatment prescribed by the doctors in charge of the sanitary control of prostitution, and the collection of complete and exact information of established statistical, epidemiological and sociological value.

14. He stressed the fact that the central register of prostitution was under the exclusive control of the Minister of Public Health and Population and was in no way an instrument in the hands of the police. French legislation did not prejudice the rights of the human person. The decree of application of the law made it quite clear that information obtained in that way was strictly confidential. Article 5 of the law of 24 April 1946 further stipulated that: "All the staff employed in the central registry of prostitution, including the administrative staff, is bound to professional secrecy, failure to observe which shall be punishable under article 378 of the Penal Code." Those provisions were sufficient evidence of the French legislature's intentions and of the precautions it had taken to prevent their misuse.

15. Since the Liberation, the French Government had begun action along fresh lines in the fight against the scourge of prostitution and its accompanying evils, and its action had been commended by many countries. The legislation was, of course, subject to alteration, and the effects of its application, the experiments carried out elsewhere and the deliberations of competent international bodies would influence its development. But it must have time to produce results. In his opinion, the new method would make it possible, within the national system, to achieve the very objectives of the draft convention. The French Government wished to make sure that it could be able to continue its application after it had ratified the convention.

16. The only article of the draft convention which appeared to be in contradiction with French legislation was article 6.

17. For those reasons his delegation had submitted an amendment (A/C.3/L.9), which was:

To insert, between the word "special" and the word "registration", the word "police";

To insert, after the words "special document", the words "other than health documents";

To add at the end, after the word "notification", the words "other than health requirements".

18. That amendment was precise; it lent itself to no abuse; its aim was that the necessary prohibitions should apply to the police registers, with their undoubted serious disadvantages, but that they should not extend to health registers.

19. Unanimous tribute was paid to French administration in that field. The health register of prostitution was part of a coherent system. The French Government wondered whether it would be able to become a party to a convention under which it would be unable to apply its system of preventive social hygiene.

20. Still, the Committee might think that that system, which was of undeniable advantage to France, might involve certain drawbacks in the case of other countries. If that were so, his delegation would not wish to be uncompromising in its attitude. It might consider substituting for the amendment which it had proposed a passage on the following lines to be inserted at the beginning of article 16 (A/C.3/L.12):

"Subject to the sanitary measures necessary for the protection of public health and any measures taken in application of article 17 of the present Convention, each Party, . . ."

21. That text would have the merit of linking article 6 to article 17 and would thus clarify its true meaning by giving it a higher social significance.

22. But the first text had the merit of clarity and precision; for preference, that was the text which his delegation would like to see adopted by the Committee.

23. Mr. SUTCH (New Zealand) pointed out that article 6 was the only innovation in the draft convention as compared with the texts prepared from 1904 to 1937.

24. The object of the draft was to suppress the traffic in persons, and, since houses of prostitution were the principle market where that traffic was carried on, the traffic could not be prohibited unless the market was abolished. But by instituting a system of registration and supervision, the States gave official sanction to the market of prostitution.

25. All the investigations conducted since 1924 had led to the conclusion that the registration and supervision system must be abolished. For that purpose the International Abolitionist Federation had drawn up a first draft of articles to be inserted in an international convention. The

draft had received the support of the other competent non-governmental organizations and met with the approval of a number of Governments.

26. The Social Commission had taken French legislation into consideration. It did not fail to appreciate that the French legislation was calculated to encourage the fight against venereal diseases. But it had been apprehensive lest any exception to the provisions of article 6 would open the way to measures which would make it possible to evade those provisions.

27. Venereal diseases raised a much vaster problem. Treatment for those diseases should be available to all, like treatment for diphtheria, scarlet fever and any other disease. That was the principle observed in New Zealand, where medical attention was free to all. There was no reason to segregate a whole category of persons.

28. The result of issuing special cards concerning the health of prostitutes was unfortunate. The persons in question utilized those cards as official certificates, which gave them certain advantages in the exercise of their profession.

29. His delegation felt that any measure likely to favour the social evil of prostitution had to be abolished. It could not accept a convention which would leave the door open to practices which would make it possible to evade its provisions. It would vote for article 6 as it stood, and hoped the General Assembly would adopt it in that form.

30. Mr. Vos (Belgium), whilst appreciating the spirit behind French legislation in that field, said he could not accept the French delegation's amendment in its existing form.

31. Ever since 1924, when the League of Nations had begun its investigation into the subject, experts had pointed out that the former confidence in the system of registrations had diminished considerably. On the other hand, new methods of diagnosis and treatment had made it possible to obtain much better results. The system—which was operating in several countries—of free treatment available to all in properly equipped clinics, and in full privacy produced results which could not be obtained with any of the compulsory methods of examination and medical treatment, however scrupulously such methods might conceivably be applied to the small category of registered prostitutes.

32. In addition to its inefficacy, the system of supervision had the further disadvantage of stigmatizing once and for all the women to which it was applied. It undoubtedly tended to work counter to the moral and other rehabilitation of prostitutes.

33. Furthermore, the introduction of any system of supervision implied, as it were, official recognition of prostitution. Far from putting a stop to the supply and demand of women ready to sacrifice their dignity, a system of supervision encouraged the development of the traffic. In the final analysis, it ran counter to the objectives of the convention.

34. Mr. Cisneros (Peru) said he realized that the categorical provisions of article 6 as it stood were not acceptable for all countries. Prostitution was closely linked with questions of public health, the protection of the family, human dignity and the organization of labour. The evil to be fought showed itself in age-old habits, which had their origin in certain fundamental characteristics of human nature. If reforms stopped short at changes in the police and penal system, the same evil might well reappear in another form. Worse still, clandestine practices might actually be encouraged, with all their resultant dangers to public health.

35. If, on the one hand, those who incited and corrupted others were severely dealt with, and, on the other, women were given a chance to work for an honest living, it would be possible to create conditions favourable to the gradual disappearance of prostitution.

36. If article 6 were realistically conceived, it should include some such provision as:

"The Contracting Parties agree to create, by all suitable social measures, conditions likely to lead to the repeal or abolition of all relevant laws, ordinances and customs . . ."

37. His delegation would vote for article 6 as it stood.

38. Mr. Eren (Turkey) said he would be brief, as Turkey's position concerning the draft convention had been made clear both in the Social Commission and in the Economic and Social Council. His Government approved the draft convention because prostitution was incompatible with the dignity of the human person and the sanctity of the family; it was prepared to agree to any measures likely to lead to the total abolition of prostitution.

39. Speaking of article 6, he said he approved the French amendment. In Turkey experience had shown that the incidence of venereal disease had risen after prostitution had been made illegal in 1930. Clandestine prostitution had had serious consequences and his Government had been obliged to return to the former system of registration of prostitutes. Since that time there had been fewer cases of venereal disease in Turkey than in countries where prostitution was absolutely banned. Article 6 provided for the complete abolition of all systems of supervision, without taking into account the moral, social and—above all—medical consequences of such action. From the social and moral point of view alone, article 6 should be considered in conjunction with article 17, which was aimed, *inter alia,* at the rehabilitation of prostitutes. In that respect, only time could produce positive results, and provision would have to be made for a transition period. Hence, all supervision and regulation could not be abolished precipitately.

40. Mr. Katznelson (Israel) considered that, of the entire convention, article 6 had the widest moral scope, since its object was to abolish State-recognized and State-organized prostitution. The system of registering prostitutes was obviously inconsistent not only with the principles which were acknowledged in the convention under discussion, but also with the principles enunciated in the Universal Declaration of Human Rights. Hence, the French amendment was incompatible with the spirit of the convention. It was argued that the amendment was intended to protect society against women who spread venereal disease. Rather it was necessary to protect women against the evils of a society which exploited them. Under the French amendment, prostitutes were to hold special medical certificates. Surely, then, men who might be a source of infection should also

undergo medical examination. There was much force in the contention that the abolition of the registration system would cause the incidence of venereal disease to rise. Still, the proper method of fighting venereal disease was through preventive hygiene and educational programmes, not by establishing a quasi-legal category of fallen women. Effective medicines were available for the rapid treatment of venereal disease, and it should be treated in the same way as any other disease, with free medical care for any person who contracted the disease. The important thing was to eliminate the social factors which forced women into prostitution, not to apply a system of registration and supervision, as suggested by the French representative.

41. For those reasons, his delegation was opposed to the French amendment and would vote for article 6 as it stood.

42. Mrs. WILSON (Canada) thought article 6 should be allowed to stand unamended. She was convinced that any such amendment as that proposed by the representative of France would be harmful. What article 6 did was to strip prostitution of any semblance of legality, and if prostitutes were required by the authorities to have special medical certificates and documents, they would inevitably use them to practise their profession more easily. The French amendment would stand in the way of achievement of the convention's objective which was to suppress the exploitation of prostitution and, still worse, it might have the opposite effect.

43. If, as the French delegation did, one looked at the matter purely from the health point of view, the granting of medical certificates by the local authorities would constitute a very dangerous practice. Those certificates would clearly have no value whatsoever since prostitutes might contract a venereal disease or be reinfected a few hours after receiving that certificate. Such a system would therefore contribute towards creating a false sense of security both in the prostitutes themselves and in those coming into contact with them. In that way the rate of venereal disease might well increase instead of diminish.

44. In general, her delegation believed that to issue medical certificates would in any case imply that prostitution was tolerated and that there was no question of suppressing it.

45. Another reason for her objection to the French amendment was that it contained no guarantee that the health registers would not later be used by the police.

46. Mr. NORIEGA (Mexico) said his delegation's position was half-way between that of the supporters of article 6 as it stood and that of the French representative.

47. The discussions in the United Nations, and in particular those on draft international conventions, showed a tendency on the part of some countries to maintain that the solution they proposed was the best and that their legislation was faultless; they refused to modify their proposals even slightly and even attempted to have their own solutions adopted by other countries. That was a very dangerous tendency; everyone should, on the contrary, show a spirit of conciliation.

48. After a careful study of article 6 as then drafted and of the French amendments, his delegation had reached the conclusion that, if only the moral aim of the convention was considered, the terms of article 6 were satisfactory, but that this was not so if the health point of view was considered. Prostitution was a social phenomenon and if it were eradicated without any transitional period, the consequences might be more harmful than the phenomenon itself.

49. He hoped that conversations between committee members who were in favour of article 6 as it stood and the representative of France would lead to a generally acceptable compromise solution. Failing that, many delegations might be obliged to abstain when the vote was taken on the draft convention as a whole. It must not be forgotten that it was essential for the convention to be signed by the largest possible number of Governments and that the greatest danger would lie, not in accepting a compromise solution, but in finding that many Governments would be unable to become parties to it.

50. Mr. AZKOUL (Lebanon) recalled that a king of France, St. Louis, was the first person in history to organize and regulate houses of prostitution; hence the social evil which modern nations were trying to stamp out could be traced back to one of the most ardent defenders of the moral and social principles on which Christianity was based. That would seem to prove that when the need arose, even the purest minds bowed to hard facts.

51. On moral grounds, his delegation had no hesitation in proclaiming that the traffic in persons and prostitution were grievous sins against humanity. Accordingly, it was sorry to note that the proposed draft convention did not go beyond attempting to suppress the traffic in persons and the exploitation of the prostitution of others and did not go to the full length of prohibiting prostitution itself; the result was a legally paradoxical situation in which the accessory was held liable whereas the principal was not chargeable with any offence. His delegation would, for its part, be prepared to go beyond the scope of the draft convention as it stood and would welcome any proposal to that effect.

52. It appeared, however, that for the moment the problem was being considered from a more practical viewpoint. Article 6 was the only one which was to some extent an exception to the rule: it was the only article which applied to the person actually engaged in prostitution. His delegation was not opposed to that article since it felt that it was one way of preventing the traffic in persons. He thought, however, that in view of the principle which the Committee had adopted, the amendments submitted by the French delegation should be considered.

53. Many delegations had expressed the fear that the mere existence of regulations, of whatever kind, might be interpreted as giving official sanction to prostitution. To them he would reply that the French amendments did not impose any obligation and were simply intended to enable those States which considered it necessary to retain or to take prophylactic and public health measures.

54. Such measures might conceivably be essential in certain countries, such as the under-developed countries, where economic and social conditions were at the root of an evil which the purely

administrative provisions of article 6 would not be sufficient to destroy. The evil would exist so long as its causes remained. It must not be forgotten that in most of those countries the effects of poverty and ignorance were aggravated by a certain moral rigidity which ostracized any woman who had erred in the slightest way and left her no other means of existence than prostitution.

55. If the problem were examined in that light, and if account were taken of the fact that the convention would not be concerned with proclaiming moral principles which would virtually rule out anything short of prohibition of prostitution as such, then the only logical conclusion was that practical means must be found to diminish the evil and remove the causes of it. One of the best means of diminishing the evil was to fight venereal disease. That was the purpose of the French amendments.

56. He pointed out that, in the absence of any clause prohibiting prostitution as such, article 6 as it stood might be interpreted as freeing prostitution from any check or supervision. Moreover, several objections had been raised with regard to the French amendment. It had been said that it was unjust to place prostitutes suffering from venereal diseases in a special category of patients; that classification was natural, however, in view of their profession, which called for special medical supervision. It had also been said that the prostitutes would consider medical certificates as equivalent to an official permit to practise prostitution. That would not be the case in countries where prostitution was forbidden.

57. His delegation felt that a compromise was possible between the attitude of those in favour of article 6 as it stood and the attitude of the French delegation. The sanitary measures advocated by the French delegation might be essential in certain countries, but they should be purely temporary and in order to correspond with the purposes of the draft convention they should only be adopted for the period between the suppression of brothels, as provided under article 6, and the implementation of the measures to rehabilitate prostitutes, as provided under article 17.

58. He therefore proposed that the second French amendment (A/C.3/L.12), which he preferred to the first because it was wider in scope, should be redrafted to read:

"subject to the *temporary* sanitary measures necessary for the protection . . ."

59. The insertion of the word "temporary" would enable all those countries which considered it necessary, and especially the under-developed countries, to become parties to the convention immediately and subsequently to take the necessary measures to achieve its main objectives. Above all it was necessary that the under-developed countries should be parties to the convention since it was there that the evil was most acute.

60. Mr. BOKHARI (Pakistan) agreed with the speakers who had opposed the adoption of the French amendments and in particular with the representatives of Brazil and New Zealand.

61. The essential purpose of the draft convention was to remove the causes of the traffic in persons and to defend the dignity of the human person. His delegation was fully aware of the difficulties with which the French Government would be faced in adopting the provisions of article 6. It was also fully aware of the real efforts which France had made to suppress prostitution and it respected the reasons underlying the French delegation's attitude. But the real issue was whether the procedure advocated by the French delegation was really likely to contribute to the solution of the problem and whether the so-called considerations of health, plausible as they seemed, did not cut across moral and social considerations.

62. He did not understand the distinction which the representative of France had drawn between supervision by the Ministry of Health and police supervision; surely, any supervision implied the tacit approval of the State. Moreover, some speakers—in particular the Canadian representative—had cast serious doubt on the effectiveness of the registration of prostitutes even so far as venereal diseases were concerned.

63. For the moment the Committee should try to steer clear of any provision which might amount to a tacit approval of prostitution and help to stabilize undesirable social conditions. The Lebanese representative had expressed surprise at the failure of the draft convention to qualify prostitution as a crime and at the absence of any provision for punishment: the reason for that was that modern thought tended more and more to consider prostitutes not as criminals but as the victims of economic circumstances and of physical and mercenary rapaciousness of others. Hence the task was first to tackle the causes of the evil and then to rehabilitate the victims.

64. In the second French amendment the health and other measures which it proposed for adoption were stated by the French representative to be linked to article 17 of the draft convention. He challenged the French representative's statement that those measures corresponded to the spirit of article 17. Article 17 spoke of measures "for the prevention of prostitution and for the rehabilitation of prostitutes". The registration of prostitutes, even for medical purposes, hardly corresponded to that purpose. Mr. Kayser had not adduced any argument to prove that registration resulted in diminishing the number of prostitutes or in rehabilitation.

65. Whenever an international convention like that before the Committee was discussed in draft form, the problem was to decide whether the instrument being drafted should correspond to what the different countries were prepared to accept or to what they should accept. His delegation felt that everyone should do his utmost to achieve a compromise. In the last resort, however, if a compromise should prove impossible, it hoped that the Committee would follow the precedent set by the Social Commission and the Economic and Social Council and strive towards what should be done rather than what could be done.

66. Mrs. KRIPALANI (India) said her delegation would also vote against the adoption of the French amendments on the grounds that State supervision, whatever its form, implied recognition of prostitution and gave prostitutes some legal status. Besides, the question had been thoroughly debated on earlier occasions and both the Social Commission and the Economic and Social Council had come to the conclusion that the abolition of all supervision, even medical, was imperative.

67. Her delegation shared the French delegation's desire to protect society from the scourge of venereal disease; experience had proved, however, that periodic medical examinations were not very useful since contamination spread so rapidly. Moreover, prostitutes were not the only carriers of the disease. The only effective remedy lay in establishing a great many clinics and hospitals giving free treatment to all patients without any distinction.

68. Consequently, the French amendments would weaken the scope of article 6 without benefiting society in the way intended. It was to be feared moreover that compulsory registration might enable police or subordinate officials to prosecute suspect women, at the risk of turning them into real prostitutes. Accordingly she urged the French delegation not to press for the adoption of its amendments.

69. Her delegation was always ready to be conciliatory, but, in that particular case, it considered that any compromise would affect a question of principle and would strike at the root of the convention. For those reasons her delegation would vote for the retention of article 6 as it stood.

70. Mr. CONTOUMAS (Greece) said he had been impressed by the sincerity with which the French representative had sustained his argument. The Committee was morally bound to study the problem quite objectively without allowing itself to be influenced by the very fine considerations advanced by those who were working for the abolition of prostitution. Members of the Committee should not forget that they represented their Governments and were responsible for the decisions with which their Governments would subsequently be called upon to comply.

71. He proceeded to deal with the New Zealand representative's objections to the French amendments. He denied that registration for purely health purposes, as proposed by France, could be misused for other purposes; the Committee might guard against that danger by appropriate drafting. Nor could it be contended that the registration of prostitutes would encourage the development of prostitution. If prostitution were punishable as an offence, that argument would hold good. Since, however, prostitution was not a punishable offence, surely the fact of issuing medical certificates to prostitutes could not contribute towards increasing the traffic in persons.

72. He did not think that article 6 was of prime importance beside the main object of the convention which was to suppress traffic in persons. The most important provisions of the convention were articles 1 and 2 which the Committee had adopted, and rightly so, for they marked a step forward on the road of social progress. If agreement could not be reached on article 6, a compromise solution might be advisable so as to enable the largest possible number of Governments to become parties to the convention.

73. The CHAIRMAN announced that thirty representatives had asked for the floor in order to speak on article 6. He declared the list of speakers closed.

The meeting rose at 1.10 p.m.

TWO HUNDRED AND FORTY-SECOND MEETING

Held at Lake Success, New York, on Wednesday, 5 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 6 *(continued)*

1. Mr. AQUINO (Philippines) said that the amendments submitted by the French delegation (A/C.3/L.9 and A/C.3/L.12) raised two fundamental problems: first whether prostitution would be allowed at all, and, secondly, whether acts of prostitution would be punished. It was quite clear from the very title of the draft convention and from the definition of the offences to be punished, contained in articles 1 and 2, that the convention was intended as an agreement among nations to co-ordinate their efforts for the eradication of prostitution and white slavery and the punishment of acts of prostitution. As the Indian representative had aptly remarked at the previous meeting, the adoption of the French amendments would defeat that very purpose for no arguments could conceal the fact that the result would be to give official sanction to the practice of prostitution. At that meeting also, the representative of New Zealand had most pertinently dispelled the illusion that medical registration of prostitutes would provide a safeguard against venereal disease: on the contrary, it could be argued that it often increased the incidence of such disease.

2. The French amendments had very serious legal implications, and to adopt them might lead to the introduction of special police permits. As the representative of Pakistan had already pointed out, that would be tantamount to State sanction of prostitution. Moreover, it was dangerous to give such wide powers to the police; police control was very often the source of various kinds of oppression and abuse. In his statements the French representative had shown much solicitude for the moral and social rehabilitation of prostitutes but the adoption of his amendments would leave them at the mercy of the police. The fact that police control had succeeded in France did not necessarily mean that it would succeed elsewhere.

3. The Mexican representative had appealed for a compromise, pointing out the desirability of keeping an adequate balance between what was ideal and what was practicable. In Mr. Aquino's opinion, however, facts could be taken into consideration without sacrificing either the form or the substance of paramount principles.

4. Mrs. ROOSEVELT (United States of America) sympathized with some of the views expressed by the French representative; she felt, however, that it was for each delegation to decide on the best course to follow and said that she would vote against the French amendments and support the original text of article 6.

5. Mr. ZONOV (Union of Soviet Socialist Republics) said that his Government was not directly interested in the substance of the draft convention, as better social and working conditions had long ago eradicated prostitution from his country. His delegation, however, supported the draft convention because the problem of prostitution affected very large masses of the world population and was a shameful blot on mankind. Questions related to prostitution mainly affected the working classes, which lived in poverty and never enjoyed decent living conditions. Some had tried to explain prostitution as a result of human nature or as a biological phenomenon. He could not agree with such arguments, and he strongly believed that the root of the evil lay in unemployment and improper living conditions. That was why no registration or medical supervision of prostitutes could solve the problem of prostitution.

6. He would have to vote against the French amendments for, although article 6 did not solve the problem, at least it did not legalize prostitution.

7. Mr. GEORGE (Liberia) remarked that although many attempts had been made to stamp out prostitution in the past, it was universally admitted that it was still prevalent in many countries. All countries should support the laudable effort made by the United Nations to suppress that evil. He felt that article 6 had been properly formulated and that any amendment thereto might destroy its original purpose.

8. Mrs. VIAL DE SEÑORET (Chile) believed that the principal aim was to prevent the exploitation of the prostitution of others and therefore agreed with the Brazilian representative that it would be both dangerous and wrong to register those who were exploited. Consequently, she would vote for the existing text of article 6, and, should it be rejected, for the text put forward by the Belgian delegation.

9. Mrs. CASTLE (United Kingdom) was glad to note the general agreement that article 6, which provided for the abolition of State regulation of prostitution, was the most important article of the whole draft convention. The principle of State regulation was abhorrent to all members of the Committee. It was one of the main causes of the traffic in women and children and it was incompatible with the dignity and worth of the human person.

10. The question before the Committee therefore was whether the French amendments would weaken the principles or aims of an article with which all were agreed. The French representative had contended that medical registration and compulsory examination of prostitutes would not be contrary to the spirit and purpose of that article. Yet the second amendment he had submitted (A/C.3/L.12) showed that he himself had not been convinced that his first amendment (A/C.3/L.9) did not reintroduce the principle of State regulation. In her opinion, the result of either of those two amendments would be identical and their adoption would provide a loop-hole for countries which were not yet ready to abolish the principle of medical registration.

11. The French representative had listed the various steps taken by his Government to abolish State regulation of prostitution; yet she did not see how he could argue that medical files did not form part of such regulation. It was true that the files had been transferred from the Ministry of the Interior to the Ministry of Health, but they still represented tacit State recognition of prostitution. Furthermore, she wondered who informed the Ministry of Health that a person might be engaging in prostitution. Was it not the police? In her opinion, compulsory medical registration was tantamount to a continuation of State regulation and its only effect was to degrade the purveyor in the interest of the client. It had been argued that such registration was in the interest of the prostitutes themselves. She believed that nothing which either segregated or humiliated prostitutes could be in their interest.

12. The best way of dealing with prostitution was to treat it as a problem for society as a whole, and in that connexion she strongly supported any sustained effort against venereal diseases. Indeed, the clients rather than the prostitutes themselves were often the source of contagion. Furthermore, any medical certificates issued to prostitutes to the effect that they were free of venereal disase were a guarantee which obviously could not be permanent and yet gave a false sense of security.

13. Replying to arguments previously used by the Turkish representative, she remarked that experiments carried out in France had shown that venereal disease was often contracted even in houses of prostitution which were under regular medical supervision. It should also be pointed out that the whole problem was going to be thoroughly examined by the World Health Organization.

14. The Committee was mainly concerned with a matter of principle and the purpose of article 6 was to raise the dignity and worth of the human person. The women of the world would be most distressed if the Committee were to take any retrograde step providing for the segregation of prostitutes. The Mexican representative had argued that the Committee should choose the lesser evil. It was her firm belief that there could be no greater evil than for the Committee to recognize the most retrogressive principle of State regulation. Consequently, although she fully appreciated the views of the French representative she would have to vote against the amendments he had submitted to the Committee.

15. Mrs. FORTANIER (Netherlands) agreed with the text and purpose of article 6 as it stood and remarked that her country had abolished all regulations relating to prostitution in 1911. In so doing it had also abolished the principle that prostitution should be legalized in any way. In her opinion, that was an essential step towards safeguarding the dignity and worth of the human person. She was convinced of the good intentions underlying the amendments submitted by the French representative but felt that they would weaken the convention as a whole as they would give prostitution some form of legal standing.

16. Referring to the French representative's suggestion that, if his amendments were defeated, he would propose that article 6 should state the need

for certain preventive sanitary measures, she said that the point in question was already covered by article 17. It was essential to safeguard public health but that should not be done by any measures which legalized prostitution.

17. Mr. MENESES PALLARES (Ecuador) believed that the discussion had been caused by an attempt to introduce the principle of a purely administrative regulation into a convention which dealt with the suppression of the traffic in persons and of the exploitation of the prostitution of others. In his opinion, the aim of article 6 was twofold: first, to deprive any person acting as a prostitute of any professional character so that *souteneurs* and procurers should also be deprived of any legitimate professional excuse for their existence, and secondly, to provide added protection for honourable women who might be wrongly accused or suspected of engaging in prostitution. The aim of article 6 was to suppress all regulations and thus obviate the danger of unwarranted administrative measures against any person suspected of prostitution.

18. On the other hand, it was necessary to face facts in a realistic manner. Brothels and State regulations relating to prostitution had been abolished in France; yet it was still necessary in that country to safeguard both prostitutes and the general public against venereal disease. That was achieved by means of registration with the Ministry of Health and not with the police. The registration, therefore, was a purely social and sanitary measure. He was thus in full agreement with the amendments submitted by the French representative. Indeed, experience had amply demonstrated the impossibility of suppressing prophylactic regulations altogether.

19. In many countries the evil of prostitution could not be eradicated at one stroke. Those countries could, however, make a great effort to lessen the consequences of the evil by means of appropriate health measures and also by tackling the root of the problem, namely, unsatisfactory social conditions.

20. He asked members of the Committee to heed the Mexican plea for a compromise which would secure the approval of the draft convention by the largest majority possible. In that connexion, he felt that the wisest course would be to give careful consideration to the practical suggestion made by the representative of Peru. There was general agreement concerning the need to abolish all measures of State regulation. Yet it should always be borne in mind that prostitution could not be eradicated by the mere abolition of registration, but only by an improvement in social conditions.

21. Mr. ALEXIS (Haiti) also emphasized the paramount importance of tackling the very root of the evil, namely poverty and the lack of decent living conditions. The question before the Committee was how to limit the physiological and moral ravages caused by prostitution. In that connexion, he wished to point out that although the system advocated by the French representative contained many obvious advantages, it also involved the irremediable downfall of the human beings concerned. Furthermore, venereal diseases were not propagated by women alone. Indeed, to be really effective, any prophylactic measure would have to extend to the entire population of any given country.

22. While agreeing, therefore, that the French amendments would to a certain extent circumscribe the evil consequences of prostitution, he would vote against them.

23. Mr. RAMADAN (Egypt) said that his country's energetic fight against brothel-keepers had been crowned with success. Egypt, however, had not confined its efforts to fighting prostitution as such and had taken many steps, including the creation of special organizations, to promote the moral rehabilitation of prostitutes and teach them some useful trade at which they could earn a decent living. While sympathizing with the French representative's arguments, he agreed with the representative of Pakistan that the French amendments were inconsistent with the provisions of article 17, and said that he would vote against them.

24. Mrs. KALINOWSKA (Poland) considered that article 6 and article 17 were the two most important parts of the whole draft convention. Her delegation favoured the original text of article 6 and could not accept either of the French amendments. The representative of France had stated that his amendments were based purely on the need for prophylactic measures, but the Polish delegation considered that the only true prophylaxy would be to attack the evil at its very roots by carrying out social reforms.

25. Prostitutes were the victims of the social system of capitalist countries and the draft convention was aimed at rehabilitating them rather than at punishing them. In her opinion, any form of registration of prostitutes, for whatever purposes, would mark them out as a class apart and would thus be an indirect form of punishment.

26. Articles 6 and 17 were the most progressive parts of the draft convention which, without them, would simply serve to embody the existing legislation. It was because the adoption of either the French amendments would alter the whole purpose of article 6 that her delegation was unable to support them.

27. In conclusion, she stated that her country had already carried out the social reforms necessary to eradicate the evil of prostitution.

28. Mr. OTAÑO VILANOVA (Argentina) said that his delegation would naturally favour any measures calculated to suppress prostitution. As far as the legislation of his own country was concerned, the existing text of article 6 was perfectly satisfactory. Nevertheless, he recognized that other countries had different laws on the subject and he felt that their position should be taken into account during the drafting of an international convention. He therefore thought it would be better to leave it to each country to decide what measures were necessary in accordance with the local conditions. In some cases it might be necessary to establish temporary measures involving some form of registration of prostitutes and he did not think that possibility should be precluded by the wording of the draft convention. He therefore felt that some attempt should be made to reach a compromise.

29. Mr. ALAMAHEYOU (Ethiopia) sympathized with the aims of the French delegation but regretted that he could not support either of the French amendments to article 6. Prostitutes were already segregated through the injustice of social conditions; to legalize the position by insisting on

registration would constitute a further injustice. Moreover, he considered that the adoption of either of the French amendments would render article 6 incompatible with articles 1, 2 and 3, which the Committee had already adopted. His delegation would therefore support the existing text of article 6.

30. Mr. ORTIZ MANCÍA (El Salvador) said that the ostensible aim of the draft convention was to suppress the traffic in persons and the exploitation of the prostitution of others. There was, however, a deeper and more fundamental aim, namely to eradicate prostitution entirely. If the adoption of the existing text of article 6 would be likely to result in the miraculous disappearance of prostitution in all its forms, his delegation would be among the first to support it. Unfortunately, however, that was unlikely to occur since prostitution was closely linked to social conditions and could only be eradicated completely by a gradual evolution towards better conditions.

31. Since it was obviously impossible to eradicate prostitution overnight, he felt that Governments should be free to take the measures they deemed necessary for public health in the interval. Thus, while sympathizing in principle with those who supported the existing text of article 6, he agreed with the representative of France that some amendment was necessary to take existing conditions into account.

32. Mr. JOCKEL (Australia) supported the existing text of article 6 and regretted that he saw no possibility of reaching a compromise solution since a social and moral principle was involved.

33. Mrs. BEGTRUP (Denmark) said that there was no legalized prostitution in her country and she would therefore support the existing text of article 6. She regretted that some countries might have to delay signing the draft convention if the existing text were adopted, but that was surely the lesser of two evils. She hoped that when the time came to vote, the representatives of such countries would abstain rather than vote against the article since it might be possible for them to bring their legislation into line with the requirements gradually.

34. It was possible to prevent the spread of venereal diseases by measures other than the compulsory registration of prostitutes, and the women of the world would object to the inclusion in the draft convention of any measures involving the segregation and humiliation of prostitutes. The best way to remedy the situation would be to carry out social reforms so that women would no longer be driven to prostitution.

35. Mr. KAYSER (France) explained to the United Kingdom representative that he had submitted both his amendments at once solely because there had been a time limit for the submission of substantive amendments. He would prefer his first amendment (A/C.3/L.9) to be adopted, but in case it would be rejected he had also submitted the second amendment (A/C.3/L.12) in the hope that it might prove more acceptable.

36. Some representatives had expressed the opinion that his amendments would be more appropriate in some other part of the convention. He personally thought that article 6 was the best place, but he was quite prepared to consider any constructive suggestions on that point.

37. The representatives of Pakistan and Egypt had criticized his amendments for being inconsistent with the provisions of article 17. He could not accept that argument; in any case, it should be made possible to take certain provisional measures pending the entry into force of the measures recommended in article 17. In that connexion, he accepted the suggestion, made by the representative of Lebanon at the previous meeting, that the word "temporary" should be inserted before "sanitary measures" in the second of his amendments (A/C.3/L.12).

38. He fully agreed with the representatives who had stated that it was the common aim of all countries to achieve a better standard of health. His delegation felt, however, that each country should be left free to decide what measures were necessary to that end. He personally did not consider that article 6 was the most important one in the whole draft convention or that it would be impaired by the adoption of one of his amendments. If that had really been the case, the title of the draft convention would surely have been different.

39. In reply to one of the points made by the United Kingdom representative, he re-emphasized the clear-cut distinction he had drawn between health measures and police measures at the previous meeting. The two obviously had nothing to do with each other.

40. He appreciated the attempts made by some representatives to achieve a compromise and emphasized that his delegation was prepared to do its utmost in order to bring about such a happy solution.

41. In conclusion, he stated that his Government, which was very anxious to sign the convention, would be obliged to reconsider its attitude if the two amendments were rejected.

42. Mr. NORIEGA (Mexico) urged representatives to think of the practical aspects of the problem and not to become blinded by ideals. In many countries there was compulsory registration for food merchants as a simple sanitary precaution for the benefit of the community, and the sanitary registration of prostitutes should be regarded in the same light.

43. It had been proved through past experience, by such experiments as prohibition in the United States of America, that radical idealistic measures which did not take the actual situation into account were unlikely to be effective.

44. It was the duty of the Members of the United Nations to show that conciliation and international understanding were not mere words. As the representative of France had expressed his willingness to seek a compromise, Mr. Noriega felt that every effort should be made to achieve that end.

45. He therefore proposed that a sub-committee composed of the representatives of Belgium, Brazil, Canada, France, Greece, Lebanon, New Zealand, Peru, Poland, the United Kingdom and the United States of America should attempt to prepare a compromise text for article 6. In the meantime, the Committee itself could continue with the discussion of the other articles.

46. Mrs. ROOSEVELT (United States of America) said that if she could have seen the slightest chance of finding a satisfactory compromise she would naturally have supported the Mexican proposal.

The Committeee had, however, already debated the matter exhaustively and she did not think it would serve any useful purpose to set up a sub-committee.

47. Mr. KAYSER (France) thanked the representative of Mexico for his proposal and supported it warmly. He proposed that the Mexican representative should also be a member of the proposed sub-committee. Citing the English proverb "Where there's a will there's a way", he strongly urged the Committee to agree to seek a compromise.

48. Mr. SUTCH (New Zealand) said that sub-committees had been set up in the past in order to attempt to combine various proposals of a similar nature and to clarify the point at issue. In the existing circumstances, however, the point at issue was already perfectly clear and he did not think there was any possibility of achieving a compromise between the two divergent points of view. He was therefore opposed to the Mexican proposal. He further pointed out that the proposed membership of the sub-committee would not provide an adequate cross-section of the opinions expressed in the Committee, since those who favoured the French amendments would be over-represented.

49. Mr. OTAÑO VILANOVA (Argentina) warmly supported the Mexican proposal. The first few articles of the draft convention had been adopted by very large majorities and he hoped that article 6 would eventually be adopted by a similar majority.

50. The CHAIRMAN put the Mexican proposal for the creation of a sub-committee to the vote.

The proposal was rejected by 23 to 13, with 13 abstentions.

51. The CHAIRMAN put the first French amendment (A/C.3/L.9) to the vote.

The amendment was rejected by 38 votes to 3, with 7 abstentions.

52. The CHAIRMAN put to the vote the second French amendment (A/C.3/L.12), as amended by the representative of Lebanon.

The amendment was rejected by 34 votes to 7, with 8 abstentions.

53. The CHAIRMAN put article 6 to the vote.

Article 6 was adopted by 36 votes to 33, with 10 abstentions.

54. Mr. Vos (Belgium) explained that he had been unable to vote for the first French amendment and had been reluctantly compelled to abstain from voting on the second as it had proved impossible to obtain a compromise text.

55. Mr. MENESES PALLARES (Ecuador) had abstained from voting in order to reserve his Government's position on article 6 and on the convention as a whole.

56. Mr. PACHECO (Bolivia) had abstained from voting. Although he had fully approved of the principle of article 6, he believed that his Government would wish to make certain reservations with regard to its form.

ARTICLE 7

57. The CHAIRMAN noted that it had already been decided that articles containing the words "subject to the requirements of domestic law" should be referred to the Sixth Committee. The United States delegation had submitted an amendment (A/C.3/L.13) proposing the substitution of the words "to the extent permitted by domestic law". If that amendment were adopted, it might be unnecessary to refer the article to the Sixth Committee.

58. Mr. BOKHARI (Pakistan) objected that the phrase proposed by the United States delegation seemed to be no more intelligible to the layman than the phrase which that delegation itself had proposed to refer to the Sixth Committee.

59. Mrs. ROOSEVELT (United States of America) explained that the United States amendment had been submitted before the Committee had decided to refer to the Sixth Committee all allusions to domestic law. She was therefore willing that article 7 should be so referred.

60. With regard to sub-paragraph *b*, the traditional practice in her country was that persons were disqualified from the exercise of civil rights only for grave offences, such as treason or murder. Although her delegation would be prepared to support the existing text, it must be clearly understood that the United States Government would not depart from that basic tradition.

61. The CHAIRMAN, noting that article 8 had previously been referred to the Sixth Committee, proposed that article 7 should also be referred.

It was so decided.

ARTICLE 9

62. The CHAIRMAN drew the Committee's attention to an amendment to article 9 submitted by the United States delegation (A/C.3/L.13).

63. In reply to Mr. BOKHARI (Pakistan), Mr. SCHACHTER (Secretariat) explained that the reason why the Secretariat had suggested that article 8, but not article 9, should be referred to the Sixth Committee had been that the Social Commission and the Economic and Social Council had regarded the latter article as non-controversial, despite its predominantly legal character. Article 9 had been taken from the text of the Convention of 1936 for the Supppression of the Illicit Traffic in Dangerous Drugs. The adoption of that convention by the General Assembly had provided the necessary precedent for the inclusion of such an article in the draft convention before the Committee.

64. Mr. SUTCH (New Zealand) explained that the Social Commission had made a distinction between the treatment recommended for article 8 and that for article 9 because the substance of the former had been taken from the conventions of 1910 and 1921 — which had been adopted — whereas that of the latter had appeared only in the draft convention of 1937. The Commission had considered that the rewording of article 8 ought to be reviewed by the Sixth Committee, whereas the Third Committee should examine the substance of article 9 because it was to some extent an innovation.

65. Mrs. ROOSEVELT (United States of America) said that her delegation's amendment would not weaken the existing text, but would merely make clearer the position of States which — unlike her country — did not recognize the principle of extradition. Moreover, that amendment emphasized the important fact that certain countries enjoyed constitutional guarantees that an accused person must be confronted by witnesses. The United States

Government could not undertake to prosecute offences committed abroad in cases in which such witnesses could not be produced.

66. Mr. JOCKEL (Australia) proposed that article 9 should be referred to the Sixth Committee. Until a legal opinion had been received, there was nothing to be gained from a decision by the Third Committee on the principle involved.

67. The CHAIRMAN put to the vote the Australian proposal to refer article 9 to the Sixth Committee.

That proposal was adopted by 20 votes to 1, with 20 abstentions.

68. The CHAIRMAN appealed to the Committee to make every effort to solve as many problems as possible itself before proposing that they should be referred to the Sixth Committee, which was already overburdened with work. His appeal, however, should not be regarded as prejudicing the decision already taken by the Third Committee to the effect that all problems of a strictly legal character should be referred to the Sixth Committee.

ARTICLE 10

69. The CHAIRMAN drew the Committee's attention to the United States amendment (A/C.3/L.13) to the effect that article 10 should be deleted.

70. Mrs. ROOSEVELT (United States of America) said that article 10 appeared to be inconsistent with the general principle that an offence should be prosecuted and punished at the place where it had been committed. Article 10 permitted such prosecution in any country where the offender might happen to be at the time of detection or arrest.

71. At the request of Mr. NORIEGA (Mexico), Mr. SCHACHTER (Secretariat) explained that the principle of article 10 had been taken from article 8 of the Convention of 1936 for the Suppression of the Illicit Traffic in Dangerous Drugs. Sub-paragraph *c* had been taken from the 1937 draft convention for suppressing the exploitation of the prostitution of others. The Social Commission had fully approved the text before the Committee.

72. Mrs. CASTLE (United Kingdom) proposed that article 10 should be referred to the Sixth Committee because it merely dealt with a third aspect of the highly complex legal problems raised by articles 8 and 9, which had previously been so referred. Her delegation would be unable to take any position on the United States amendment until a legal opinion on the whole article had been received.

73. Mr. BOKHARI (Pakistan) said that he had not opposed the reference of article 9 to the Sixth Committee because the United States amendment had introduced legal difficulties which had previously not been apparent. He could not agree with the United Kingdom representative, however, that similar difficulties arose in connexion with article 10. Before that article was referred to the Sixth Committee, the Third Committee should be quite clear about the nature of the difficulties involved. Furthermore, the Third Committee should take care that the Sixth Committee was not asked to infringe purely social aspects of the question, which were entirely the responsibility of the Third Committee.

74. The United States representative had objected that offenders should not be prosecuted in a country other than their own or that in which the offence had been committed. Sub-paragraph *c*, however — which contained the essence of article 10 — expressly provided that prosecutions could take place in a third country only when the countries concerned had reciprocal arrangements for that purpose. It had not been shown that there were any inherent difficulties of a legal nature in such a conception.

75. Mr. JOCKEL (Australia) and Mr. OTAÑO VILANOVA (Argentina) supported the United Kingdom proposal.

76. Mr. ORTIZ MANCÍA (El Salvador) thought that the Third Committee should make every attempt to avoid referring further articles to the Sixth Committee, perhaps by enlisting the legal talent available among its own members.

77. Mr. CONTOUMAS (Greece) agreed with the Pakistan representative. The Third Committee should discuss all the articles thoroughly and send them to the Sixth Committee only if they found insuperable difficulty in coming to a decision.

78. Mr. CHA (China) said that article 10 should not be referred to the Sixth Committee; too many articles had already been so referred. If there were any difficulties in connexion with that article, members of the Third Committee could find some means of consulting the criminal codes of their countries to see whether the provisions of articles were compatible with existing law.

79. The CHAIRMAN said that he agreed with the representative of Pakistan that there were no difficulties connected with article 10 which could not be solved by the Third Committee itself. He would, however, put to the vote the United Kingdom's proposal that that article should be referred to the Sixth Committee.

80. He put the United Kingdom's proposal to the vote.

The proposal was rejected by 21 votes to 8, with 12 abstentions.

The meeting rose at 6.5 p.m.

TWO HUNDRED AND FORTY-THIRD MEETING

Held at Lake Success, New York, on Thursday, 6 October 1949, at 10.45 a.m.

Chairman: Mr. Carlos E. STOLK (Venezuela); *later,* Mrs. Ulla LINDSTRÖM (Sweden).

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 10 (*continued*)

1. The CHAIRMAN asked the representative of the Legal Department to give some explanations with regard to article 10.

2. Mr. SCHACHTER (Secretariat) pointed out first of all that the principles set forth in the article were not new; they were already contained in other international conventions, for example, the Convention of 1936 for the Suppression of

the Illicit Traffic in Dangerous Drugs and the International Convention for the Suppression of Counterfeiting Currency. If article 8 of the first of those conventions were compared with the article under discussion, it would be seen that a third condition had been added, namely, that the alien who had committed an offence abroad should be prosecuted only if he was a national of a country under the law of which the courts had jurisdiction over offences committed abroad by aliens. Article 10 was therefore more restrictive than article 8 of the convention on dangerous drugs.

3. Mr. Schachter also drew attention to another difference. Sub-paragraph *b* of article 8 of the Convention for the Suppression of the Illicit Traffic in Dangerous Drugs stated that the offender should be prosecuted and punished when the law of the country of refuge considered prosecution for offences committed abroad by foreigners admissible as a general rule. In sub-paragraph *b* of article 10 under discussion the words "as a general rule" were omitted and the application of the convention would undoubtedly be affected in consequence. The courts of many countries where the Anglo-Saxon legal system was in force did not have jurisdiction over all the offences committed abroad by aliens, but only over certain offences, such as counterfeiting for example. He therefore pointed out that if the words "as a general rule" were included there would be many countries to which article 10 would not apply.

4. Mr. CHA (China) asked for some clarification of the third condition mentioned in article 10.

5. Mr. SCHACHTER (Secretariat) stressed that the article had been taken from the draft convention for suppressing the exploitation of the prostitution of others prepared by the League of Nations in 1937, which had to be taken as the basis for the existing draft, in accordance with the instructions given to the Secretary-General. The article had moreover been approved by the Social Commission.

6. Mr. ALLEN (United Kingdom) said that it was not quite correct to state that article 10 had been approved by the Social Commission. The members of that Commission had realized that the article was extremely technical in character and they had thought that it would be thoroughly examined by legal experts in the Economic and Social Council and at the General Assembly.

7. Mr. ALAMAHEYOU (Ethiopia) asked whether the application of article 10 depended on the fulfilment of all three of the conditions listed in sub-paragraphs *a, b,* and *c,* or whether the fulfilment of any one of the conditions would suffice to bring the provisions into force. The English text was not clear on that point.

8. If all three conditions had to be fulfilled, he thought that article 10 would be too restricted in scope. His delegation would prefer to retain only the two conditions specified in sub-paragraphs *b* and *c*. As the refusal of the request for extradition was in itself a prerequisite, it should be mentioned in the first paragraph of the article.

9. Mr. SCHACHTER (Secretariat) replied that all three conditions would have to be fulfilled before the provisions of article 10 could apply.

Mrs. Lindström (Sweden) took the Chair.

10. Mrs. ROOSEVELT (United States of America) drew attention to the legal difficulties raised by article 10 and gave the reasons why her delegation proposed its deletion (A/C.3/L.13).

11. An important problem was raised by the phrase "as though the offence had been committed in that territory". In view of the inevitable divergencies between the legislations of the various States concerning the definition and prosecution of the offences dealt with in the convention, it might happen that a person who had committed an offence in one country would not be liable to prosecution in another country because of the particular legislative provisions in the country of refuge, for example, concerning rules of evidence and mental capacity. The reverse might also happen. Thus, the country of refuge might on the one hand be considered to be failing in its obligation to prosecute and punish an offender, and, on the other hand, it might find itself obliged to prosecute a person whose action was not considered punishable according to the legislation of the country where it had been committed.

12. That difficulty could probably be solved if article 10 were interpreted reasonably and in good faith.

13. It might be asked on what grounds the Government of the United States was proposing the deletion of article 10. That article appeared to be intended to ensure, in certain cases, that offenders who could not be extradited for a reason not connected with the act itself would be punished even though they were aliens and the acts had been committed in a country other than the country of refuge. Sub-paragraphs *b* and *c* appeared to be intended to safeguard the principle of the territorial jurisdiction of certain States. Nevertheless, the essential phrase in sub-paragraphs *b* and *c* was: "offences committed abroad by aliens". A few questions would suffice to show the lack of precision in that wording.

14. What was the meaning of the phrase? Should it be understood to mean — to cite a well-known case in international law — an offence such as those committed by the captain and watch officer of the *Lotus,* a Turkish ship, which had been regarded by the Permanent Court of International Justice as having been committed on Turkish territory? Or did it mean offences against the security of the State asserting jurisdiction which were not punishable in the State in which they had been committed? Finally, should it be taken to mean offences, of whatever nature, committed outside the territory of the State asserting jurisdiction?

15. Mrs. Roosevelt thought that no one would challenge the importance of that phrase. In accordance with the meaning given to it, the States represented on the Committee would or would not assume the obligation to punish offences under article 10 and would or would not allow other States to punish their nationals for offences committed outside the jurisdiction of those States. In her opinion, if a State were regarded as coming within the category of States the legislation of which gave their courts jurisdiction over offences committed abroad by aliens simply owing to the fact that those courts punished piracy, all the States represented on the Committee would incur that obligation for themselves and the risk of prosecution for their nationals. On the other hand, if the criterion were that the State granted

jurisdiction to its courts over all offences committed abroad by aliens, whether they came under its own law or the law of the State on whose territory they were committed, few or none of the States represented would be bound by that obligation.

16. If it were suggested that the criterion should be comparable or similar offences, representatives would probably all agree that the offences referred to in the draft convention were not similar to any others and that it was very difficult to determine similarity between different offences. The United States Government would be compelled to reject any interpretation of that kind.

17. If article 10 really meant that countries, the courts of which already had jurisdiction over offences committed abroad by aliens, would have to act in the same way with regard to offences mentioned in the draft convention before the Committee, the article would be superfluous and should be deleted.

18. If the meaning of article 10 were broader and if its intention were to treat procurement in the same way as piracy, for example, the United States Government would have serious objections on principle to the article.

19. A similar problem had arisen during the examination of the convention on genocide, but the text of that convention finally approved by the General Assembly wisely contained no provision for the prosecution and punishment of the guilty which might contravene the principle of territoial jurisdiction, even in the case of atrocious crimes against humanity. The convention provided that the crime should be punished only in the country in which it had been committed.

20. It would be very rash to attempt to write exaggerated refinements into the convention in anticipation of cases which would arise only very rarely. The value which the United States Government attached to the principle of territorial jurisdiction outweighed the possible benefits of article 10, even supposing that any agreement could be reached upon its scope.

21. She would be interested to hear the views of other representatives on that subject. She herself believed that the Committee should ask the Sixth Committee for an opinion on such a difficult question.

22. Mr. CONTOUMAS (Greece) thought that, after the very clear explanation given by the representative of the Legal Department of the Secretariat, no difficulty existed. Those guilty of offences such as counterfeiting, traffic in narcotics and, if the draft convention under discussion were adopted, the exploitation of the prostitution of others must not, in his opinion, remain unpunished. It was true that the courts of a country did not generally have jurisdiction to try offences unless they had been committed on the territory in which they were sitting and, with certain reservations, if they had been committed abroad by nationals of their own country. Nevertheless, all those who wished to prevent an offence from remaining unpunished would acknowledge the usefulness of article 10. If it were not adopted, the offender would escape justice whenever extradition could not be granted.

23. In order to allay the uneasiness of the United States delegation, Mr. Contoumas pointed out that the application of article 10 was subject to three conditions which, as the representative of the Legal Department had stated, would all have to be fulfilled and that would probably be a very rare occurrence.

24. Mr. RIVERA HERNANDÉZ (Honduras) said that his delegation did not consider the reply to the Ethiopian representative's question satisfactory. It believed that the fulfilment of one of the conditions listed in article 10 ought to suffice to bring into operation the obligation to prosecute those guilty of any of the offences mentioned in articles 1 and 2; otherwise, the margin of impunity would be too wide.

25. He therefore challenged the interpretation given by the representative of the Secretariat and was prepared to submit an amendment to the effect that article 10 should be applicable if any one of the conditions listed in sub-paragraphs *a, b* and *c* was fulfilled.

26. Mr. BOKHARI (Pakistan) emphasized that the discussion had revealed legal difficulties which he himself had not suspected the previous day when he had opposed referring article 10 to the Sixth Committee.

27. He agreed with the Greek representative in thinking that it was particularly important that the suppression of the offences condemned in the draft convention should be ensured so far as possible. He would therefore be reluctant to see article 10 deleted. He acknowledged, however, the need to obviate all legal difficulties which might jeopardize the intended objective. A legal opinion by the Sixth Committee therefore seemed indispensable at that stage of the discussion.

28. Nevertheless, the exact reasons for referring the matter to the Sixth Committee should be given. The Third Committee should draw the Legal Committee's attention to the points which it wished clarified. After hearing the observations of the various delegations, he proposed that the Committee should adopt the following text, in which he had attempted to summarize the points at issue:

"It is the view of some delegations that the words 'as though the offence has been committed in that territory' in the main paragraph of article 10 and the words 'have jurisdiction over offences committed abroad by aliens' in sub-paragraphs *b* and *c* of the same article have a vague connotation and indefinite scope and are therefore likely to raise serious difficulties in their application.

"The Sixth Committee is therefore requested to advise the Third Committee on these points, keeping in view: (*a*) the general purpose and aim of the article; and (*b*) the articles of a similar nature, included in other international conventions and agreements such as . . . (*list would follow*)."

29. That wording indicated that the Committee for the moment had no intention whatever of abandoning the general principles of article 10. Furthermore, it drew to the Sixth Committee's attention the fact that similar provisions were contained in other international conventions and that article 10 therefore did not introduce any new principle of jurisprudence.

30. Mr. CHA (China) supported the proposal to refer article 10 to the Sixth Committee. He would, however, have liked that Committee's

opinion to be requested on sub-paragraph *c*, the application of which appeared, in the opinion of his delegation, to raise difficulties. Taking the hypothetical case of a person accused of having taken part in white slave traffic and having taken refuge in China, and supposing that the conditions stipulated in sub-paragraphs *a*, *b* and *c* were fulfilled, Mr. Cha wondered if, under sub-paragraph *c*, the Chinese courts could have jurisdiction if the offender's country of origin did not regard white slave traffic as a crime.

31. Mr. SCHACHTER (Secretariat) thought that the representative of China was giving too narrow an interpretation to sub-paragraph *c*. The only condition stipulated therein was that the country of which the offender was a national should also have jurisdiction over offences committed abroad by aliens.

32. One point, however, was not entirely clear: must that country accept the principle of the extra-territoriality of penal jurisdiction as a general rule, or was it sufficient that it should apply that principle to one or two offences? Mr. Schachter thought that the latter interpretation should be upheld, but acknowledged that the point might be contested.

33. Mr. BAROODY (Saudi Arabia) thought that article 10 could give rise to abuses and become a source of dispute between States. As, however, no offence should remain unpunished, some other method of prosecuting and punishing offenders should be found. In his opinion, it would be possible to inform all States parties to the convention of the names of the offenders. Thus, they would speedily become undesirables in every country in which they sought refuge. They would escape justice only if they resided in a country which had not ratified the convention.

34. Mr. AQUINO (Philippines) reminded the Committee that his delegation had been one of the first to caution it against the essentially legal difficulties which would arise in connexion with certain articles of the draft convention. In some cases, such difficulties became apparent only in the light of discussion. That was true of article 10.

35. The principal difficulties had already been pointed out by the representative of the United States and Saudi Arabia. Mr. Aquino added the following observations:

36. One of the conditions required for the prosecution of aliens who had committed abroad one of the offences specified in articles 1 and 2 of the convention was to reject a request for extradition for a reason not connected with the act itself. That reason could be the non-existence of an extradition treaty between the country of refuge and the country where the offence had been committed. In such a case, article 10 would have no practical value.

37. It was apparent moreover that article 10 was intended by the authors of the draft convention to complete articles 8 and 9. Those articles, however, set up a complicated system of extradition which made the provisions of article 10 superfluous.

38. The Philippine delegation, therefore, failed to see the use of retaining in the draft convention provisions of dubious practical value, and therefore, as a matter of logic and common sense, it would vote against the adoption of that article.

39. Mr. RAMADAN (Egypt) drew attention of the representative of the Legal Department to two points. First, a number of national legislations provided for the expulsion of aliens regarded as undesirable. Secondly, there was the legal doctrine of passive personality, according to which a State would assert jurisdiction over an alien if one of its nationals was the victim of the offence committed by that alien. That doctrine was controversial and had not been accepted generally; the Permanent Court of International Justice had even handed down a decision to that effect. He wondered whether article 10 did not conflict with that decision.

40. Mr. SCHACHTER (Secretariat), in reply to the representative of Egypt, agreed that the doctrine of passive personality was sometimes quoted in support of extra-territorial jurisdiction. That principle was not universally recognized, and the Anglo-American countries in particular did not accept it. Article 10, however, was not based on the principle of passive personality, since it did not limit the jurisdiction of States to extra-territorial offences committed against the nationals of the State asserting jurisdiction. Article 10, in his opinion, was rather based on the principle that States could assert their extra-territorial jurisdiction when they were parties to an international treaty under which they were bound to repress a crime. That principle had been recognized in the Bustamante Code which was in force in a number of Latin-American republics. Indeed, States parties to that Code would probably be able to punish aliens for engaging in white slave traffic abroad, even in the absence of article 10.

41. Mr. AZKOUL (Lebanon) did not think that it would be wise to decide at the moment that article 10 should simply be deleted; it would be advisable to refer it to the Sixth Committee for an advisory opinion.

42. The text proposed by the representative of Pakistan was excellent, but it might be advisable to add a reference to the point raised by the representative of Honduras as to whether the fulfilment of only one of the three conditions should be listed in article 10 would suffice to bring the provisions of the article into force.

43. Mr. Azkoul said that the wording of the French text — *lorsque les conditions suivantes sont réunies* — could not in any way be misinterpreted. As, however, the other texts seemed to be less explicit and as the representative of Honduras had expressed the opinion that the fulfilment of only one of the conditions should be sufficient for the application of the article, it might be advisable to ask the opinion of the Sixth Committee.

44. He personally did not agree with the representative of Honduras. Such an interpretation would lead to impossible legal situations. For example, a State might find itself obliged to prosecute an alien who had committed an offence abroad simply because it could not, under its legislation, grant extradition. That obligation would still apply even if, under the law of the country, its courts had no jurisdiction over the case.

45. The difficulty mentioned by the representative of China with regard to sub-paragraph *c* arose from the fact that it was not specified that the country of which the alien was a national

would have to be a party to the convention for the fulfilment of the condition. If the country of origin was not a party to the convention, it could not consider the offences listed in articles 1 and 2 as punishable offences. In such cases, would a contracting State be entitled to prosecute a national of such a country, even if its courts did have jurisdiction over offences committed abroad by aliens? He personally did not think so and he would be glad to know the Sixth Committee's opinion on that point as well.

46. Mrs. KRIPALANI (India) asked why sub-paragraph *c* had been added to article 10 when there was no similar provision in the corresponding article of the Convention of 1936 for the Suppression of Illicit Traffic in Dangerous Drugs.

47. Mr. SCHACHTER (Secretariat) said that the provision set forth in sub-paragraph *c* was contained in the draft convention prepared in 1937 by a committee of experts of the League of Nations. The authors of the 1937 draft had introduced the provision because they had considered that the principle of extra-territorial jurisdiction should be applied with a certain amount of reciprocity. If the country of origin did not recognize that principle, the application of article 10 might give rise to complications on the international level. The jurisdiction of the country of refuge might be contested, the accused might apply for diplomatic protection, etc.

48. The first drafts of the Convention for the Suppression of Illicit Traffic in Dangerous Drugs had contained a similar clause. The Commission on Narcotic Drugs had decided not to retain the clause because it had not wished to establish two classes of offenders, the one liable and the other not liable to prosecution abroad, according to the respective legislation of their countries of origin.

49. The question to be decided in connexion with sub-paragraph *c* was how far the principle of extra-territorial jurisdiction should be extended.

50. Mr. RIVERA HERNÁNDEZ (Honduras) agreed that article 10 should be referred to the Sixth Committee. He emphasized, however, that he particularly wished that Committee's opinion to be asked on the point raised by his delegation. The aim of his delegation was to ensure that in no case should there be any impunity.

51. Mr. BOKHARI (Pakistan) referred to the remarks made by the representatives of Honduras and Lebanon and said that, in his opinion, it was for the Third Committee alone to decide whether the fulfilment of any one of the conditions listed in sub-paragraphs *a, b* and *c* would suffice to make article 10 operative. On the other hand, the Third Committee should ask the Sixth Committee whether it was legally possible to make the application of article 10 dependent on the existence of only one of those conditions. The reply to that question would enable the Third Committee to decide with full knowledge of the facts on the conditions which should govern the application of the article.

52. Mr. AZKOUL (Lebanon) believed that the Committee should take an immediate decision on the very pertinent proposal which had just been made by the representative of Pakistan.

53. The Sixth Committee should also be asked whether the wording of sub-paragraph *c* which, as it was drafted, did not state that the alien in question had to be a national of a State party to the convention, might not give rise to some difficulties.

54. Mr. BAROODY (Saudi Arabia) thought that the Committee should vote in the first place on the United States proposal to delete article 10 (A/C.3/L.13).

55. The CHAIRMAN pointed out that the Pakistan proposal, which was of a procedural nature, must be the first to be put to the vote.

56. In reply to a query by Mr. ALLEN (United Kingdom), the CHAIRMAN said that the Secretariat had just drafted a text incorporating the proposal submitted orally by the Pakistan representative.

57. Mr. HESSEL (Secretary of the Committee) then read out that text:

"Taking into account the aims of article 10 and similar articles in other international conventions, the Sixth Committee is requested to consider the legal difficulties mentioned during the debate on article 10 in the Third Committee and to submit its recommendations to the Third Committee."

58. Mr. BOKHARI (Pakistan), in reply to the CHAIRMAN, said that his delegation accepted the text as read by the Committee Secretary.

59. Mr. AZKOUL (Lebanon) pointed out that, while he found the text satisfactory, the proposal as presented orally by the Pakistan representative had the advantage of putting specific questions to the Sixth Committee. Would the Secretariat communicate to the Sixth Committee a summary of the various issues on which the Third Committee desired clarification, or would it merely attach to the text just read the summary records of the meetings at which the Third Committee had considered article 10?

60. Mr. HESSEL (Secretary of the Committee) stated that the Secretariat would transmit the summary records of the Third Committee meetings to the Sixth Committee.

61. Mr. BOKHARI (Pakistan) pointed out that the summary records of the Third Committee meetings should not be communicated to the Sixth Committee before delegations had had an opportunity to make corrections.

62. Mr. OTAÑO VILANOVA (Argentina) was of the opinion that the United States proposal to delete article 10 should be considered as an amendment and, consequently, should be voted upon first. Further, as the Committee had decided at the 242nd meeting that article 10 should not be referred to the Sixth Committee, the Pakistan proposal would require a two-thirds majority for its adoption.

63. Mr. BAROODY (Saudi Arabia) supported the latter observation of the Argentine representative.

64. Mr. NORIEGA (Mexico) also felt that the Committee should first take a decision on the United States proposal. The Committee would be giving needless work to the Sixth Committee, if it adopted the Pakistan proposal and then decided to delete article 10.

65. The CHAIRMAN again pointed out that the Pakistan proposal related to procedure and must therefore be put to the vote first.

66. Mr. CONTOUMAS (Greece) said that, in his opinion, a two-thirds majority was not necessary.

At the previous meeting, the Committee had merely decided not to refer article 10 to the Sixth Committee without previous discussion. If, during the discussion of the article in question, any legal difficulties arose which the Third Committee was not competent to solve, it was free to consult the Sixth Committee on the matter, in accordance with the decision it had taken previously.

67. Mr. HESSEL (Secretary of the Committee) confirmed the validity of the Greek representative's remark. The Committee had decided not to refer article 10 to the Sixth Committee without previous discussion, on the understanding that the Committee would be free to decide, by a simple majority, to consult the Sixth Committee on legal difficulties which might emerge during the discussion on the article in question.

68. The CHAIRMAN put to the vote the Pakistan proposal, as worded by the Secretariat.

The proposal was adopted by 33 votes to none, with 13 abstentions.

69. The CHAIRMAN noted that discussion on article 10 would have to be suspended until the opinion of the Sixth Committee had been received. She accordingly requested the Committee to begin the discussion on article 11.

70. Mrs. ROOSEVELT (United States of America) pointed out that the Committee could hardly study article 11 until a reply had been received and a decision taken on article 10.

71. The CHAIRMAN recognized the validity of the objection raised by the United States representative. Recalling that it had already been decided to refer article 12 to the Sixth Committee, she suggested that the Committee should consider article 13.

72. Mrs. ROOSEVELT (United States of America), supported by Mr. ALLEN (United Kingdom), stated that, if the Committee proceeded immediately to dicuss article 13 without awaiting the opinion of the Sixth Committee on the articles already referred to it, members would have to take up a definite position and by so doing would prejudge the attitude still to be adopted by their respective delegations in the Sixth Committee in regard to article 4. Both articles raised the question of domestic jurisdiction.

73. The CHAIRMAN suggested that consideration of articles 11 and 13 should be postponed and that discussion on article 14 should be opened at the beginning of the following meeting.

It was so decided.

The meeting rose at 12.45 p.m.

TWO HUNDRED AND FORTY-FOURTH MEETING

Held at Lake Success, New York, on Friday, 7 October 1949, at 11.10 a.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 14

1. Mrs. ROOSEVELT (United States of America) submitted a drafting amendment to article 14 (A/C.3/L.13) proposing that the expression "letters of request" should be replaced by "rogatory letters" which was the term in more general use in the United States.

2. Mrs. CASTLE (United Kingdom) pointed out that the expression "letters of request" was the one used in the corresponding provisions of the various international conventions in force, whereupon Mrs. ROOSEVELT (United States of America) said that she would not press her amendment, provided it was clearly understood that the phrase had exactly the same meaning as was conveyed by the American legal term "rogatory letters".

3. Mr. CONTOUMAS (Greece) said that, among the methods of transmission of letters of request listed in article 14, there was no mention of the most usual method, namely transmission through direct diplomatic channels from the diplomatic representative to the Foreign Ministry of the country to which the request was made.

4. Moreover, the article did not take into account the bilateral agreements which usually governed the transmission of letters of request as well as other questions of judicial assistance.

5. Under article 14, Governments would be obliged to effect the transmission through one of the three methods provided in sub-paragraph *a*, *b*, and *c*. Once they had announced the method of transmission they had chosen, they would be unable to change to any other, even if they were bound by a bilateral agreement concerning judicial assistance.

6. He did not think that such a procedure was advisable in cases where bilateral agreements between two Governments were successfully applied. In his opinion, it would be better for the second paragraph to state that the transmission of letters of request *could* be effected by one of the three methods listed, and for the sixth paragraph to be amended to read: *"Failing* such notification, its existing procedure in regard to letters of request shall remain in force". In that way Governments would be given more freedom of action and, at the same time, the most usual practice concerning letters of request would be recognized in the convention.

7. Finally, Mr. Contoumas said that, in the French text, the word *actuelle* which appeared in the sixth paragraph was too restrictive in sense. What was meant was certainly not the procedure in force at the time of the signature of the convention but the procedure used as a general rule in the country concerned. He therefore suggested that the word *actuelle* should be replaced by the words *en vigueur*. The proposed change did not affect the English text.

8. Mr. AQUINO (Philippines) did not agree with the interpretation of article 14 given by the representative of Greece. In his opinion, article 14 was the most complete one of the whole draft convention since it mentioned all the possible

methods of transmission. He pointed out that the conjunction "or" was used throughout, so that the contracting States would have a wide freedom of choice in the methods they wished to use.

9. He was also opposed to the change in the second paragraph suggested by the representative of Greece. International conventions such as the one under discussion were normally drafted in mandatory wording; that was essential in an instrument which would be just as binding on the contracting States as any bilateral agreement they might have signed with another State.

10. Mr. CONTOUMAS (Greece) regretted that he had not made himself clear. He explained that he had no intention of limiting the obligations of the States which would sign the convention. He simply wished to point out that the article under discussion provided that the transmission of letters of request should be effected directly through the diplomatic or consular representative to the competent judicial authority whereas it was the normal practice for the diplomatic representative to communicate with the Foreign Ministry. A slight drafting change would suffice to rectify that omission.

11. Mr. SCHACHTER (Secretariat) said that there was nothing new in article 14, which was basically similar to the corresponding articles of former conventions, such as the Convention of 1910 for the Suppression of the White Slave Traffic, the 1923 Convention for the Suppression of the Circulation of Obscene Publications and the Convention of 1936 for the Suppression of the Illicit Traffic in Dangerous Drugs.

12. He realized that there were any number of bilateral agreements governing judicial assistance but most of them were general agreements covering the whole range of offences while article 14 dealt with one particular category of offences and therefore it went beyond the bilateral agreement in several respects, for example, as regards cost.

13. In conclusion, he reminded the Committee that it had long been recognized that judicial assistance should be regulated by multilateral agreements. That principle was observed in the Montevideo Agreement of 1889, the Hague Convention of 1905, the Bustamante Code and various conventions adopted under the League of Nations. It had long appeared in the conventions dealing with the exploitation of prostitution.

14. Mr. BOKHARI (Pakistan) would be prepared to accept the change in the second paragraph desired by the representative of Greece; he wondered, however, whether the authors had not had some special reason for employing the mandatory form.

15. The CHAIRMAN pointed out that under sub-paragraph *c* the transmission of letters of request could be effected either directly to the competent judicial authority or, if so prescribed by the country to which the request was made, to any other authority designated as competent, which in the circumstances might well be the Ministry for Foreign Affairs.

16. Mr. SCHACHTER (Secretariat) supported the Chairman's interpretation.

17. Mr. CONTOUMAS (Greece), supported by Mr. Vos (Belgium), emphasized that the corresponding articles in previous conventions were less restrictive in that they employed the general formula "through diplomatic channels", which was not found in article 14.

18. Mr. SCHACHTER (Secretariat) and the CHAIRMAN repeated their opinion that the text of sub-paragraph *c* was sufficiently flexible not to exclude any existing procedure for the transmission of letters of request.

19. Mr. CONTOUMAS (Greece) would not press a point which was not of the first importance. It should be understood, however, that the sixth paragraph should be interpreted as leaving Governments free, "until" they had stated what method of transmission they had chosen, to continue to apply any provision contained in the existing bilateral agreements which they might have signed with other States.

20. In consideration of the Greek representative's observation, the CHAIRMAN proposed that the words *en vigueur* should be substituted for the word *actuelle* in the French text of the sixth paragraph.

It was so decided.

21. The CHAIRMAN put article 14 to the vote.

Article 14 was adopted by 47 votes to none, with 2 abstentions.

ARTICLE 15

22. Mr. RAMADAN (Egypt) observed that a large number of countries had bureaux of criminal investigation and maintained files. He wondered whether such bureaux did not provide a substitute for the services mentioned in article 15.

23. Mr. DELIERNEUX (Secretariat) explained that the provisions of article 15 had been taken from an article in the 1904 agreement, which had been the first step taken at the international level to combat the traffic in women and children. Since then, most countries had gone further than the limited range originally in view; but the adoption of that provision—which had been in force for many years—did not seem to present any difficulties.

24. The CHAIRMAN put article 15 to the vote.

Article 15 was adopted by 48 votes to none, with 1 abstention.

ARTICLE 17

25. Mr. ALLEN (United Kingdom) said that in submitting to the Committee his delegation's proposed amendment to article 17 (A/C.3/L.11) he was interpreting the wishes of the non-governmental voluntary organizations working for the rehabilitation of prostitutes. Those wishes had been expressed to the Social Commission too late for it to take them into account, as it would have wished.

26. Mr. SUTCH (New Zealand) emphasized that article 17 was one of the two innovations in the draft convention; article 6 was the other. Article 17 was not to be found in the conventions in force, not even in the draft convention drawn up in 1937 by a committee of experts of the League of Nations.

27. Article 17 marked a real advance in social thinking. It laid upon the contracting States the obligation to take very definite setps to aid the

victims of the offences set forth in the convention. It was, in part, a reply to those who maintained that the causes of the evil of prostitution were essentially economic and social. The Committee would undoubtedly adopt it unanimously.

28. Turning to the amendment submitted by the United Kingdom delegation, Mr. Sutch confirmed the fact that the Social Commission had regarded it favourably but had not been able to make a decision on it, as it had not had cognizance of it until after article 17 had been adopted.

29. The New Zealand delegation would vote for the United Kingdom amendment, because it approved of the substitution of the term "victims" for the crude word "prostitutes". The former not only reproduced more faithfully the modern approach to the problem of prostitution but also made it possible for a wider scope to be given to article 17, since victims could be understood to mean not only professional prostitutes but also beginners. He would prefer, however, the retention of the term "rehabilitation", which was currently used in his country and covered all aspects of adjustment, including the economic; it was not enough that the social adjustment of the victims should be ensured, work must also be found for them.

30. Mr. PLEJIC (Yugoslavia) emphasized that the recent discussion in connexion with article 6 (241st and 242nd meetings) had shown how right were those who attached the greatest importance to the social and economic aspects of the problem. During the debate, the majority of the representatives had spoken of the causes which gave rise to traffic in persons and had stressed the necessity of fighting against those causes. The time had come to take up the question seriously and realistically. If, however, the scope of article 17 could not be broadened as it should be, his delegation hoped that the Committee would at least adopt the article unanimously.

31. For his part, he would vote for it because he saw in it a first step along the path of social progress; as he had already stated in the Social Commission, however, he regretted that it did not make more explicit provision for the measures of prevention and rehabilitation necessary to combat the scourge of prostitution effectively.

32. On the other hand, he would vote against the United Kingdom amendment, which restricted the already limited scope of the article.

33. Mr. BOKHARI (Pakistan) associated himself fully with the views of the New Zealand representative.

34. Mr. ALLEN (United Kingdom) agreed to replace the words "social adjustment" by "rehabilitation".

35. Mr. NORIEGA (Mexico) regretted the United Kingdom representative's decision. In his opinion, the word "rehabilitation" had not the same moral significance as the expression "social adjustment". The aim of the measures referred to in article 17 should be to restore the victims of prostitution to a normal place in society; the use of the term "rehabilitation" would imply a stigma.

36. Mr. PAJVAK (Afghanistan) said that he would vote in favour of article 17. He felt, however, that the scope of the article would be increased if it were amended to read: "The Parties to this Convention agree to take *and* to encourage", instead of "to take *or* to encourage".

37. Mr. CONTOUMAS (Greece) had no marked preference for either version of article 17. He wished, however, to draw the United Kingdom representative's attention to certain legal implications of his amendment. The text, which expressly mentioned articles 1, 2 and 3, had doubtless been drafted before the adoption of article 4 in its new form. In order to cover the whole field of offences defined by the convention, it would be logical to mention article 4 also in the text of the amendment. The best course, however, would seem to be to give up any attempt at enumeration and to use instead a general formula such as: "victims of the offences (or acts) referred to in this Convention".

38. Mr. ALLEN (United Kingdom) agreed that his point of departure had been the substitution of a more euphemistic expression for the term prostitute. Apart from that, he would welcome any proposal which might improve his amendment. That appeared to be true of the suggestion just made by the Greek representative. On the other hand, the proposal of the representative of Afghanistan did not satisfy him, as its effect would be to subject the activities of private social welfare organizations to government directives. Such an obligation would be incompatible with the ideas of certain countries, among them the United Kingdom, with regard to the part reserved to private initiative in that field. The adoption of the proposal in question would be liable to create a certain confusion in that respect.

39. Mr. KAYSER (France) considered article 17 a happy innovation in the fight against prostitution. For his part, he found the text satisfactory as it stood. In particular, he did not think it necessary to substitute a euphemism for the word "prostitute". He did, however, think it advisable to clarify the term "rehabilitation" and in that connexion, to bear in mind the judicious observations of the Mexican representative. The most suitable formula would be "rehabilitation and social adjustment" (*rééducation et reclassement*) which was the language used by the French legislator on the subject.

40. He would not oppose the adoption of the amendment, but he would be willing, if the case arose, to vote in favour of the text of article 17 as it stood, amended as he suggested.

41. Mr. JOCKEL (Australia) was in favour of the general sense of article 17 as a whole and also supported the amendment of the United Kingdom. In his opinion, the scope of the article should be still further extended by the use of both the expression contained in the basic text and that proposed by the United Kingdom representative, so that it would read: "rehabilitation and social adjustment".

42. Mr. LUNDE (Norway) warmly supported the principle of article 17. He wondered whether the United Kingdom amendment would not tend to limit rather than to enlarge the scope of the article in question. The draft convention concerned, primarily, the exploitation of the prostitution of others. It was the intention of the authors of article 17 to help the victims of that traffic, namely the prostitutes themselves.

43. He asked the United Kingdom representative whether he would agree to put his amendment

in the following form: "for the prevention of prostitution and the rehabilitation of its victims".

44. Mr. ALLEN (United Kingdom) found the scope of that formula too limited. He preferred the expression proposed by the Australian representative, which took account of persons guilty of attempted offences or of certain preparatory acts.

45. Mr. MESSINA (Dominican Republic) pointed out that, in the current legal terminology of his country, the word "rehabilitation" meant only the restoration of his civic rights to a criminal. If the economic and social causes of prostitution were to be combated, mention must be made of "economical and social rehabilitation".

46. Mr. KATZNELSON (Israel) emphasized the constructive nature of article 17. He considered it advisable to replace the word "prostitute" by a more satisfactory expression. A small drafting group might perhaps be better able to find the appropriate formula. If a better expression were not found, his delegation would vote in favour of article 17 as it stood.

47. The word "rehabilitation" was perfectly appropriate, for it applied to the social, medical, moral and economic fields. The addition of any adjective was therefore superfluous.

48. Mr. FREYRE (Brazil) agreed to the term "rehabilitation", which the United Kingdom representative had accepted. He would have preferred some mention to be made of social adjustment. The term "social" had a very wide scope in its most extensive connotation: it applied to all the fields covered by article 17.

49. Mr. CONTOUMAS (Greece) pointed out that the word "prostitute" was used in the feminine in article 17, whereas the other articles of the draft convention related to persons of both sexes. For that reason the formula used in the United Kingdom amendment was preferable. It was also better than that proposed by the Norwegian representative, for the words "victims of prostitution" were ambiguous: was it the prostitute or the person who had relations with her who was the victim?

50. Mr. AQUINO (Philippines) agreed with the observations made by the Greek representative. He thought the best formula would be: "victims of the offences referred to in this Convention". Furthermore the meaning of the word "rehabilitation" was too limited. It was not only a matter of restoring fallen women to their previous status, but of improving their economic and social position. The expression "social adjustment" was therefore better.

51. Mr. DELIERNEUX (Secretariat) pointed out that two types of measures were provided for in article 17: on the one hand, preventive measures which applied particularly to women who were on the verge of falling into prostitution, and on the other, measures for the readjustment of prostitutes. It was for the Committee to decide if those measures were to apply only to the victims of traffickers or to all prostitutes without distinction.

52. Mrs. KRIPALANI (India) also considered article 17 of great importance. If prostitution was to be combated, it would have to be attacked at the source of the evil, which lay in the economic and social conditions. For that reason she preferred the word "rehabilitation" to the expression "social adjustment" proposed by the United Kingdom delegation.

53. The word "prostitute" should, in her opinion, be retained, for although it was perhaps a little crude, it had the advantage of being very specific.

54. Mr. MENESES PALLARES (Ecuador) agreed with the Australian representative, who had suggested that both expressions should be used, namely, "rehabilitation and social adjustment". The representative of the Philippines had rightly pointed out that the two terms were complementary. By "rehabilitation" was understood the restoration to a person of his dignity and civil rights. The expression "social adjustment" had no legal meaning; it expressed the efforts made to ensure economic and social conditions that would enable a person to resume his normal place in human society.

55. The following phrase might perhaps reconcile the various views which had been expressed:

". . . for the prevention of prostitution and the rehabilitation and social adjustment of prostitutes".

56. Mr. SUTCH (New Zealand) stated that he had been impressed by the Norwegian representative's argument that the United Kingdom amendment would limit the application of article 17 to the victims of the offences mentioned in articles 1, 2 and 3. The representative of the Secretary-General had pointed out that article 17 had a much wider scope and referred to the rehabilitation of all prostitutes, and not only of those who fell into the hands of traffickers.

57. Account should be taken of the social conditions which might force a person into prostitution, and it was essential to enact measures which would be as advanced as possible. Moreover, prostitutes might not be the only ones to demand assistance; in some cases, their families and associates might also have to be given assistance towards rehabilitation. The Committee should therefore endeavour to find a satisfactory formula. He suggested the following phrase to the representative of the United Kingdom:

". . . for the rehabilitation of the victims of prostitution and of the offences referred to in the Convention".

58. While not perhaps very elegant, that text would meet the objections raised by various representatives.

59. Mr. ALLEN (United Kingdom) accepted the text suggested by the New Zealand representative. He thought, however, that the suggestions of the representatives of Australia and Ecuador to the effect that the last phrase should include the two expressions "rehabilitation" and "social adjustment" should also be taken into consideration.

60. The CHAIRMAN, speaking as the representative of VENEZUELA, declared his agreement with the representatives of New Zealand and the United Kingdom.

61. Mr. BAROODY (Saudi Arabia) was satisfied with article 17 without any amendment. In view of the large number of suggestions which had been made concerning that article and the lengthy discussion which had already taken place, he thought it would be wise to adjourn the meeting. Members of the Committee would thus have time

to consider all the proposed amendments before coming to a decision on article 17.

62. Mr. NORIEGA (Mexico) shared the view expressed by the representative of Saudi Arabia. Article 17 was very important and it was essential to know exactly what provisions it was desirable to include in it. The United Kingdom representative would be able to submit a final text at the next meeting.

63. If a drafting committee were set up, however, it should consider whether article 17 should not become article 7, as its logical position was after article 6.

64. The CHAIRMAN, replying to the Mexican representative, said that the point would be considered when the Committee had concluded examination of the draft convention and had heard the opinion of the Sixth Committee.

65. The United Kingdom amendment, as amended by the New Zealand representative, would read:

". . . for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in this Convention".

66. Drafting amendments had also been proposed by the representatives of Afghanistan, Australia, France, Ecuador, Mexico, Greece, the Dominican Republic, the Philippines and Norway. All those proposals, with the exception of that made by the Afghan representative, appeared to be covered by the revised text of the United Kingdom amendment.

67. Mr. MESSINA (Dominican Republic) and the representatives of AFGHANISTAN, AUSTRALIA, FRANCE, ECUADOR, MEXICO, GREECE, the PHILIPPINES and NORWAY, pointed out that they had not made any formal proposal and said they were satisfied with the United Kingdom amendment.

68. In reply to Mr. CONTOUMAS (Greece) who asked whether the French expression *rééducation et reclassement* was an accurate translation of the words "rehabilitation and social adjustment", Mr. HESSEL (Secretary of the Committee) said that those were the words in current use in French.

69. Mr. NORIEGA (Mexico) urged that the Committee should not continue consideration of article 17 until it had before it the written text of the final version of the United Kingdom amendment. It was essential that article 17 should not be able to give rise to difficulties of interpretation; Governments which signed the convention must be in a position to know precisely what they were undertaking. They must know, for example, whether they were to enact measures for the rehabilitation and social adjustment of prostitutes only or whether those measures were to be extended to their dependants.

The meeting rose at 1 p.m.

TWO HUNDRED AND FORTY-FIFTH MEETING

Held at Lake Success, New York, on Monday, 10 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 17 *(continued)*

1. The CHAIRMAN said that, as most of the amendments to article 17 submitted at the previous meeting had been withdrawn, the Committee had before it only two amendments: one by the delegation of Afghanistan, the other submitted jointly by the United Kingdom and New Zealand (A/C.3/L.15).

2. Mrs. ROOSEVELT (United States of America) said that the United States could not accept the Afghan amendment to replace the word "or" at the beginning of the text by the word "and". In fact, the Federal Government could undertake no engagement that would commit it to action beyond its powers.

3. Mr. BOKHARI (Pakistan) thought that the same difficulty existed for all Governments. The Afghan amendment would oblige Governments to intervene with private organizations which would thereby lose their individual character. It was therefore necessary to retain the conjunction "or".

4. The CHAIRMAN requested the Committee to take a decision on the Afghan amendment.

The amendment was rejected by 25 votes to 13, with 7 abstentions.

5. The CHAIRMAN asked the Committee to take a decision on the amendment submitted jointly by the United Kingdom and New Zealand, to modify the last phrase of article 17 as follows: "for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in this Convention".

The amendment was adopted by 43 votes to none, with 7 abstentions.

6. The CHAIRMAN put article 17, as amended, to the vote.

Article 17, as amended, was adopted by 47 votes to none, with 3 abstentions.

ARTICLE 18

7. Mr. FREYRE (Brazil), basing his argument on the regulations governing the conditions under which aliens were admitted to his country, thought that the best method of combating the traffic in persons was to keep watch in the ports at which emigrants disembarked. He therefore proposed the addition in article 18, sub-paragraph *c*, of the words "and arrival" after the words "ports of embarkation". It was true that those words already appeared in sub-paragraph *a* but, in order to avoid any misunderstanding, they should be repeated in sub-paragraph *c*.

8. Mrs. ROOSEVELT (United States of America) pointed out that the United States delegation had submitted an amendment concerning only the English text of sub-paragraph *c*, to replace the words "to ensure the supervision of" by "to have a watch kept in" (A/C.3/L.13). In the United States, the railway stations and other places enumerated in the article in question were the property of private companies, and were thus free from State supervision. Admittedly, however, the State could carry out a certain degree of supervision. The United States delegation would therefore agree to withdraw its amendment on the understanding that the United States Government would not be expected to do more in that respect than it was already doing, namely, to have a watch kept in the places in question without being obliged to ensure such supervision.

9. Mr. BOKHARI (Pakistan) pointed out to the Brazilian representative that sub-paragraph *a* merely mentioned places of arrival and departure, whereas sub-paragraph *c* drew a distinction between ports and airports. He asked the Brazilian representative whether he would accept, instead of "ports of embarkation and arrival", the term "seaports".

10. Mr. FREYRE (Brazil) agreed to that proposal.

11. Mr. CONTOUMAS (Greece) shared the opinion of the Pakistan representative, but did not think the choice of the term "seaports" was a fortunate one as it would have the effect of limiting unduly the sphere of application of the convention, since there were many ports which were not seaports. The reference should be simply to "ports" and "airports".

12. Mr. RAMADAN (Egypt) observed that, while the original French text of sub-paragraph *a* contained the word *promulguer* (to promulgate), the revised text stated only that the parties undertook to *publier* (publish) the regulations in question. He proposed that the word *promulguer* should be retained, as it was stronger.

13. Mr. DELIERNEUX (Secretariat) said that the Egyptian representative's observation was entirely justified and that the original text should be restored.

14. Mrs. CASTLE (United Kingdom) said she agreed with the wording of the English text as it stood, and would not wish to see the word "publish" used.

15. The CHAIRMAN pointed out that the amendment to restore the word *promulguer* applied only to the French text; the words "to make such regulations" remained unchanged in the English text.

16. Mr. AZKOUL (Lebanon) thought it strange that under sub-paragraph *d* the parties to the convention undertook "to notify the appropriate authorities" when such authorities were their subordinates and not, obviously, foreign authorities. It would be preferable to say: "to take appropriate measures for the notification of the competent authorities . . ."

17. Mr. JOCKEL (Australia) requested the Secretariat representative to explain why, when the convention concerned the traffic in persons of either sex, the text of sub-paragraph *a* mentioned only women and children who were immigrants or emigrants: that seemed to imply a restriction.

18. Mr. DELIERNEUX (Secretariat), in reply to the Australian representative, recalled that article 18 had been taken from the 1904 convention which dealt mainly with the protection of women and children, who were more particularly exposed and vulnerable to danger.

19. Mr. JOCKEL (Australia) thought that the mention of women and children could be omitted and that it would be sufficient to say "the protection of immigrants or emigrants".

20. Mr. DELIERNEUX (Secretariat) pointed out that such wording would eliminate any idea of special protection for women and children. The following formula might perhaps be used: "for the protection of immigrants or emigrants and particularly women and children".

21. Mr. ALAMAHEYOU (Ethiopia) thought that sub-paragraph *a* would be more effective if the words "to them" were deleted after the word "necessary". The beginning of that paragraph would then read: "To make such regulations as may seem necessary for . . ."

22. Mr. NORIEGA (Mexico) noted that international traffic in persons could be carried on elsewhere than in railway stations, airports and seaports, and he wondered whether towns and frontier districts were covered by sub-paragraph *c* of article 18. Officials of the immigration services might carry out supervision in those places.

23. Mr. DELIERNEUX (Secretariat) thought that article 18 should not stipulate measures which it would, in practice, be impossible to apply. Governments could not be asked to supervise every road and every footpath, and that was why the Secretariat, while aware of the fact that traffic in persons, like any illicit traffic, could also be carried on by road, had not mentioned that point in article 18.

24. Mrs. ROOSEVELT (United States of America), having pointed out that the English text of sub-paragraph *d* should include the words "the principals or accomplices" in order to bring it into line with the French text, the CHAIRMAN said that the Secretariat would make the necessary change.

25. Mr. AZKOUL (Lebanon) noted that sub-paragraph *c* dealt with international traffic in persons, and wondered whether Governments should not also prevent the traffic which was carried on inside their countries. He therefore suggested the deletion of the adjective "international".

26. Mr. DELIERNEUX (Secretariat) having pointed out that article 18 dealt with the engagements which parties to the convention agreed to undertake in regard to immigration and emigration, which were essentially of an international nature, Mr. AZKOUL (Lebanon) said that he would not maintain his suggestion.

27. The CHAIRMAN asked the Committee to take a decision on article 18 and the amendments to it proposed by various representatives. He pointed out that the Egyptian amendment to retain the word *promulguer* concerned only the French text and suggested that the change should be made by the Secretariat.

It was so decided.

28. The CHAIRMAN put to the vote the Ethiopian amendment to delete the words "to them" in sub-paragraph *a*.

The amendment was adopted by 27 votes to 5, with 16 abstentions.

29. The CHAIRMAN put to the vote the Australian amendment, modified as suggested by the Secretariat representative, to use the following wording in sub-paragraph *a:* "for the protection of immigrants or emigrants and particularly women and children."

The amendment was adopted by 47 votes to none, with 6 abstentions.

30. The CHAIRMAN put to the vote the Brazilian amendment, modified as suggested by the representative of Pakistan, to use the word "seaports" instead of "ports of embarkation" in sub-paragraph *c.*

The amendment was adopted by 29 votes to 1, with 19 abstentions.

31. The CHAIRMAN asked the Committee to vote on the Lebanese amendment proposing that the beginning of sub-paragraph *d* should be altered to read: "to take appropriate measures for the notification of the competent authorities".

The amendment was adopted by 17 votes to 1, with 27 abstentions.

32. The CHAIRMAN put to the vote the text of article 18 as a whole, as modified by the amendments previously adopted.

Article 18 was adopted by 44 votes to none, with 4 abstentions.

33. Mr. NORIEGA (Mexico) pointed out that the Spanish text of article 18 did not agree exactly with the French and English texts. The drafting committee responsible for drawing up the final text of the convention would have to establish concordance on the basis of the French text.

ARTICLE 21

34. Mrs. ROOSEVELT (United States of America) stated that her delegation was prepared to support article 21. She would, however, like to make it clear that supervision of employment agencies would involve for the United States Government the exercise of an authority which it did not have. Even with the inclusion in the draft convention of a "federal-State" article as proposed by her delegation for article 30, it should be clearly recorded as the understanding of the United States delegation that the obligation of the United States Government, under article 21, would be limited to the punishment of employment agencies which committed offences involving the transportation of females, or their enticement to go from one place to another, in interstate or foreign commerce for purposes of prostitution, or the importation of aliens into the United States for purposes of prostitution.

35. Mr. KATZNELSON (Israel) pointed out that it was women and children in search of employment who were most exposed to the danger of prostitution. It would, therefore, be advisable to make special mention of them in article 21, and he proposed the addition after the words "seeking employment", of the words "particularly women and children".

36. The CHAIRMAN put to the vote the amendment proposed by the representative of Israel.

The amendment was adopted by 31 votes to none, with 10 abstentions.

Article 21, as amended, was adopted by 48 votes to none, with 1 abstention.

ARTICLE 22

37. Mr. JOCKEL (Australia) asked whether a similar article was included in previous conventions. He was particularly anxious to know what the financial implications of the article were and whether its adoption would involve Governments in any additional expense. Would it not be preferable for the United Nations to formulate the request as a resolution addressed not only to the States parties to the convention but to all Member States?

38. Mr. DELIERNEUX (Secretariat) recalled that in 1946 the General Assembly had by its resolution 51 (I), requested the Secretary-General to assume the technical and non-political functions of the League of Nations. Those functions included the publication of a report on the measures adopted by Governments to combat the traffic in women and children. At its last session, the Social Commission had, for reasons of economy, recommended that the report should be published not every year but every two years.

39. The purpose of article 22 was to facilitate the Secretariat's task by imposing upon the parties to the convention the obligation to communicate such information regularly. It would not involve governments in any additional expense.

40. Mr. AZKOUL (Lebanon) pointed out that the first sentence of the French text of article 22 was ambiguous. It might be thought that the parties to the convention were bound to communicate to the Secretary-General all the laws and regulations already promulgated in their countries. It should, therefore, be made clear that the reference was only to laws relating to the subject of the convention.

41. The CHAIRMAN stated that the Secretariat would make the necessary change in the French text.

42. He put article 22 to the vote.

Article 22 was adopted by 46 votes to none, with 4 abstentions.

ARTICLE 23

43. The CHAIRMAN asked the Committee to consider article 23, to which two amendments had been submitted: one by the delegation of the Ukrainian SSR (A/C.3/L.10), and the other by the United States delegation (A/C.3/L.13).

44. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) stated that the actual aim of the convention did not interest the Ukrainian SSR, where the Soviet socialistic system had suppressed prostitution by means of social and legal measures. His delegation was perfectly aware that the convention would not remove the deep-lying causes of prostitution in the capitalist countries, but it recognized the need to combat them and it would therefore support the convention. In order, however, that it should be more effective, the convention should be modified and completed, and it was for that reason that his delegation had submitted amendments to articles 23, 24 and 27 (A/C.3/L.10).

45. With regard to the procedure mentioned in article 23 for the settlement of disputes which might arise in connexion with the interpretation or application of the convention, he pointed out that it could hardly be applied, since it was re-

quired that both parties to the dispute should agree to submit it to the International Court of Justice, and that they should both be parties to the Statute of the Court. That would not always be the case, and the settlement of disputes might thus be delayed. It was for that reason that his delegation proposed that instead of submitting the dispute to the International Court of Justice, the parties should submit it to a referee chosen by mutual agreement.

46. Mrs. ROOSEVELT (United States of America) said she approved of article 23 in principle but thought that in its existing form it was ambiguous. It did not make it clear whether the agreement of the parties to a dispute was necessary in order that the dispute should be referred to the International Court of Justice or whether it was sufficient that any one of the parties should ask for that to be done. That point required clarification, and that was just what the United States delegation had in view in proposing that the last clause should be modified to read: "the dispute shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice".

47. The United States delegation was opposed to the amendment submitted by the Ukrainian SSR because it was contrary to United Nations general policy, which was to make increasing use of the services of the International Court of Justice. The taking of all decisions concerning the interpretation and application of international conventions should be entrusted to one and the same body.

48. Mr. SUTCH (New Zealand) reminded the Committee that article 23 was based on the 1933 convention and the draft convention drawn up by the League of Nations in 1937. The Social Commission had made a slight change in the article in order to take account of an amendment similar to the one submitted by the delegation of the Ukrainian SSR. As representative of New Zealand, he had proposed that the words "by diplomatic means" should be replaced by the words "by other means". That wording did not exclude the possibility of settling disputes arising under the convention by means of arbitration, and it was that wording that the Commission had finally adopted.[1]

49. With regard to the United States amendment, he thought that if it were necessary to wait until one of the parties to the dispute had requested its reference to the International Court of Justice, it might very easily happen that the dispute would never be settled. If reference to the Court was obligatory, why should one of the parties to the dispute have to request such reference? If the procedure mentioned in article 23 was not in conformity with international practice, he thought the representative of the Legal Department would point that out.

50. Mr. SCHACHTER (Secretariat) remarked that under the existing text of article 23 or the text proposed by the United States delegation, the contracting parties were under obligation to refer the dispute to the International Court of Justice if it could not be settled by other means.

51. In addition, the proposed article would have the legal effect of conferring jurisdiction upon the Court, in accordance with article 36, paragraph 1, of the Statute of the Court. The question of jurisdiction, however, must be distinguished from that of procedure. The proposed article, while providing a legal basis for the Court's jurisdiction and entailing a legal obligation to refer disputes to the Court, did not mean that disputes were automatically considered by the Court. It was still necessary—and that was the answer to the query put by the New Zealand representative—for a State to lay the matter before the Court.

52. Procedurally, a dispute might be submitted to the Court in two ways; either following a special agreement between the parties to the dispute, or by a unilateral application by a single party on the basis of a provision of a convention such as the one under discussion. The United States amendment related to such a procedural aspect and would make it entirely clear that, on the basis of the proposed article, a dispute might be submitted to the Court by any one of the parties, acting unilaterally.

53. Mr. Schachter pointed out that the majority of international conventions entered into under the auspices of the League of Nations contained a provision similar to the one proposed by the United States delegation.

54. Mr. AZKOUL (Lebanon) drew attention to the importance of article 23 and the need for drafting it in terms allowing of precise legal interpretation.

55. The Lebanese delegation thought, in the first place, that General Assembly resolution 171 (II) C of 14 November 1947, favouring recourse to the International Court of Justice for any legal dispute arising between Member States, should be respected. The delegation did not, therefore, think that the Committee could retain the amendment submitted by the Ukrainian SSR, particularly since the existing text of article 23 in no way excluded the procedure advocated in the amendment.

56. The Lebanese delegation would, on the other hand, vote for the amendment submitted by the United States delegation. That amendment seemed, at first sight, to reduce the obligation of the parties to a dispute to submit their case to the International Court of Justice and to make that recourse optional. In fact, if any one State had the right to lay its dispute before the Court, the other party to the case would find itself obliged to accept the Court's jurisdiction. There could be no doubt on that point, whereas the original text of the article implied that consent of both parties was a preliminary condition of any appeal to the International Court of Justice.

57. In the second place, the Lebanese delegation considered that article 23 should be interpreted as making it obligatory for signatory States to submit to the International Court of Justice not only disputes relating to the application of the convention, but also any dispute arising from the refusal of one of the signatories to recognize the very existence of a dispute.

58. Mr. Azkoul did not think that the latter interpretation could be challenged, but if it were, he would reserve the right to present a formal amendment, so that there should be no doubt on a point to which his delegation attached importance, in order to avoid a recurrence of the situation with which the *Ad Hoc* Political Committee was then dealing.

[1] See document E/CN.5/SR.74.

59. Mr. BOKHARI (Pakistan) expressed his preference for the original text of article 23. He refrained for the time being from stating his opinion with regard to the interpretation given to that article by the representative of Lebanon; but he stated there and then his opposition to the Ukrainian and United States amendments.

60. The Ukrainian amendment limited the scope of article 23 in that it eliminated appeal to the International Court of Justice, while it introduced no new element, since arbitration was certainly included among the means of settlement to which the parties to a dispute were bound to have recourse, under article 23, before appealing to the Court.

61. Moreover, the purpose of the United States amendment might be praiseworthy, but the amendment itself was drafted in such a way as even to run counter to that purpose. In fact, far from making the meaning of article 23 clearer, it made it more obscure; in addition, it weakened its effect since, instead of making it compulsory to submit to the International Court of Justice any dispute relating to the application of the convention, it made such submission depend on the initiative of one of the parties.

62. Mr. CONTOUMAS (Greece) thought that, on the contrary, the United States amendment very happily defined the meaning to be given to article 23. The expression "the Parties concerned shall refer the dispute to the International Court of Justice", which appeared in the original text, might imply that the Court could only take cognizance of a case if all the parties concerned agreed to submit it. But international practice allowed any party to a dispute to bring that dispute before the International Court of Justice, even if the other party did not consent. That practice was already in operation at the time of the League of Nations and the Permanent Court of International Justice. The text advocated by the United States delegation would grant that right to all signatories of the future convention. The Greek delegation would therefore vote for its adoption.

63. Mr. Contoumas raised another question with regard to article 23. If the existing text was applied, the parties to a dispute could only appeal to the International Court of Justice after they had exhausted all other means of settlement at their disposal. Who was to judge whether that had been done? Would it be incumbent on the State wishing to bring the case before the Court to prove that it had exhausted all existing means of settlement? Mr. Contoumas pointed out that because of that difficulty most treaties of conciliation, arbitration or judicial settlement made detailed provision for the procedure which was to precede appeal to the International Court of Justice, as also the periods of time to be allowed at each stage of that procedure.

64. In the opinion of Mr. AQUINO (Philippines), there was no doubt that recourse to the International Court of Justice should be looked upon as the last stage of conciliation and it was for the Court itself to decide whether all other means of settlement had been exhausted or not. It was precisely because article 23 contemplated that the parties to a dispute would resort to all the means of settlement at their disposal, including arbitration, before appealing to the International Court of Justice, that the Philippines delegation considered the Ukrainian amendment as restrictive, and would vote against it.

65. Although the jurisdiction of the International Court of Justice would undoubtedly extend to all disputes relating to the application of the convention, the Court would not, however, automatically take cognizance of such cases; the latter would have to be submitted to it. They could only be submitted by one of the parties to the dispute. The other party could then no more escape its jurisdiction than any person against whom an action for damages had been brought could escape the jurisdiction of the law courts. The United States amendment was thus of practical utility and the Philippines delegation would vote for it.

66. Finally, as regards the question raised by the representative of Lebanon, Mr. Aquino pointed out that any refusal to recognize the existence of a dispute was in itself a dispute. Mr. Azkoul's interpretation was beyond challenge and there seemed to be no point in making the text more explicit in that direction.

67. In reply to a question by Mr. NORIEGA (Mexico), Mr. SCHACHTER (Secretariat) stated that article 23 based the jurisdiction of the International Court of Justice on Article 36, paragraph 1, of the Statute of the Court, according to which the jurisdiction of the Court extended to "all matters specially provided for . . . in treaties and conventions in force". The Court would, therefore, be competent to settle any dispute relating to the application of the convention, even in cases where the signatory States had not made the declaration referred to in paragraph 2 of the same Article.

68. With regard to the interesting legal questions raised by the representative of Greece, Mr. Schachter pointed out that the question of its own jurisdiction would, of course, be decided by the Court itself if that jurisdiction were challenged.

69. Mr. Schachter did not think that too rigid an interpretation should be put upon the text under discussion, which had been drafted on the model of other arbitration clauses to be found in the majority of multilateral conventions concluded under the auspices of the United Nations, such as the Convention on the Prevention and Punishment of the Crime of Genocide, or the Convention on the International Transmission of News and the Right of Correction. It would be for the International Court of Justice to decide in the future on the practical application of that model clause. It would also, as the Philippines representative had said, have to determine whether the other methods of settlement had been exhausted or not.

70. Finally, Mr. Schachter pointed out to the representative of Pakistan that the United States amendment was concerned with a question of procedure. Under article 23, all signatories were obliged to bring their disputes, in the last resort, before the International Court of Justice. There were two ways of making an appeal; either by notification of a special agreement, or by application from one of the parties to the dispute. The United States amendment had the advantage of providing for the latter procedure, which would have to be applied in the absence of mutual agreement.

71. If the amendment were not adopted, article 23 would retain a certain ambiguity; Judge Hudson, who was an authority on the subject, had declared that in the absence of a special clause, unilateral appeal to the International Court of

Justice "may be possible". It was evident from the careful terms in which the statement was couched that it touched on a controversial matter. One could not, therefore, be too exact on the matter. At all events, the United States amendment left no room for ambiguity on the subject.

72. Mr. AZKOUL (Lebanon) stressed the interpretation to be given to article 23, as regards the jurisdiction of the International Court of Justice, not only for recognized disputes, but also for those of which one or more parties challenged the existence. The *Ad Hoc* Political Committee was discussing the question whether the United Nations could ask the International Court of Justice to hear and pass judgment on a matter dividing the signatories to the peace treaties with Romania, Hungary and Bulgaria, when one of the parties refused to recognize the existence of the dispute. That was a new situation in the history of diplomatic relations. The discussion which was taking place in the *Ad Hoc* Political Committee proved that the question raised certain doubts. There could be no doubts in the minds of the delegation of Lebanon, and for that reason it insisted the Committee should state its interpretation of article 23. If that interpretation was in conformity with its own, the delegation of Lebanon would not submit any formal amendment.

73. Commenting next on the United States amendment, Mr. Azkoul pointed out to the representative of Pakistan that the purpose of article 23 was not to oblige the parties to a dispute to appeal to the International Court of Justice in every case, but to enable them to do so each time they deemed it necessary.

74. The United States amendment had the merit of fulfilling that purpose exactly because, by granting one of the parties to a dispute the option of referring the question to the Court, it imposed on the other party the obligation of accepting the jurisdiction of the Court.

75. The obligation of appealing to the International Court of Justice seemed to be laid down more emphatically in the original text. In fact, by stating, "the Parties concerned shall refer the dispute to the International Court of Justice" one inferred: "if they agree". But, even admitting that mutual consent was not necessary, the practical difficulties of applying so vague a formula were not excluded, because the parties concerned could each shift upon the other the responsibility for an appeal to the Court.

76. Finally, Mr. Azkoul drew the attention of the representative of Greece to the fact that article 23 did not oblige the parties to a dispute to exhaust all the possible means of settlement before appealing to the International Court of Justice. In fact, the article stated that the parties concerned should refer the dispute to the Court, if that dispute could not be satisfactorily settled "by other means", and not "by all other means", at their disposal.

77. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) supported the Ukrainian amendment. Article 23, in its existing wording, could not apply to the case where one or more of the parties concerned had not adhered to the Statute of the International Court of Justice. Moreover, arbitration would solve an eventual dispute in a more cordial atmosphere than that of a judicial tribunal. That atmosphere was more propitious to final agreement, because the country on which the arbitral award had laid the blame would submit to it more willingly. Finally, by discarding the existing text, one could avoid the danger there might be of any country making fallacious accusations against another country and forcing that country to go before the International Court of Justice, where it would succeed in imposing its views on the majority of the judges and would thus obtain an award which would be tantamount to interference in the domestic affairs of the second country.

78. The delegation of Byelorussian SSR hoped that the Committee would not maintain the text as it stood. It would vote against the United States amendment.

79. Mr. OTAÑO VILANOVA (Argentina) recalled the fact that his country was one of the most ardent defenders of the system of the peaceful settlement of disputes. It had not hesitated to accept arbitration procedure even when important territorial interests were at stake. However, Argentina had always refused to limit its freedom of choosing the most appropriate procedure for each particular case. His delegation would willingly agree to a text which would make it possible to choose, in the case of a dispute concerning the interpretation of the convention, between arbitration and an appeal to the International Court of Justice. For lack of such a text, it would vote for the Ukrainian SSR amendment, which corresponded to Argentina's traditional attitude.

80. Mr. BOKHARI (Pakistan), while approving the principle which had inspired the United States amendment, did not think that the wording was felicitous. The representative of the Secretariat had said that, if that amendment were adopted, one of the parties "might" refer the dispute to the International Court of Justice. According to the representative of Lebanon, one of the parties "would have the right" to refer to the Court. The two interpretations stressed the optional nature which the appeal to the Court would have. Because, if one of the parties "might" refer the dispute to that Court, it could also not do so. If it had the right to do so, it could also not exercise that right. One could perfectly well foresee a situation in which none of the parties would use that right.

81. In its existing wording, article 23 provided for quite a different situation. The two parties were obliged to refer the dispute to the International Court of Justice. Any possibility of avoiding that obligation was excluded. The obligation defined by the original text was therefore preferable, because it was more precise.

82. Mr. CISNEROS (Peru) stated that his delegation would have voted for article 23 in the conviction that the International Court of Justice would take cognizance of a dispute only in the case where the two parties were agreed to refer the dispute to it. But several speakers had just contested that interpretation. The differences of interpretation to which article 23 had given rise stressed the necessity of appealing to the wisdom of the Sixth Committee.

83. The representative of Peru proposed that article 23 should be referred to that Committee, together with the summary of the discussion to which that article had given rise in the Third Committee.

84. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) was surprised to hear that his delegation's amendment excluded the jurisdiction of the International Court of Justice. Nothing in that amendment lent itself to such an interpretation. It was a question of calling upon an arbiter whom the parties were to choose by mutual agreement. Nothing prevented the parties from designating the International Court of Justice as an arbiter. Far from being restrictive in character, as the representative of the Philippines had stated, the amendment aimed at broadening the scope of article 23.

85. The representative of the Ukrainian SSR was opposed to the United States amendment. Moreover, he warned the Committee that certain countries would hesitate to sign the convention should the obligation to have recourse to the International Court of Justice be maintained.

86. Mr. CHA (China) was opposed to referring article 23 to the Sixth Committee.

87. Mr. CONTOUMAS (Greece) wished to know what the Committee proposed asking the Sixth Committee. Was it a new text of article 23, or an opinion concerning the legal implications of the existing text and the amendments submitted to it? But the problems arising with regard to that article were perfectly simple, and the Third Committee should decide them. In the first place, the question was whether the International Court of Justice should take cognizance of disputes concerning the interpretation of the convention. In the second place, it had to be decided whether it sufficed for one of the parties to lodge a complaint to that effect before the Court.

88. Mrs. ROOSEVELT (United States of America) recalled the fact that the Committee had asked the Sixth Committee to examine the whole draft convention and to state its opinion concerning all the articles which had legal implications. In the circumstance, that should be enough. There was no reason to postpone the decision concerning article 23 any further.

89. The CHAIRMAN put to the vote the proposal of the delegation of Peru to refer article 23 to the Sixth Committee.

That proposal was rejected by 30 votes to 4, with 16 abstentions.

90. The CHAIRMAN put to the vote the Ukrainian amendment, which consisted in replacing the words: "to the International Court of Justice" by the words: "for settlement to an arbiter to be chosen by mutual agreement between them".

That amendment was rejected by 28 votes to 9, with 11 abstentions.

91. The CHAIRMAN put to the vote the United States amendment to replace article 23 by the following text (A/C.3/L.13):

> "If any dispute shall arise between the Parties to this Convention relating to its interpretation or application and if such dispute cannot be satisfactorily settled by other means, the dispute shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice."

That amendment was adopted by 21 votes to 17, with 10 abstentions.

92. Since the adopted text was substituted for the original text of article 23, the CHAIRMAN stated that it was not necessary to vote again on the whole article.

ARTICLES 24 AND 27

93. Mrs. CASTLE (United Kingdom) proposed postponing the discussion on article 24 until the Committee had begun the examination of article 27, since the Ukrainian amendment concerning article 24 logically implied the deletion of article 27.

That proposal was adopted by 30 votes to 5, with 10 abstentions.

The meeting rose at 5.55 p.m.

TWO HUNDRED AND FORTY-SIXTH MEETING

Held at Lake Success, New York, on Tuesday, 11 October 1949, at 10.45 a.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)*

ARTICLES 24 AND 27 *(continued)*

1. The CHAIRMAN reminded the Committee that it had been decided at the previous meeting that article 27 should be examined before article 24. He placed before the Committee the United States amendment to article 27 (A/C.3/L.13) and the amendments to articles 24 and 27 submitted by the delegation of the Ukrainian Soviet Socialist Republic (A/C.3/L.10).

2. Replying to the representative of PAKISTAN, the CHAIRMAN said that representatives could refer to the substance of article 24 when they spoke on article 27, as the Committee had decided that those articles were closely interrelated.

3. Mr. NORIEGA (Mexico) said that experience had shown that the Powers administering Non-Self-Governing and Trust Territories did not fulfil their obligations, under Chapters XI, XII and XIII of the Charter of the United Nations, to encourage political and social development in such territories. At the previous meeting, representatives of the Administering Authorities had stated that the provisions of the draft convention could not be extended automatically to non-metropolitan territories owing to the existence of organs of local self-government there. That argument could not possibly be valid for Trust Territories because they were not colonies and could not, therefore, be subject to a colonial application clause. At least seventeen million persons lived under the Trusteeship System; the Third Committee of the General Assembly was directly responsible for them as far as social affairs were concerned. Furthermore, nowhere in the Trust Territories were there responsible legislative bodies of local self-govern-

ment; the Territories were administered by ordinances approved by the metropolitan Authority. It was hard to see what objection could be raised to the automatic application to Trust Territories of instruments adopted by the United Nations, the body directly responsible for their welfare.

4. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic), introducing his proposal for the deletion of article 27 (A/C.3/L.10), said that retention of the article would reduce the effectiveness of the convention as a whole because it would tend to promote, or at least not to check, the traffic in persons in the very areas in which conditions particularly favoured its existence. The General Assembly at its second session had decided in resolution 126 (II) that the colonial application clause should be removed from the conventions of 1921 and 1933. To revive that clause would have a deplorable effect on public opinion and would, moreover, be in flagrant contradiction to the relevant provisions of the Charter. Under article 27 the metropolitan Powers would be absolved from the obligation to combat the traffic in persons in the territories administered by them.

5. If article 27 were deleted, certain changes would have to be made in article 24, as proposed in his amendment (A/C.3/L.10). In its existing form, that article called for discrimination, as under it, the convention would apply to Trust Territories under the administration of the United Nations, but not to other Non-Self-Governing Territories. Such a restriction could not be justified. The Ukrainian amendment extended the scope of application to include all the territories for which a State signatory to or accepting the convention was internationally responsible. Such a conception was fully in accord with Article 76 *b* of the Charter and with the spirit of resolution 126 (II) of the General Assembly.

6. Mr. SUTCH (New Zealand) explained that the Social Commission had based its version of the colonial application clause on that adopted by a considerable majority of the Third Committee in connexion with the Convention on the International Transmission of News and the Right of Correction. The Commission had been in session at the time when the Third Committee had taken that decision and had adopted that text by an almost equally large majority. The Social Commission, like the Third Committee during its third session, had been anxious to adopt the most progressive and strongest clause on which a wide measure of agreement was possible. It had been generally agreed that the existing text fulfilled that intention as adequately as was possible in view of the fact that certain of the metropolitan Powers possessed Non-Self-Governing Territories which had legislative assemblies in the process of attaining complete self-government. Those metropolitan Powers had felt themselves unable to sign a convention on behalf of such territories. That had precluded them from agreeing with arguments, such as that of the Ukrainian representative, that the deletion of the clause would be more advisable since, if it were so deleted, the metropolitan Powers would be unable to sign the convention on behalf of all the territories for which they were internationally responsible. The Social Commission had believed that some statement of the colonial application clause was particularly necessary with regard to a question involving criminal law, because a number of territories had powers of domestic jurisdiction in that respect.

7. In its efforts to obtain the widest possible application of the article, the Social Commission had laid emphasis on the phrase "as soon as possible" in the second paragraph. The phrase might be open to objection as unduly vague, but it did at least take into account the necessity for the consent of the Non-Self-Governing Territories.

8. Moreover, by providing for the transmission of the convention to the territories in question, the Social Commission had ensured that they should be aware that such an opportunity was open to them. The procedure might be regarded as cumbersome, but it reflected the contemporary practice of the United Nations.

9. The Social Commission had felt the need for uniformity in the wording of a colonial application clause, but had found that no such uniform wording existed in the international instruments of the United Nations and had therefore decided to adopt the form approved by the Third Committee at the third session.

10. With regard to his own country, it felt very strongly that the convention should be applied universally and would certainly apply it to the Trust Territory under its own administration.

11. Mr. BOKHARI (Pakistan) regretted the Committee's decision that article 27 should be examined before article 24, because he would have wished to vote for the Ukrainian amendment to the former article (A/C.3/L.10). He was however precluded from doing so: his delegation felt very strongly that a constitutional responsibility to extend the application of the convention to their colonies should be laid upon the colonial Powers, as the Ukrainian amendment to article 24 sought to do. Article 27 contained only a moral obligation. If article 24, as amended by the Ukrainian proposal, had been adopted before article 27, the latter, as the weaker statement of obligation, would have become redundant. If, however, the Ukrainian proposal for the deletion of article 27 were rejected as well as that delegation's amendment to article 24, something at least would have been retained—the moral obligation imposed upon the Administering Powers. Such a decision would, however, be less desirable than the amendment of article 24.

12. The imposition of a constitutional obligation was in his opinion essential, because any claim that a colonial country was independent was always open to doubt and should be most carefully examined. A very exact definition of any such asserted independence must be demanded. A colonial country might be close to self-government in many respects, but in practice, the metropolitan country invariably retained some control over measures adopted locally which might be unwelcome to its wider interests. Local legislative bodies varied widely in quality, powers and the degree of representativeness. The metropolitan Power might encourage the adoption by local legislatures of very admirable measures; it might aid them to pass unpopular but beneficial laws; invariably, however, it retained an overriding power of veto. The metropolitan Powers therefore, could not escape their constitutional responsibilities.

13. Mrs. KALINOWSKA (Poland) said that the exclusion of the dependent territories from the application of the convention would tend to per-

petuate backward conditions there, in violation of Articles 73 and 76 of the Charter. Such conditions would impede the political, economic, social and educational advancement of the inhabitants, whereas the Members of the United Nations which had responsibilities for the administration of such territories had pledged themselves to promote their well-being. The draft convention for the suppression of the traffic in persons should be enforced most particularly in the backward areas because it was precisely there that the traffic flourished most vigorously, especially in the form of child prostitution.

14. The *Summaries and Analyses of Information transmitted to the Secretary-General during 1948*, concerning Non-Self-Governing Territories, contained details of such child prostitution in Nigeria (page 642). Of 838 cases of girls dealt with by social welfare workers, about one-fifth had, according to that report, been cases of prostitution or had bordered on prostitution and sexual exploitation. Those details were taken from the analyses dealing with only one of the very many Non-Self-Governing Territories. Such examples were self-explanatory. The moral responsibility incumbent upon the Committee was a very serious one. She would therefore vote for the Ukrainian amendments.

15. Mr. JOCKEL (Australia) did not think it served any useful purpose to discuss the same subject over and over again. In his opinion, the article which had been adopted for the Convention on the International Transmission of News and the Right of Correction represented a successful compromise solution.

16. The representative of Mexico had stated that there was a tendency for the metropolitan Powers to prevent social and political progress from reaching the Non-Self-Governing Territories. Mr. Jockel replied to that statement by illustrations from his own Government's record in extending the application of international conventions to the Non-Self-Governing Territories in its charge. Both the 1948 Protocol bringing under international control drugs outside the scope of the Convention of 1931 and the Convention on the Prevention and Punishment of the Crime of Genocide had been signed by his Government and their application had been immediately extended to the colonial territories. As Australia was one of the few countries to have ratified the convention on genocide, the colonial territories for whose international relations it was responsible were in advance of many independent sovereign States in that respect. He felt that article 27 should be retained, since it was necessary for constitutional procedure, and the metropolitan Powers could be trusted to implement its provisions in good faith.

17. Mrs. CASTLE (United Kingdom) referring to the speech of the representative of Mexico, said that she too supported the reference to Trust Territories in article 24. She was, however, opposed to the deletion of article 27 proposed by the Ukrainian representative. As the representative of New Zealand had clearly shown, the article represented the widest area of agreement which it had so far been possible to achieve concerning the colonial application clause. In her opinion, it would be a retrograde step to abandon that measure of agreement.

18. Her delegation, however, did not base its opposition to the Ukrainian proposal solely on the grounds of historical precedent. Its attitude was based on the actual merits of the case. The Ukrainian representative had quoted the United Nations Charter and reminded the metropolitan Powers of their obligations. Mrs. Castle stated that the metropolitan Powers took their obligation to develop self-government in the dependent territories seriously and it would be totally incompatible with that obligation, set forth in Article 73 of the Charter, to enforce adherence to an international convention without consulting the local organs of self-government.

19. The representative of Pakistan had interpreted the responsibilities of the metropolitan Powers as meaning that they should enforce adherence to international conventions, while the metropolitan Powers themselves interpreted their responsibility as meaning that they should promote development towards self-government in their dependent territories. The metropolitan Powers were attempting to give the Non-Self-Governing Territories as much responsibility as possible over their internal affairs and it would be incompatible with that policy to compel the territories to adhere to a convention without consulting the local legislative council. If the United Kingdom itself ratified a convention it would naturally recommend that the territories in its charge should do likewise, but it would never compel them to do so. The adoption of the Ukrainian amendment would make such compulsion necessary and she therefore urged its rejection as it would be contrary to the principles of the Charter.

20. As for the allegations made by the representative of Poland, she did not think it was necessary to discuss them in detail, but emphasized that the territories administered by the United Kingdom were always open to inspection and that her Government was justly proud of its achievements in promoting the political advancement of Non-Self-Governing Territories.

21. Mrs. KRIPALANI (India) said that the discussion seemed to show an irreconcilable gulf between the two opposing viewpoints. The question had been frequently discussed in the past and would arise again in the future. Some satisfactory compromise solution should therefore be sought in order to obtain the widest possible application of the convention. Her delegation was very anxious that the application of the convention should be extended to the Non-Self-Governing Territories because, if large areas remained outside the scope of the convention, they would naturally attract all the illicit traffic and the purposes of the convention would be defeated.

22. So long as the metropolitan Powers maintained their attitude, it would not seem possible to ensure the automatic application of the convention to the colonial territories. She therefore suggested, as a compromise solution, that the following paragraph should be added to the end of article 27 (A/C.3/L.16):

"(*d*) Any such State as is referred to in this Article shall within a year of the date of signature or of deposit of its formal instrument of acceptance and thereafter at the end of every succeeding year notify to the Secretary-General the territories mentioned in sub-paragraphs *a, b, c* of the third paragraph of this article, to which the provisions of this Convention have not yet been applied, stating the reasons therefor."

23. The CHAIRMAN said that, strictly speaking, the Indian amendment was out of order, but in view of the importance of the question he hoped the Committee would agree to consider it. In accordance with rule 112 of the rules of procedure a two-thirds majority would be needed to reverse the Committee's previous decision concerning the time limit for the submission of substantive amendments.

24. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) said that he would prefer to have the Russian text of the amendment before deciding whether or not the Committee should discuss it. He therefore requested that the vote on the subject should be postponed.

25. The CHAIRMAN decided to postpone the vote on the Indian amendment.

26. Mr. AQUINO (Philippines) said that it was the usual practice, when discussing the colonial application clause, to rely on the precedents established by earlier conventions. It could not, however, be contended that the United Nations had yet succeeded in drafting an ideal colonial application clause. The reference to precedents was therefore not very valuable. Several representatives had argued in favour of retaining article 27 in its existing form on the grounds that it was based on the article adopted for the Convention on the International Transmission of News and the Right of Correction. The comparison was not very convincing because the provisions of that convention had affected the metropolitan Powers far more than the colonies, while it could not be held that prostitution was of little concern to colonial territories. Indeed the representative of Poland had shown very clearly that prostitution was a chronic social evil in such territories and Mr. Aquino urged the members of the Committee not to lose sight of that fact.

27. As the metropolitan Powers were responsible for the international relations of their colonial territories, he thought they should also assume the responsibility for the enforcement of an international convention in such territories. Much had been said about the measure of self-government that had already been granted to the colonial peoples, but the fact remained that they did not have any constitutional means at their disposal to enable them to enforce the convention. It was clearly and undeniably the responsibility of the metropolitan Powers to enforce the convention and to see that prostitution was eradicated from their colonies. Under Article 73 of the Charter they had undertaken to promote the social advancement of Non-Self-Governing Territories and the eradication of prostitution was a part of that undertaking.

28. The metropolitan Powers had stated that they could not force dependent territories to become parties to the convention because the territories were themselves responsible for their own internal affairs. Mr. Aquino pointed out that there were various military bases in the Non-Self-Governing Territories which would not come within their domestic jurisdiction. Thus, if the metropolitan Powers did not undertake the responsibility in the matter, prostitution would continue to flourish in such areas.

29. If it had been possible to consider articles 24 and 27 together, he would have supported the Ukrainian amendment to article 24. As the Committee had decided to take article 27 first, he would support the Indian amendment, which would provide an additional safeguard if article 27 were retained.

30. Mrs. ROOSEVELT (United States of America) said that her delegation supported the first and second paragraphs of the existing text of article 27. Her Government naturally agreed that prostitution should be eradicated from Non-Self-Governing Territories, together with all other social evils. Yet it seemed necessary, at the same time, to take into consideration the various stages of the constitutional development reached by the territories in question. In some cases, for instance, it would be impossible to apply the convention automatically.

31. In connexion with all the arguments both for and aganist the so-called colonial clause, she believed that the main problem before the Committee was to decide whether, as a primary step towards self-government in the Non-Self-Governing Territories, the peoples concerned should be encouraged to assume a certain measure of responsibility in some fields. She would not deny that such a system did not always work perfectly, or that the metropolitan Powers did not, at times, use their influence. She felt, however, that the principle itself should not be discarded lightly because the gradual transfer of responsibility to non-self-governing peoples was an essential step in their development towards the ultimate goal of freedom and independence.

32. It was, of course, possible to cite cases when the imposition of beneficial measures by force might lead to better results. That was the main argument advanced by the upholders of a system of benevolent dictatorship. When people believed in real democracy, however, they preferred to advance slowly and even to make mistakes rather than to jeopardize the essential foundation of democracy itself.

33. She then proposed that the words "the notification" in the last sentence of the first paragraph should be changed into "such notification" and that the third paragraph should be deleted altogether. Indeed, there was no reason whatever to doubt that the metropolitan Powers would, as a matter of course, transmit the convention to the responsible authorities of any territory for the international relations of which they were responsible.

34. In conclusion, she wished to point out that any convention signed by her Government extended automatically to all territories under its jurisdiction unless exceptions were specifically mentioned. The convention would, therefore, automatically extend to all areas administered by the United States.

35. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) said that article 27 was nothing but the well-known "colonial clause" reintroduced under the pretext of safeguarding the rights of non-self-governing peoples. His delegation had always upheld the principle of equality among all peoples and could not, therefore, condone any discrimination in the matter.

36. The question was all the more important as the Polish representative had rightly pointed out that prostitution flourished particularly in the colonies and Non-Self-Governing Territories. It had

been argued that each colony should be allowed to decide for itself. Yet the representative of Pakistan had proved how illusory and fictitious was the autonomy of any of those Non-Self-Governing Territories. The United States representative had laid much stress on the need to preserve the basis of real democracy. Remembering how the same representative had in the past voted against the principle of equal pay for equal work for men and women, he felt that her conception of democracy was somewhat different from his.

37. The representatives of the United Kingdom and the United States were prolific in their protestations of good faith concerning the administration of Non-Self-Governing Territories, but when it came to deeds, they always found some reason or other for not fulfilling their promises.

38. It had also been argued that the convention on the international transmission of news contained a similar clause; the fact that a mistake had been made once did not mean that it should be repeated *ad infinitum*. He would therefore support the Ukrainian proposal to delete article 27.

39. Mr. CONTOUMAS (Greece) said that the loftiest plans, when not based upon wisdom, often came to naught. Long endeavour had been needed to set up an effective system for the suppression of the traffic in persons and of prostitution in independent and civilized countries. Hence, at a time when the possibility of extending the benefits of that convention to less-developed nations was under discussion, it would be rash to assume that the provisions of that convention could be put into practice immediately in all independent and civilized countries. The extremely animated discussion on the French amendment to article 6 of the draft had been sufficient proof to the contrary. It was useless to imagine that by a stroke of the pen nations less advanced in social reforms could be brought to achieve perfection such as the other nations themselves often found difficulty in attaining.

40. Moreover, there was no cause for concern over the effects of applying article 27. By the fact of signing the United Nations Charter, Powers responsible for the administration of Non-Self-Governing Territories (colonies) or Trust Territories had admitted, in principle, that the interests of the inhabitants of those territories should predominate, and the action of those Powers was controlled and supervised by the Trusteeship Council. In the circumstances, the best thing to do was to leave to those Powers the responsibility of deciding, in the light of the conditions prevailing in each individual territory, to what extent it might prove possible and desirable to extend the operation of the convention in specific cases.

41. Referring to the Indian amendment, he said that in his opinion the Administering Powers would never find it difficult to explain, should the case arise, why the provisions of the conventions had not been applied to any territory, as their decision either way could only be governed by the soundest reasons.

42. Mr. NORIEGA (Mexico) believed that the United States representative had displayed a certain lack of perspective when she had argued that democracy meant freedom for people to decide their own fate. That was true of sovereign and independent peoples, but not of the inhabitants of territories euphemistically designated as non-self-governing. The views expounded by the United States representative were inconsistent with the provisions of Chapter XI of the Charter. Indeed, had her argument been correct, there would have been no need for Abraham Lincoln to emancipate the slaves in the United States — they should have been left free to decide the question for themselves.

43. Furthermore, while he agreed with the United States representative that the Administering Authorities did not fail to carry out their obligations, he could not follow her so far as to agree that there was no need for the third paragraph of article 27. Indeed, the visiting mission sent by the Trusteeship Council to various West African territories the previous year had met there officials who had been most surprised to learn that the territories they administered were not colonies but Trust Territories of the United Nations. It was somewhat difficult, in such circumstances, to be quite certain that the convention would be transmitted to the responsible authorities of Non-Self-Governing Territories as a matter of course.

44. The Greek representative had laid much emphasis on the need to take existing circumstances and facts into account. It might be argued, therefore, that Administering Authorities should respect all existing tribal customs, even cannibalism, and that they were powerless to intervene in the matter.

45. The representative of New Zealand had, no doubt, had most cogent reasons for describing article 27 as a progressive clause. Unfortunately, however, he failed to see the progressive aspect of the colonial clause. With the exception, perhaps, of the French Union, it was a well known fact that all legislative bodies set up in Non-Self-Governing Territories were composed of members appointed by the governor of the territory and that no elections took place. Furthermore, their powers were restricted to purely local and municipal affairs, and the governor always enjoyed the right of veto over any decision taken by such bodies. It was difficult, therefore, to follow the arguments of those who maintained that article 27 was a progressive clause and that they could not extend the convention to the territories under their jurisdiction without first consulting the inhabitants themselves. During the discussion on article 6, the French amendment had been rejected on the ground that the convention should be universal in character — yet exactly the reverse was being argued in the Committee, namely, that the convention could not be universally applied.

46. He strongly believed that the convention should extend to all territories. Indeed, the unsatisfactory labour conditions in Non-Self-Governing Territories were mainly due to the fact that the provisions of various labour conventions did not apply in those territories. He therefore appealed to all members of the Committee to heed the voice of their conscience and vote for the deletion of article 27.

The meeting rose at 1.15 p.m.

TWO HUNDRED AND FORTY-SEVENTH MEETING

Held at Lake Success, New York, on Wednesday, 12 October 1949, at 10.45 a.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)*

ARTICLES 24 AND 27 *(continued)*

1. The CHAIRMAN called for a vote on the admissibility of the Indian amendment (A/C.3/L. 16). As the amendment had been submitted after the expiry of the time limit fixed by the Committee, a two-thirds majority vote would be needed before it could be discussed. He put to the vote the proposal that the amendment should be admitted.

The result of the vote was 21 in favour, 4 against, and 5 abstentions.

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

2. Mr. FREYRE (Brazil) was convinced that the convention should be applied equally in metropolitan countries and in Non-Self-Governing Territories. Since, however, there were some local organs of self-government in certain of the colonial territories, the metropolitan Powers had argued that they could not compel the territories in their charge to adhere to a convention without first consulting them. Admitting that the situation was a difficult one, he felt that the solution offered by the existing texts of articles 24 and 27, though not ideal, was acceptable as a temporary measure. He would, therefore, vote for the articles as they stood, together with the Indian amendment, which, if adopted, would provide additional safeguards and would represent a considerable step forward.

3. Mr. JOCKEL (Australia) supported the Indian amendment in principle but thought it would be better to incorporate it in a separate resolution rather than in the article itself. The amendment as it stood did not state what would happen to the communications to be sent to the Secretary-General, nor did it provide for them to be discussed or for any action to be taken in the matter. If, on the other hand, a separate resolution were adopted on the subject, the communications would automatically come up for discussion by the Committee of the Economic and Social Council which had been specially set up to supervise the implementation of resolutions on economic and social questions. In that way, appropriate action would be ensured.

4. He felt, moreover, that such a resolution should apply to all Member States and not only to the metropolitan Powers. If each Member State which failed to sign the convention was required to state its reasons, some constructive action might be taken. Finally, he mentioned that such a resolution had already been adopted in connexion with the 1948 Protocol bringing under International Control Drugs outside the Scope of the Convention of 1931 and in connexion with the Convention on the International Transmission of News and the Right of Correction.

5. Mr. KATZNELSON (Israel) said that, as his country had only recently become a Member of the United Nations, he had not participated in any of the previous discussions on the subject of the colonial application clause. On hearing all the arguments for the first time, he could see no reason why the convention should not apply automatically to the colonial territories as soon as the metropolitan Power became a party to it. During the discussion on article 23, which dealt with the settlement of disputes, he had argued in favour of achieving uniformity among the various international conventions. The plea for uniformity could not, however, apply where article 27 was concerned, because the aim of the convention was to eliminate certain criminal offences and there was no reason why such offences should not be eliminated in the colonial as well as the metropolitan territories. In his opinion, the eradication of prostitution and white slavery in colonial territories was the direct concern of the Powers responsible for their international relations. There was therefore no need to consult the colonial territories before extending the convention to them.

6. He agreed with the statement made by the United States representative at the previous meeting that the slow progress of democracy was preferable to the rapid advances that could be made under a benevolent dictatorship. Nevertheless, the United Nations represented a new form of international democracy and the plea of democratic principles was not sufficient justification for a refusal to extend a convention adopted by the United Nations to the colonial territories.

7. In principle, he supported the Ukrainian amendment (A/C.3/L.10) which proposed the deletion of article 27. Since, however, a vote in favour of deletion would have to be based on the assumption that the Ukrainian amendment to article 24 would subsequently be adopted, the position was extremely difficult. In those circumstances, he would be obliged to vote in favour of article 27 with the Indian amendment, in case the Ukrainian amendment to article 24 should later be rejected.

8. He suggested that article 24 should be put to the vote before article 27.

9. The CHAIRMAN said that a two-thirds majority vote would be required for the Committee to reverse its previous decision to discuss and vote on article 27 first.

10. Mrs. AFNAN (Iraq) said that, from the very outset, her delegation had always been particularly concerned with the fate of Non-Self-Governing Territories, and was proud to have assisted in drafting Articles 73 and 76 of the United Nations Charter. In her opinion, all the difficulties that had become apparent in the course of the discussion had their source in the anachronistic existence of Non-Self-Governing Territories at a time when an international organization was drafting a convention of such scope and magnitude as the one under discussion.

11. She agreed with the representatives of Pakistan and Israel that it would have been better to vote on article 24 before article 27. It would then have been possible to adopt the Ukrainian amendment.

12. She could not support the existing text of article 27 but she would be prepared to support the Indian amendment. Some representatives had argued that the recognition of the moral responsibility of the metropolitan Powers to extend the convention to the territories in their charge was already a step forward. She emphasized, however, that such a moral responsibility was already implicit in Articles 73 and 76 of the Charter. Moreover, those who claimed the precedent of the Convention on the International Transmission of News and the Right of Correction seemed to be wilfully ignoring the essential differences between that convention and the one under discussion.

13. She appreciated the concern of the United Kingdom delegation to promote the development of colonial peoples by giving them responsibility rather than by dictating to them, but she did not think it would be really incompatible with that policy for the metropolitan Powers automatically to extend the benefits of the convention to the territories in their charge. They were internationally responsible for those territories and the convention was an international document. It seemed almost cynical to talk of democracy in connexion with non-self-governing peoples and those who took it upon themselves to decide whether a territory was fit for self-government could surely also undertake to extend a convention which they accepted for themselves to the territories in their charge.

14. Mr. PLEJIC (Yugoslavia) said that each time the colonial application clause came up for discussion the metropolitan Powers consistently refused to assume the legal obligation of extending the provisions of an international convention to their colonial territories. They continually raised constitutional objections instead of abiding by the solemn obligations they had undertaken when signing the Charter. The new arguments that had been raised during the current discussion seemed to show that the metropolitan Powers were themselves aware of the inadequacy of the old ones. It was alleged that the colonial application clause was a sign of progress and the precedents of similar articles already adopted for other conventions were cited.

15. He emphasized that the colonial system was in itself a temporary arrangement and that it was the duty of the metropolitan Powers to hasten the development of their dependent territories towards self-government. Nevertheless, they were contending that the clause which would confirm the colonial territories in their state of dependence was a sign of progress and they were attempting to give a permanent status to provisions which hampered the development of colonies towards independence.

16. His delegation was, as always, strongly opposed to the attitude taken by the metropolitan Powers. In his opinion, the benefits of all international conventions should be extended to the colonial territories, particularly if such conventions dealt with social and humanitarian subjects. Prostitution was a very serious problem in the colonial territories and the peoples of those territories should not be deprived of the benefits of the convention. He would therefore vote in favour of the Ukrainian amendment proposing the deletion of article 27.

17. Mr. PITTALUGA (Uruguay) said that the main objective of the convention would be defeated if it was not universally applied. He shared the view of the representative of Mexico that the convention should be applied automatically at least to the Trust Territories, and he was glad that the United Kingdom representative also shared that view. The interpretation of Article 73 of the Charter had already given rise to much discussion and he did not think it would be very useful to pursue that line of argument.

18. If the greatest possible number of ratifications was to be obtained, a compromise solution should be sought. He would therefore be willing to support the suggestion made by the representative of India.

19. Mr. PANYUSHKIN (Union of Soviet Republics) wondered why the representatives of the colonial Powers were so anxious to adopt an article which would leave them free to decide whether or not the convention should be extended to the territories under their jurisdiction. Some light could be thrown on that subject by the official information available to the United Nations. Indeed, it was clear that the evils of prostitution and traffic in women and children were particularly flourishing in colonial and Non-Self-Governing Territories. For instance, the second report of the Singapore Health Department for 1947 stated that girls bought for sums ranging between 10 and 20 dollars could easily be resold to Singapore brothels for 700 or even 1,000 dollars; sixty young prostitutes detained in 1947 had been suffering from venereal disease. The summaries and analyses of information on Non-Self-Governing Territories transmitted to the Secretary-General in 1948 showed that a similar state of affairs prevailed in West African territories. The *Report on Eritrea* by the Four Power Commission of Investigation for the former Italian colonies showed that the number of prostitutes in the territory had increased four-fold between 1933 and 1947. During the period between January and November 1947, 2,748 unregistered prostitutes had been arrested in Eritrea as compared with 100 throughout the whole of 1939. The main responsibility for that shocking state of affairs rested with the colonial Powers. It should be clearly stated in the convention that the struggle against that evil could not be left to the discretion of the metropolitan countries.

20. The United Kingdom representative had argued that to delete article 27 would be inconsistent with the requirements of the Charter. He failed to see how the extension of the convention to colonies and Non-Self-Governing Territories could be inconsistent with the obligation assumed by the colonial Powers under Article 73 *a* of the Charter "to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses". The responsibility for extending the application of the convention to dependent territories rested entirely with the colonial Powers. He would therefore vote for the Ukrainian proposal to delete article 27, since that deletion would be fully in accordance with the spirit and the letter of the Charter.

21. Mr. KAYSER (France) said that the French delegation would have preferred a text for article 27 similar to those for which it had voted pre-

viously, but since that text of article 27 had already been incorporated in another convention and since it was advisable to ensure a certain amount of concordance between the various international conventions, he was resigned to supporting article 27 as submitted.

22. He could not leave unanswered the allegation that article 27 was an undemocratic clause. Indeed, the agreements concluded between the United Nations and various Administering Authorities under Article 73 of the Charter clearly stipulated that it was for the Administering Authorities to decide whether the provisions of certain international conventions should be extended to the territories under their jurisdiction. In his opinion, no action which was in accordance with the terms of the United Nations Charter could be described as undemocratic.

23. Moreover, the French Constitution was democratic. It provided for a system of consultation with the territories for the diplomatic representation of which France was responsible, and that was an essentially democratic constitutional process. It was important, therefore, that the convention should permit that system to be respected.

24. There were two observations he wished to make on the Indian amendment. He agreed that, according to that amendment, the States concerned should, within a year of adhering to the convention, notify the Secretary-General of those territories under their jurisdiction in which they had not applied its provisions, stating the reasons. He asked, however, whether there was any need to impose upon those States the obligation of repeating the same operation every succeeding year. In his opinion, it should be sufficient for them to inform the Secretary-General of any changes which might have occurred in that field in the territories under their jurisdiction. Secondly, the adoption of the Indian amendment would lead to the creation of two categories of States: those which were obliged to report to the Secretary-General and those which were not. Countries which signed the convention would be under the obligation of reporting to the Secretary-General the reasons why certain territories had not acceded, whereas the countries which did not sign would not need to make known the reasons for their non-adherence. Thus, countries avoiding the application of the convention would escape obligations which would fall exclusively on the signatories to the convention.

25. Mrs. CASTLE (United Kingdom) recalled that during the course of the debate it had been asked how any effective advance could be made towards improved living conditions and higher social standards if the metropolitan Powers refused to assume any resposibility. She wished to make it quite clear that in supporting article 27 her Government in no way wished to evade its responsibility for promoting social advancement in the territoies under its administration, and that it would continue to promote such advancement by means of technical and financial assistance, as it had been doing for a long time past. The record of those efforts could be found in any of the United Kingdom colonial annual reports, as well as in the information sent to the Secretary-General in accordance with Article 73 *e* of the Charter.

26. The Polish and USSR representatives had mentioned several disturbing instances of the unsatisfactory social conditions existing in some territories under United Kingdom jurisdiction. She wished to observe in that connexion that the information, though perhaps adverse to her country, had been freely supplied by the United Kingdom Government itself. She would not deny the existence of serious social problems but it would be equally futile to deny that improvement was hindered by many obstacles and difficulties. Her Government was, however, fully aware of the situation and was doing its utmost to improve it. Indeed, if the Polish representative had not at the previous meeting confined her quotation to one single extract, it would have been clear to all that Nigeria was one of the three West African territories which had taken the lead in bringing into effect extensive modern legislation for dealing with juvenile delinquency, in organizing juvenile delinquency services and in establishing special social welfare departments for implementing their policy. Some details of the work being done in Lagos, for instance, could be found on page 646 of the publication quoted by the Polish representative.

27. The representative of Pakistan had implied that the arguments of the United Kingdom were in fact hypocritical because, as a metropolitan country, it retained a reserve power to override or to coerce colonial legislatures on all questions, including domestic matters. She wished to point out that a reserve power was very different from the power automatically to commit a colonial Government on a domestic matter. Although the United Kingdom Secretary of State for the Colonies had in many cases such a reserve power, he was not only most reluctant to use it but he would in fact, by using it, violate the basic principles of his country's colonial policy. If the reserve power were an effective part of United Kingdom colonial policy, there would be no reason for her Government to oppose the deletion of article 27. Indeed, such deletion would give her Government not a reserve power, to be used in the last resort, but an automatic power to be used at the very outset. The United Kingdom Government rejected that automatic power; it did not even want to use its reserve power. The representative of Pakistan displayed a certain lack of logic, therefore, when he argued that because the United Kingdom Government had the power to override legislatures, it should be compelled to use that power.

28. The representative of Israel had said that the United Nations represented a new form of international democracy which committed nations and not only Governments. She fully agreed that the United Nations should be made aware of the views of the peoples of the Non-Self-Governing Territories; and in that connexion she wished to recall that at the third session of the General Assembly the representative of the United Kingdom, Mr. Grantley Adams of Barbados, had explained the views of the peoples of the United Kingdom dependent territories on the question of the application of international conventions to Non-Self-Governing Territories. His speech, an extract from which she quoted from document A/PV.150, made it quite clear that the people of the territory from which he came, like the peoples of the other British dependent territories, would oppose having legislation forced upon them and would lose all respect for the United Nations if it were the cause of such dictation.

29. She did not oppose the Indian amendment, which sought to impose some supervision on the application of the convention in dependent territories, although the French representatives had rightly remarked that the metropolitan Powers would thus be somewhat penalized. She believed, however, that the same purpose could be achieved on an even wider basis, by involving all the Member States of the United Nations. To leave no doubt as to her Government's good faith in the matter she had submitted a draft resolution (A/C. 3/L.17) to that effect; it would be examined by the Committee as soon as feasible under the existing procedure.

30. Mrs. FORTANIER (Netherlands) believed that it was extremely important that the convention should apply to the largest possible number of countries. The existing text of article 27 fully met that requirement. The Ukrainian proposal to delete article 27 was unacceptable, since many countries could not, for constitutional reasons, undertake to apply a convention automatically in all the territories under their jurisdiction.

31. The problem of the colonial application clause had already been examined at great length in connexion with the Convention on the International Transmission of News and the Right of Correction, which contained a provision similar to article 27. She believed that it would be advisable to follow the precedent and thus ensure a certain amount of uniformity in the matter.

32. While fully appreciating the conciliatory tendency underlying the Indian amendment, she felt that the same purpose could be achieved by Article 73 *e* of the Charter. She would vote for the existing text of article 27.

33. In conclusion, she expressed her approval of the United Kingdom draft resolution, which obviated the disadvantages inherent in the Indian amendment while retaining its principle.

34. Mr. AQUINO (Philippines) said that, like the representatives of Pakistan and Israel, he would have voted for the Ukrainian amendment to article 27 had it not been decided that that vote should be taken before the vote on article 24. In the existing situation, he would vote for the Indian amendment to article 27 rather than for the deletion of that article.

35. It had been encouraging to find almost general agreement on the view that the responsibility for the application of the convention to the Non-Self-Governing Territories was incumbent upon the Governments responsible for their international relations, in accordance with Articles 73 and 76 of the Charter. The French representative's argument that France would be penalized unfairly if the Indian amendment were adopted could not be regarded as valid. The parties to a convention assumed the responsibility for applying it; if those parties were also metropolitan countries, they were bound by every standard of morality and law to assume a similar responsibility for their dependent countries. That was not penalization but an inherent responsibility. To argue that the Non-Self-Governing Territoies should have full rights to make such a decision while at the same time claiming that they were too immature to do so was inconsistent.

36. There were good legal grounds for stating that even if article 27 was deleted, the responsibility for the enforcement of the convention would still devolve upon the administering Powers. That legal obligation should, however, be explicitly stated, as it was in the Ukrainian amendment to article 24. The Indian amendment to article 27 in some measure provided a safeguard against any failure to comply with the requirement that the convention should be applied universally. The substance of that amendment had been incorporated — in a somewhat weaker form — in the draft resolution submitted by the United Kingdom delegation; that was tantamount to a tacit admission that it had been justified. It had been argued, however, that the inclusion of such a provision in the convention itself would hamper its implementation. That was untrue; the machinery of implementation would in practice be the same, provided that the resolution were genuinely carried out. Nevertheless, a resolution was less binding than an article of a convention and might give rise to the suspicion that some form of evasion was contemplated. However unjustified that suspicion might be, there should be no possibility of evasion with regard to precisely those areas in which the evil of prostitution was most prevalent.

37. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) was surprised that certain delegations had argued that they could not vote for the deletion of article 27 because it would not be possible to vote on article 24 previously. His own delegation had been well aware of the probable result of the United Kingdom's procedural proposal and had voted against it. The Philippine representative should therefore vote for the deletion of article 27 and then for the adoption of the Ukrainian amendment to article 24.

38. The Indian amendment to article 27 failed to serve the purpose intended, but rather gave the administering Powers greater latitude to evade full application of the convention. A country such as India, which had itself experienced the lack of self-government, should be particularly careful to see that an attempt to reach a compromise did not in practice lead to the sacrifice of the interests of millions of persons.

39. The arguments advanced against the Ukrainian amendment to article 27 had been neither new nor unexpected, nor, in his opinion, wholly devoid of hypocrisy. The representatives of the administering Powers had argued that their Governments had assumed the obligation to promote the development of self-government in the territories for which they were responsible and that the adoption of the Ukrainian amendment would delay such development. The relevant provisions of the Charter undoubtedly did confer that obligation, but in practice its fulfilment had been limited to mere promises. Not only had almost nothing been done to implement such obligations, but a great deal had been done in violation of them. That was the real reason for the attacks upon the Ukrainian amendment, which, in proposing the deletion of the colonial application clause, aimed at ensuring the full application of the convention to Non-Self-Governing Territories and, thereby, the prohibition of the type of traffic which was extensively practised by the nationals of such territories themselves.

40. It was difficult, in his opinion, to see how such measures as the abolition of brothels, the prohibition of the traffic in persons and the pun-

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 substtiute 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 Territoies 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 particular 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-thrids 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 o 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 populations 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-

tion country, cheap Mexican labour was imported for agricultural work in Texas. The Standard Oil Company of New Jersey was doing the same thing. More than half its tankers did not fly the American flag, and because the crews employed were not American, their wages were between 26 and 50 per cent less than those of American crews.

5. Discrimination against immigrant labour was most often and most strikingly exercised in the field of wages, in the employment of such labour for the hardest, unskilled work, and in the denial of opportunities for promotion and occupational training. He instanced in particular the case of Latin-American workers employed in industry in the state of Texas. The figures given in a report of the Public Works Administration for 1938 showed unequal treatment for foreign workers, in respect of wages.

6. No less marked a discrimination was to be observed in the field of industrial safety measures and hygiene, that is to say, in respect of the elementary requirements for the protection of the workers' lives and health. In several countries foreign workers who were the victims of accidents at work or contracted occupational diseases did not receive the allowances to which nationals were entitled under the social security system.

7. The housing conditions for immigrant workers were generally very bad. In Belgium and France, workers recruited from amongst displaced persons were accommodated with their families in wooden barracks or disused factories. The housing and sanitary conditions for immigrant workers from Latin America in the United States were still more terrible, and there was no lack of reports, and articles in the American Press on that matter. An article that had appeared in one of those papers stated that Mexican workers and their families in Texas lived in filthy, unsewered hovels. The well-water was contaminated and it was not therefore astonishing that the mortality rate amongst these immigrants was very high. A Polish-American paper also reported the complaints of displaced persons working on the Louisiana plantations.

8. With regard to labour contracts, he pointed out that observation of the facts in several immigration countries proved that such contracts remained a dead letter. There also, the displaced persons were most often the victims of such practices. In Belgium, displaced persons, including numerous Poles, had a labour contract which stipulated that they must work in the mines, although there were few miners among them. They were promised that after two years they would be permitted to choose other work, but, contrary to those promises, neither the Belgian authorities nor Belgian firms gave them an opportunity to find work in other branches of industry.

9. It was clear that men who migrated to foreign countries in search of work needed effective protection. The abuses of which these immigrants were the victims proved that such protection was not being extended to them. While almost all legislations recognized the equality of the economic and social rights of immigrant workers more or less, that principle was not observed in many countries. The General Assembly of the United Nations should urge all Member States to desist from discriminatory measures against such workers. It should request them to apply the rule by which the conditions of work, the wages and the advantages of social security enjoyed by the national workers should also be guaranteed for immigrant workers. The same should apply in regard to housing, medical assistance and the right to schooling and occupational training.

10. Particular attention should be given to trade union rights. Immigrants should enjoy full possession of those rights to enable them to affirm and defend their interest by trade union action. Recently, in various countries the danger to which an immigrant worker exposed himself when he took part in trade union action led by the national workers in defence of their rights had become obvious. For some time France had been expelling more and more immigrant workers who were becoming troublesome to the employers or to the authorities because they were claiming their rights as workers. Polish miners were arrested and expelled for taking part in strikes notwithstanding the fact that the Franco-Polish convention of 1920 which guaranteed trade union rights, including the right to strike, to Polish workers, was still in force. There had also been numerous cases of arrests of Polish workmen, whose only crime had been that of belonging to legal Polish organizations. Those men, who had not infringed the French laws in force, in any way, were arrested, brutally treated by the police and very often expelled without warning and without being able to take their personal effects with them. Those facts showed the importance of the principle of equal treatment for immigrant and national labour, in regard to freedom to belong to a trade union and to exercise trade union rights.

11. That question raised another problem not less important. That was the right of trade trade unions to take part in the negotiations between governments when agreements on immigration were drawn up. The immigrants, just as the labourers of the countries of immigration, should be allowed to voice their demands. The participation of trade unions would do much to prevent difficulties in the relationship between immigrants and local workers and to gain for the immigrants better working conditions.

12. In addition to the question of equality of treatment, Mr. Altman stressed the significance of two other problems which were particularly important for the protection of immigrant labour. The first was the question of remittance of a part of the salary earned by the immigrants to their families who had remained in the country of origin. That problem must be solved in the most satisfactory manner in order to prevent those families from being reduced to destitution. For that reason, the delegation of Poland proposed that agreements on immigration should contain binding clauses concerning the transference to the country of origin of the sums of money sent by emigrant workmen to their families.

13. In addition, the Polish draft resolution contained a proposal for the repatriation of immigrants at the expense of the country of immigration. The solution of that important problem would certainly do much to combat the shocking exploitation of foreign labour. Mr. Altman quoted in that respect a report on the living conditions of Italian immigrants in Latin America. Those workmen lived in terrible conditions and their only wish was to return to their country. How-

ever, they had no money to pay for their return passage, and the government or the employers of cover those expenses. Certain governments, as for cover those expenses. Certain Governments, as for instance that of Colombia, even required immigrants to prove that they had sufficient means to pay, if necessary, for the expenses of repatriation.

14. Mr. Altman could not ignore, in that respect, the varied obstacles raised by the French Government in order to hinder the repatriation of Polish workmen who had worked in France for years, while the same French Government persecuted and expelled Polish workmen who claimed their trade union rights. The French authorities hindered the organization of collective transport, refused the delivery of collective visas, made the customs formalities especially complicated, and so on.

15. The delegation of Poland was accustomed to see certain members of the Committee refuse to continue the discussion on the pretext that it was only a question of propaganda when the problems raised were not to their liking. However, the concrete proposals contained in the draft resolution of the Polish delegation were well-founded and could not be denied, because their fairness from the social and human viewpoints was evident.

16. Mr. Altman expected his delegation's proposal to be opposed on the ground that the problem of immigration, and particularly in regard to its social aspect, had already been settled by certain international instruments. It would be stated that it was within the competence of the specialized agencies, in particular the International Labour Organisation. To that argument, which would probably be put forward, Mr. Altman wished to reply that the Polish delegation was aware of the work of the International Labour Organisation in that field. Poland was a member of the ILO and had participated in its last conference in June, in the course of which the Convention concerning Migration for Employment, which was to replace that of 1939, had been adopted. He wished to point out that the ILO was not a universal organization: certain Member States of the United Nations did not belong to it. Moreover, the convention of 1949, and for that matter, all the other conventions of the ILO, would be binding only upon the members of that organization who ratified it, and that was most important. However, practice had unfortunately shown that the majority of member states of the ILO did not ratify the conventions adopted by that organization.

17. Without wishing to be a prophet of evil, Mr. Altman feared that the convention of 1949 would share the fate of scores of others which had not yet been ratified by a number of States, in spite of the fact that the clauses of that convention were far from taking into consideration the recommendations which the labour world formulated for the protection of immigrant workmen. In those conditions, a vote by the United Nations Assembly on a resolution concerning the fundamental rights of immigrant workmen would be much more efficacious.

18. In conclusion, Mr. Altman expressed the hope that the representatives, who wished to achieve effective and positive results for the protection of immigrant workmen, would not be influenced by a dispute concerning the competence of the United Nations and that of the specialized agencies, and that they would give their support to the proposal submitted by his delegation.

19. Mrs. CASTLE (United Kingdom) stated that she had listened with close attention to the remarks of the representative of Poland, but, in her opinion, he had given no conclusive reason for asking the Assembly to deal with the question of immigrant labour at that particular time. The representative of Poland had made allegations against several countries, and Mrs. Castle was surprised that the United Kingdom had been spared that time. That was perhaps because on three previous occasions, in the Economic and Social Council and the General Assembly, the delegation of the United Kingdom had not only refuted similar allegations against its country, but had also invited its critics to visit the country and ascertain the position for themselves. As yet none of the critics had accepted the invitation.

20. Speaking of the Polish draft resolution, Mrs. Castle stated that it contained several points of which the Committee and the General Assembly could approve in principle. There were others, however, to which her delegation could not agree. It might have been worth while to put that draft resolution in a form which would be acceptable to all. But in recent months the question of migrant labour had been dealt with in a most comprehensive way by the ILO, which was charged with the main responsibility in that field.

21. Mrs. Castle then proceeded to show why she proposed that there should be no further study of the question. The problem of immigrant labour was very complex and concerned several international organizations. Accordingly, some two years previously the Economic and Social Council had invited the specialized agencies concerned to co-operate in the examination of the question,[1] and agreement had been reached as to the allocation of functions between the various interested organizations. Naturally the Economic and Social Council maintained its general responsibility for co-ordinating and in a sense supervising action in that field, but it was not incorrect to say that the main responsibility for taking action relating to migrant labour had been laid upon the ILO.

22. In the spirit of the agreement, the ILO had applied itself in the previous two years to an intensive study of the problem, and had taken important action. In the two most recent sessions of the Permanent Migration Committee, which was composed of experts from the chief countries concerned, it had performed most valuable preparatory work. The International Labour Conference had then discussed the question, and it was to be noted that the representatives of fifty Member States who had taken part in the discussion had been authoritative representatives not only of their Governments, but—what was of especial importance in view of the nature of the problem—also of trade unions and managements. The discussions had been extremely successful. The Conference had adopted both a Convention and a Recommendation concerning migration for employment. Those instruments were very comprehensive and between them covered every aspect of the problem.

23. The Convention itself was relatively short, but it laid down most important principles. To it

[1] See *Resolutions adopted by the Economic and Social Council during its Fourth Session,* resolution 42 (IV).

were attached three annexes, two of which dealt in detail with the treatment to be accorded to migrants recruited respectively under government-sponsored schemes and under other arrangements. The third annex provided for the exemption from customs duty of the personal effects and tools of migrants on arrival in the county of immigration.

24. The Recommendation contained still more detailed provisions relating to the treatment of migrants for employment, and included a draft model agreement to be used as the basis for bilateral agreements between countries of emigration and of immigration where such agreements were deemed appropriate.

25. It was clear, therefore, that the Convention and Recommendation represented a considerable advance in the international treatment of a very important problem.

26. The United Kingdom representative thought all the points in the Polish draft resolution had been covered by the Convention and by the Recommendation adopted by the ILO. She proposed to review rapidly the various points of that resolution.

27. Taking first the preamble, she agreed that there might be cases of discrimination against immigrant labour, although she knew of none in her own country; but in her view the facts available did not justify a preamble drawn up in such sweeping terms. Whatever the facts, she considered that the way to deal with the situation was not to pass a resolution such as that before the Committee, but to put into effect much more binding instruments, such as the Convention and Recommendation recently adopted by the ILO.

28. The Polish representative had expressed the fear that the ILO Convention might remain a dead letter: that was a strange comment in view of the fact that the Polish delegation had voted against that Convention at the International Labour Conference.

29. Paragraph *a* of the operative part of the Polish resolution laid down a principle which was not open to any objection and to which all the members of the Committee would certainly agree. That did not mean that in everyday life there must be exactly identical treatment for the immigrant and for the national of the country concerned. Like all other foreigners, immigrants had to report periodically to the authorities. Consequently, although the general principle contained in paragraph *a* was acceptable, the matters in which equality of treatment applied should be specified and that was done in the convention and recommendation adopted by the ILO.

30. Paragraph *b* of the Polish draft resolution proposed that immigrant workers should have the right to transfer savings to their country of origin. She asked the Committee to note the curious way in which that provision was drafted. There was no question of the worker's right to transfer his savings to the country where his family was living but to his "country of origin" which was not the same in many cases. Once again, the International Labour Organisation had studied that question very carefully and had dealt with it in a more realistic manner in article 9 of the Convention, which she quoted.

31. Paragraph *c* of the Polish draft resolution asked the General Assembly to recommend Member States to grant to immigrant labour the right of repatriation at the expense of the country of immigration. It was out of the question to expect that in all cases and in all circumstances the Government of the country of immigration would pay the expenses of repatriating an immigrant to his country of origin. That could only be the case for migrant workers recruited under a government-sponsored scheme. It was obvious that the Government concerned should examine every case sympathetically and Mrs. Castle assured the Committee that her Government did so. Thus, if a migrant worker recruited under a government-sponsored scheme returned from the United Kingdom to his country either because he was not capable of practising his occupation, because he was incapable of working as a result of a long illness or at the end of his contract the United Kingdom Government bore the cost of his repatriation. Even if the migrant worker wished to return for personal reasons the Government assisted him financially if he had not enough money to pay for his return. Furthermore, with regard to workers who had come to the United Kingdom on their own responsibility, the Government, under an arrangement with the employer, made it obligatory for the latter to bear the cost of repatriation if called upon to do so by the competent authorities. At all events, she considered that the question of repatriation was appropriately dealt with in article 9 of annex II of the Convention which provided that if the immigrant worker failed to find suitable employment, for reasons outside his control, the costs of repatriation for himself and his family would not fall upon him.

32. Lastly, with reference to paragraph *d* of the draft resolution, which requested Member States to recruit immigrant labour and fix the working and living conditions of such labour exclusively on the basis of bilateral conventions concluded between the emigration and immigration countries and negotiated with the participation of the trade unions of the countries concerned, she stated that no provision more likely to impede the flow of labour could be imagined and that at a time when the world situation demanded the maximum mobility of labour. In the opinion of the United Kingdom Government that provision was completely unacceptable. It did not, however, underestimate the value of bilateral agreements governing the working and living conditions of migrant workers which were complementary to the more general provisions applying to all States. The ILO recommendation specifically proposed that in appropriate cases bilateral agreement should be concluded and it contained a model agreement on temporary and permanent migration of workers, including refugees and displaced persons. In that matter too the United Kingdom delegation considered that the ILO had examined the problem in the most appropriate way.

33. In conclusion she hoped that she had convinced the Committee that it was unnecessary to continue the examination of the Polish draft resolution. The United Kingdom delegation thought that the problem had been comprehensively and appropriately dealt with by the International Labour Organisation, which was responsible for taking the necessary measures with regard to immigrant labour. The records of the debate should be transmitted to the ILO and she submitted to the Committee a proposal to that effect (A/C.3/

L.19), to replace the resolution submitted by the Polish delegation.

34. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) recalled that the question of migrant labour had already figured in resolutions 8 (I), 62 (I) and 136 (II) of the General Assembly and of resolutions 85 (V), 104 (VI) and 156 (VII) of the Economic and Social Council. Some Member States, however, were neglectful as regards putting those resoslutions into practice. They indulged in a policy of discrimination against immigrants, whom they regarded simply as cheap labour.

35. Even before the Second World War, clever propaganda on the part of immigration countries had attracted the unemployed of others which were in the grip of the economic crisis inherent in the capitalist system. Those workers had been used by the exploiting classes to strengthen their power. The Marshall Plan, by its negative effect on the economy of participating countries, was tending, in the current period, to increase emigration, which was even expressly encouraged by means of agreements between those countries.

36. Refugee and displaced persons camps were another source of manpower. According to the IRO report, more than 600,000 persons in those two categories had been absorbed by the United States, the United Kingdom, France, Canada and several countries of Latin America. The United States had legislated for the admission of 200,000 refugees and a new law, in course of preparation, would increase that number still further. Immigration countries were endeavouring to represent the practice as extremely humanitarian. In point of fact, it was inspired by purely selfish economic motives. By welcoming foreigners, who were compelled to accept wages lower than those of native workers and who enjoyed no protection, employers could bring pressure to bear on the mass of workers and keep down its standards of living.

37. From the sources already used by the representative of Poland the speaker quoted statistics to the effect that, of 3,000 immigrants working in the Louisiana plantations, 500 had expressed their determination to leave at the end of one month. For the discontented, there was, however, no possibility of leaving since the high cost of living drove them to fall into debt to their masters. The system resembled the serfdom of the feudal period.

38. Similar conditions prevailed in Belgium. Many of the immigrants who were working in the mines had expressed the desire to leave the country. The Government had taken action to frustrate such movement and had arrested and interned the workmen who had voiced complaints.

39. In the United Kingdom the discontent of immigrant workers showed itself in the same way. 380 of them had already returned to Germany.

40. The United Nations could not remain apathetic to so grave a problem, which concerned human rights. The representative of the Byelorussian Soviet Socialist Republic supported the Polish proposal.

41. Mr. PITTALUGA (Uruguay) said that there was no proof whatever of the accusations which the representative of Poland had levelled at the countries of Latin America. So far as Uruguay was concerned, they were wholly gratuitous. His country had reason to be proud of the type of democracy it had achieved. He would ask the representative of Poland to bring some evidence in support of his statement.

42. Mr. SALAZAR (Peru) said that his country had welcomed a considerable number of Italian workers. Those immigrants had only themselves to blame if their circumstances were not always of the best. Far from experiencing discrimination, the newcomers were better paid than the Peruvians. The Italians, however, were not content with that and demanded a share in profits. Peru could not tolerate the undue demands of the immigrants. It had welcomed them in the hope that they would contribute towards a progressive raising of the general standard of living, but it had no intention of opening its doors to those who sought to become rich rapidly at the expense of the community.

43. There was a clause in the Polish draft resolution which the delegation of Peru could not accept, namely paragraph *c*, by which immigration countries would be compelled to pay the repatriation costs of immigrant labour. Such a provision would be seriously prejudicial to the countries of Latin America. It could be justified only in cases where immigration countries had failed to carry out their pledges to the immigrants. A restriction of the sort should be embodied in the text of the draft resolution.

44. Mr. DE ALBA (Mexico) considered that the Polish proposal was deserving of detailed study. Many of its recommendations were identical with those which the delegation of Mexico had submitted to the Permanent Migration Committee of the ILO. In the main, the convention drawn up by the International Labour Conference in June 1949 met the concern of the Polish draft resolution, but there was room for improvement in the convention. Mexico had suggested the insertion of a clause advocating the fitting of immigrant labour into the social life of their country of adoption. If the Polish proposal were carried, the Mexican delegation would reserve the right to bring forward an amendment to that effect.

45. All things considered, the protection of immigrant labour was a question more far-reaching in scope than the technical considerations which must weigh with the ILO. Human rights were involved and that in itself justified the United Nations' interest in the question.

46. Mexico had devoted considerable attention to the protection of immigrants. A special department of the Ministry of Labour was concerned with that category of workers. The most important problem with which it had to deal was that of Mexican labour in the United States. The conditions offered those workers before the Second World War were far from satisfactory. During the war, the two Governments concerned had agreed to regulate those conditions in a spirit of friendly co-operation. Mexican citizens engaged in the United States on work which was often exacting were sharing in the war effort for a common victory. The same friendly spirit still prevailed in the drawing up of manpower agreements between the two countries. Mexico had received a pledge that there would be no social discrimination whether of race, language or religion against its citizens, that they would be given the same pay as citizens of the United States for equal work and that they would enjoy the benefits of

that country's social legislation. Moreover, Mexico had a right to recall any of its citizens subjected to discriminatory treatment.

47. There was still a great deal of progress to be made, of course, especially with regard to the attitude towards immigrants in the field of social relations; but that related to the sphere of custom, and neither legislation nor constraint would be of any use. The prejudice of centuries could only be overcome by education and universal goodwill. The Universal Declaration of Human Rights would undoubtedly do a great deal to accelerate that development.

48. Mr. JOUHAUX (France) wished to reply briefly to the accusations the Polish representative had made against France. Those accusations were absolutely unfounded, since the system under which foreigners worked in France was exactly the same as that which applied to French workers. It was untrue, for instance, that the French authorities refused foreign workers the right to strike. Foreign workers not only had the right to strike, but even had the right to vote in French trade unions. If injustices had perhaps occurred in certain individual cases, the Polish representative was not justified in laying down a general rule, especially with regard to a nation which placed foreign workers on an equal footing with its own nationals and above all in view of the fact that that nation had been outstandingly liberal in its treatment of Polish workers.

49. The position of foreign workers in France was regulated by reciprocal treaties. In certain cases, a clause of a foreign worker's contract prohibited his employer from discharging him before one year, and that placed the worker in a privileged position in comparison with national workers. French trade unions, far from supporting agitation which had at one time broken out against the granting of that privilege to foreign workers, had denounced such agitation.

50. There was not a single French trade union which would condone arbitrary treatment of foreign workers. Citing as an example certain incidents that had occurred in 1947 and 1948, he pointed out that while legal proceedings might have been taken in certain contentious cases, they had been taken against all the workers who were considered to be at fault and the prosecution of foreign workers could only have been involved incidentally. Moreover, the French trade unions had not failed to protest at the time.

51. He appealed to the Polish representative's sense of reality. He invited him to go to France and to interrogate for himself the Poles who were working there. The Polish representative would find that there were many who had returned of their own accord or who refused to leave the country, although the French Government did not in any way oppose their departure.

52. The problem of immigrant labour was not a new one. The International Labour Office had been studying the problem since 1927, and the fact that its efforts had not had the results they deserved was often due to the insistence of the countries of emigration on obtaining considerable advantages at the expense of the countries of immigration. The International Labour Organisation had, during the current year, concluded the preparation of a convention which, according to general opinion, should gain universal support; it was not, of course, a perfect convention, but the Members of the United Nations should accept it as a first step in the right direction and should try to improve upon it.

53. Mr. Vos (Belgium) also wished to refute the allegations made against his country. Refugees and foreign workers employed in Belgium enjoyed full equality with Belgian citizens in respect of labour contracts and social security. Contrary to what had been alleged, the miners were adequately housed: the Belgian Government had recently undertaken the construction of 25,000 dwellings for those workers. In other industries, the housing question was left to the initiative of the employers and had hitherto given rise to very few complaints. If the workers had any grievances, they could always appeal to trade unions or to the regional offices of the IRO. Foreign workers who, although they had freely accepted a contract, asked to be repatriated, were repatriated without delay. When refugees had to be expelled, either because of violations of public order or as a result of actions contrary to the national interest or refusal to abide by the terms of a contract, they were sent in the direction of Western Germany, and the Belgian authorities arranged matters in accordance with the conditions agreed upon with the occupation authorities. Furthermore, the Director of the International Refugee Organization had frequently expressed in public his appreciation of the support given to him by the Belgian Government.

54. Foreign workers in Belgium received such generous wages that they were able to save between 10,000 and 25,000 francs by the time their contracts expired, and very few of them expressed a desire to leave the country. Mr. Vos admitted that they had some difficulty in finding new work, owing to the partial unemployment prevailing in Belgium but they were always given permits for domestic and agricultural work.

55. He regretted that the debate had moved into the realm of accusation and refutation. He agreed with the United Kingdom representative that the Committee would be wasting time by continuing the discussion, especially in view of the fact that a convention, which was agreed by all to be complete and which was an adequate reply to the question raised by the Polish delegation, had been drawn up at Geneva by the United Nations specialized agency which was competent in the matter.

56. Mr. CARRIZOSA (Colombia) emphasized that immigration was limited in his country and the problem of foreign labour did not therefore arise. In any case, article 11 of the Colombian Constitution laid down that no discrimination should be exercised against immigrants.

57. The Colombian delegation could not vote for the draft resolution submitted by the Polish delegation, because of the provisions of paragraphs *b*, *c* and *d*. It would, however, support the United Kingdom proposal that the records of the debate should be sent to the International Labour Organisation.

58. Mr. CONTOUMAS (Greece) considered that the International Labour Organisation was more competent than the Third Committee to deal with the question. He therefore suggested that the United Kingdom proposal be put to the vote forthwith.

59. Mr. AZKOUL (Lebanon) supported the United Kingdom draft resolution, which was in

keeping with the principle of the division of work between the United Nations and the specialized agencies. The Polish draft resolution, however, provided for the transmission of a questionnaire to all Member States employing immigrant labour. He wondered whether the ILO had already considered that possibility; if it had not, the suggestion should be retained, since its implementation would provide concrete evidence of the interest taken by the General Assembly in the position of immigrant workers.

60. Mr. LALL (International Labour Organisation) said that the Permanent Migration Committee of the ILO had sent a questionnaire to all its member states when it had started to consider the problem of immigrant labour. It had been on the basis of the replies received that the draft convention had been drawn up for submission to the previous session of the International Labour Conference.

61. Mr. DE ALBA (Mexico) recalled that every year the International Labour Organisation submitted to its members a list of the conventions that had been prepared, together with the reasons for which Governments had not yet subscribed to them. In his view, the General Assembly should not merely refer the matter to the ILO, but should accompany it with a recommendation so formulated that the ILO would be able, through its normal channels of work, to accelerate the acceptance of the Convention concerning Migration for Employment.

62. He suggested that the United Kingdom representative should complete his draft resolution in that sense, bearing in mind the categorical terms of the Universal Declaration of Human Rights. Such action would certainly give considerable satisfaction to the Polish delegation, since, by relying on the competence of the ILO, the General Assembly would be showing both the importance it attached in principle to the matter and its desire that the Convention should not remain a dead letter.

63. Mrs. KRIPALANI (India) thought that any country which admitted foreign workers into its territory was under an obligation to treat the immigrant workers on terms of complete equality with its own nationals. The Indian delegation therefore whole-heartedly supported the intention of the Polish draft resolution. It appeared, however, that the ILO had already made a very thorough study of the matter, which was unquestionably complex and delicate. That organization was particularly well qualified for that task, in view of its tripartite structure whereby Governments, trade unions and management had worked together on the same footing in the preparation of the Convention concerning Migration for Employment.

64. The Indian delegation did not think that the United Nations should re-do work that had already been carried out to the general satisfaction by one of its specialized agencies; it would be a waste of time and money. Furthermore, a convention such as that drawn up by the ILO was binding, whereas the General Assembly's recommendations were not.

65. The Indian delegation would therefore vote for the United Kingdom draft resolution.

66. Mrs. VIAL DE SEÑORET (Chile) recalled that in 1939 Chile had opened its doors to the victims of Nazi persecution, who had adapted themselves without difficulty to the economic and social life. Chile, a young country and essentially democratic, as testified by its constitution, disapproved of any discrimination on grounds of race, religion or class. It offered to all those living within its borders equal chances of work; all its workers, whether nationals of Chile or immigrants, enjoyed equal protection by trade unions and the law.

67. Having given the above clarification, she proposed the closure of the debate.

68. The CHAIRMAN pointed out that five members had requested the floor. He believed he would be correctly interpreting the intention of the Chilean representative by closing the list of speakers.

69. Mr. LÓPEZ (Cuba) and Mrs. CASTLE (United Kingdom) drew attention to rule 106 of the rules of procedure, which provided that a motion of closure should be put to the vote immediately after two speakers had spoken against the motion.

70. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) expressed surprise that any representatives should wish to close a debate which had only just started, and which concerned a question affecting millions of human beings.

71. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) thought that the Third Committee, which dealt with social questions, could not avoid the discussion of such an important problem as that of the treatment of immigrant labour. He supported the expression of indignation voiced by the representative of the Ukrainian SSR.

72. Mr. ALEXIS (Haiti) also considered that the question before the Committee deserved more thorough examination. Every representative had a right to be heard.

73. Mr. LÓPEZ (Cuba) emphasized that he had only presented a purely procedural objection relating to the application of a very clear provision in the rules of procedure.

74. Mrs. VIAL DE SEÑORET (Chile) said it had never been her intention to challenge in any way the right of members to speak. For her own part, she agreed to the Chairman's interpretation and would be satisfied with the closure of the list of speakers.

75. The CHAIRMAN declared the list of speakers closed; on the list were the representatives of the following States: Haiti, the United States, the Ukrainian SSR, the USSR and Czechoslovakia.

The meeting rose at 5.50 p.m.

TWO HUNDRED AND FIFTIETH MEETING

Held at Lake Success, New York, on Saturday, 15 October 1949, at 10.45 a.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) (*continued*)

1. Mrs. ROOSEVELT (United States of America) said that she would support the United Kingdom draft resolution (A/C.3/L.19) for the same reasons as those which that delegation had advanced in its favour at the previous meeting. The Cuban amendment (A/C.3/L.18) to the Polish draft resolution (A/C.3/524), while not objectionable in itself, merely emphasized the fact that, however much the Polish draft resolution might be amended, it would never become so comprehensive as the Convention concerning Migration for Employment adopted by the International Labour Organisation.

2. The Polish representative's argument that many countries might fail to sign and ratify that convention was not valid, because the ILO recommendation accompanying that convention was itself more comprehensive than the Polish draft resolution. The Economic and Social Council, moreover, had adopted resolutions on that subject even before ILO had drafted its convention.

3. With regard to the accusations brought against the United States Government concerning its treatment of immigrants and migrant labour, particularly in connexion with displaced persons, the public record showed that such persons were regarded as eligible for citizenship, enjoyed freedom of movement, free choice of profession and the benefits of social security and had received considerable help in adjusting themselves to their new surroundings. Admittedly, there had been failures; but such failures could be brought to the notice of the authorities through the medium of free expression, and thus remedied.

4. She welcomed the Polish representative's assurances that the previous causes of emigration from his country had been removed as a result of the recent activities of the Polish Government, because in the past Polish immigrants had done a great deal to build up the United States of America. At the same time, the Polish representative should not underrate the part played by the war and by decisions taken as a result of that war in checking further emigration.

5. With regard to allegations about the ill-treatment of migrant Mexican workers in the United States, the Mexican representative had stated that his Government found the results of the bilateral agreements with the United States Government wholly satisfactory. The United States also found them wholly satisfactory. If any dissatisfaction arose on either side in the future, it could be discussed and remedied.

6. Allegations regarding the ill-treatment of immigrants in Louisiana had been investigated by responsible agencies, which had found that immigrants had been recruited on the same terms as local workers; the accusation was therefore invalid. Only one sugar plantation had been found on which conditions were unsatisfactory. The reason for such accusations had undoubtedly been that certain immigrants had falsely stated that they had the appropriate agricultural qualifications and had therefore been unable to adjust themselves to local conditions. They had, however, been free to seek more suitable employment.

7. The Polish representative's complaint that many United States shipping firms used ships sailing under other flags in which living and working conditions were lower than required in the American Merchant Marine was not relevant to the question of immigrating labour but merely showed that labour standards in other merchant marines were lower than those prevailing in the United States. If the standards of other countries were raised, the inducement for American companies to charter vessels under other flags would disappear.

8. The Committee appeared to agree that the General Assembly should not abandon and was not abandoning its right to examine the work of the specialized agencies. The examination must, however, be serious and comprehensive; the Polish delegation, on the other hand, appeared to wish the substitution of a series of generalities for the technical methods of the ILO.

9. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) regretted the attempts made to stifle the discussion of a matter which was of extreme importance to millions of human beings, and which therefore deserved to be most thoroughly examined by the General Assembly.

10. The approaching economic crisis in the capitalist countries and the reduction in the volume of international trade had led to a sharp increase in unemployment and to a general lowering of the living standards of the working masses. The lot of workers was especially hard in the countries of the Marshall Plan which, instead of promoting productivity, was achieving exactly the opposite result. That could clearly be seen from the United Nations *Monthly Bulletin of Statistics,* which showed that between April 1948 and March 1949 unemployment had increased by 187 per cent in Austria, 149 per cent in Belgium, 90 per cent in Denmark, and so on.

11. The economic position of the Latin-American countries was also extremely difficult because of competition from the United States, which was selling manufactured goods at inflated prices while keeping the price of raw materials at a very low level. As a result, those countries were in the throes of inflation; for example, during the year 1948, the cost of living had risen by 360 per cent in Brazil, 292 per cent in Colombia and 280 per cent in Cuba.

12. It was clear, therefore, that the emigration of workers to foreign countries was not due to demographic or biological trends, as had been alleged, but exclusively to economic and social conditions which forced them to seek employment and minimum living standards outside their own countries.

13. That problem did not directly affect the socialist States which had adopted a system of

planned economy; indeed, instead of suffering from unemployment they were rather experiencing a shortage of man-power. They were, however, concerned with the treatment meted out to hundreds of thousands of Soviet citizens, including nearly 100,000 Ukrainians, still detained in displaced persons camps in the Western zones of Germany in violation of international agreements and General Assembly decisions which laid down that they should be repatriated to their homelands as soon as possible.

14. The British, United States and French occupation authorities in Germany were doing their utmost to force those people to emigrate abroad. They were kept in camps under the supervision of former war criminals, and were subjected to all kinds of pressure and even oppression whenever they showed any desire to be repatriated. They were used as a source of cheap labour and as a means of pressure against the workers in the United Kingdom, the United States and France.

15. The International Refugee Organization was merely a cover for those activities. It was futile to allege that the IRO was anything but an Anglo-American organization doing the bidding of its masters. Many examples could be cited to show that IRO officials were simply agents of the United Kingdom and the United States, who used all possible means of intimidation to prevent displaced persons from returning home and to force them to emigrate.

16. In reply to the CHAIRMAN, who had pointed out that the question under discussion did not include the activities of the IRO, Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) remarked that he had referred to that aspect of the problem in order to illustrate why and how displaced persons and refugees became immigrant workers.

17. In addition to acquiring cheap labour, various countries, such as the United States, the United Kingdom, Canada, Australia and even some Latin-American States, were also using immigrant workers to bring greater pressure to bear on their own working classes. In many countries there was no legislation to protect such immigrant workers and they were often subjected to the most shameful kinds of discrimination. They enjoyed no social, political or administrative rights and even their so-called contracts, which were often drawn up in languages they did not understand, were violated with impunity. That had been admitted by none other than the Director of the National Institute of Demographic Studies, of Paris, who wrote, in the July 1948 issue of the *International Labour Review,* that the restrictions imposed on immigrant workers were discriminatory.

18. Immigrant man-power was usually forced to do heavy manual work shirked by local workers. The United Kingdom Government, for instance, considered immigrant workers only for employment in the mines, the building industry and agriculture. Furthermore, they had to undertake not to seek any other employment without the consent of the Ministry of Labour. It had been openly stated in January 1949 in the British weekly *The New Statesman and Nation* that British farmers often looked upon European volunteer workers as slave labour supplied by the Government.

19. The same was true of the Netherlands and Belgium where foreign workers were used mainly in the mines, could not change their employment and were paid from 25 to 50 per cent less than local workers. Furthermore, they were often fined for trifling offences such as singing or failure to carry out orders which they did not understand because they were in a foreign language. In some countries, such as the Netherlands, they received no benefits under the existing social security schemes; in others, they received only partial benefits.

20. Another example of discrimination was to be found in the fact that immigrant workers had to work longer hours than local workers. In Canada, for instance, immigrant agricultural workers worked two hours more a day than Canadians. Their wages, however, were lower. Many examples of the wretched existence forced upon immigrant workers could be found in the Canadian Press itself.

21. In addition to everything else, families were often separated; men were enrolled on the promise that their wives and children would follow them soon, but weeks and months went by and their families still remained in German and Austrian camps.

22. It was clear from all those facts that immigrant workers were subjected to all kinds of discrimination in regard to working conditions, wages and social security. The matter could not be overlooked by the United Nations nor could it be claimed that it was covered by the ILO or its convention. Indeed, the convention itself merely laid down some general principles and any State could simply subscribe to those principles without undertaking to carry out the provisions contained in the annexes to the convention. It was difficult to understand why there had been so much opposition to the Polish draft resolution, which recommended Member States to apply the principle of non-discrimination to immigrant labour. If, as had been alleged, there was no discrimination, he could see no reason for any objection to that recommendation, or to any of the other recommendations contained in the draft resolution. In view of the above considerations, the Ukrainian delegation would support the Polish proposal.

23. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) emphasized the importance of the entire question of discrimination against immigrating labour, especially labour recruited from the ranks of the refugees. The matter required the widest and most thorough examination by the General Assembly, not only because such discrimination was a violation of the principles of the United Nations, particularly of Article 1, paragraph 3 and Article 55 of the Charter, but even more so because it had been on the increase since the end of the Second World War and was becoming virtually an established system.

24. The Third Committee was particularly competent to study the matter; after a thorough examination it should recommend to the General Assembly a basis for concrete action.

25. The United Kingdom draft resolution had not surprised his delegation, which had always believed that an attempt would be made to dismiss or bury the matter. Any attempt by the Third Committee to evade its responsibilities would be strongly censured by world opinion. The draft

resolution was an attempt to divert the attention of the General Assembly from the problem by transferring action to the International Labour Organisation. Such a solution would be totally inadequate because a number of Members of the United Nations were not members of the ILO. The General Assembly itself must deal with the matter by such methods as those proposed in the Polish draft resolution, particularly in paragraph 2, sub-paragraph (*d*) and in the final paragraph.

26. A survey such as that proposed in the Polish draft resolution was all the more essential as millions of persons forcibly enslaved during the war by the Nazis were still being held in camps, among them nearly half a million citizens of the USSR. The countries maintaining those camps were using them as a source of cheap labour, aided to some extent by the IRO.

27. It was not a fact that the refugees enjoyed ideal conditions in the countries to which they emigrated. The United Kingdom representative had claimed that such ideal conditions for immigrant labour existed in her country. Questions in the House of Commons had, however, elicited official statements that European workers were contracted only when no national labour was available, that refugees authorized to enter employment in the United Kingdom could not leave or change their employment without the permission of the Ministry of Labour and that in agriculture and heavy industry such immigrants were given employment only in work which United Kingdom workers found undesirable.

28. Soviet citizens who had worked in the United Kingdom had confirmed the existence of what he must describe as an official policy of discrimination against immigrant labour. That had been confirmed in the United Kingdom Press, which had also found that farmers frequently regarded so-called volunteer European workers as slave labour given to them by the Government. The existence of such conditions might explain the intention behind the United Kingdom draft resolution.

29. In the United States of America, the situation was equally unsatisfactory. The *New York Herald Tribune* had reported that displaced persons worked on Louisiana sugar plantations at lower than the prevailing rates and under conditions that were tantamount to peonage. *The New York Times* had stated that the 50,000 displaced persons permitted entry into the United States would not prejudice the position of United States workers, since they were directed only to employment which the latter were unwilling to accept. The representative of the United States had failed to rebut the evidence brought forward by the Polish representative in that connexion. The mere fact that the United States Government's attention had been drawn to the existence of such conditions was not in itself a guarantee that they had been remedied.

30. With regard to conditions in France, it was true that the French workers had not themselves discriminated against Polish workers; the French Government and certain trade union officials, however, had failed to imitate that example. The French representative himself had admitted that Polish workers had been expelled from France by order of the French Government for taking part in strikes. That was not only discrimination but an official sanction to employers for gross exploitation of immigrant workers.

31. The General Assembly must see to it that such abuses were ended or, at the very least, remedied to a very great extent. The Polish draft resolution indicated methods of achieving that purpose; he would therefore support it.

32. Mr. NOSEK (Czechoslovakia) said that the problem under discussion was an extremely vital one. The discrimination referred to in the Polish draft resolution constituted a violation of the fundamental principles of the United Nations Charter. The adoption of that draft resolution would lead to a constructive solution of the problem and he therefore supported it.

33. On the other hand, the United Kingdom draft resolution would not lead to any solution whatever. The United Kingdom representative had argued, in defence of her proposal, that any action taken by the Third Committee on the subject of migrant labour would simply be a duplication of the work of the International Labour Organisation. He pointed out, however, that the Third Committee of the General Assembly was the highest authority on social questions and was thus the competent organ to deal with the subject. Any arguments to the contrary would simply serve to undermine the authority of the General Assembly in the eyes of the world. He therefore urged the Committee to accept its responsibilities and to adopt the Polish draft resolution.

34. The CHAIRMAN announced that, since he had closed the list of speakers at the previous meeting, with the Committee's consent, the general debate was closed. He would, however, grant the right of reply to certain representatives in accordance with rule 104 of the rules of procedure.

35. Mrs. WILSON (Canada), replying to the remarks made by the representative of the Ukrainian SSR concerning conditions for immigrant labour in Canada, said that any study of the real situation would show that the conditions for immigrants were comparable to those for Canadian nationals who had the same qualifications and did the same type of work.

36. During the previous session of the General Assembly, the Canadian representative to the Third Committee had received a letter from one of the displaced persons who had emigrated to Canada and started work in the mining industry. That miner, having read of the Polish accusations in the Third Committee, had written especially to say how happy he was in Canada, to describe the excellent living conditions and the perfectly adequate wage of seven dollars a day which he received. That letter was a proof in itself that all the accusations made by the representative of the Ukrainian SSR were utterly unfounded.

37. Furthermore, a group of Ukrainian displaced persons had held a mass meeting in Manitoba and had expressed their gratitude to the Western Powers for giving them the opportunity of finding useful employment in a new country and of living a life of freedom.

38. Mrs. CASTLE (United Kingdom) said that her delegation had attempted to keep the discussion on a practical basis and to find a concrete solution to the problem. She had deliberately refrained from directing any accusations at other

Governments in her opening speech, and she regretted that other representatives had not followed her example. The accusations that had been brought against her Government were familiar and her delegation had answered them on previous occasions. Her delegation had been accused of trying to shirk the issue in bringing forward its draft resolution, but the United Kingdom could have no possible motive for such action. In her opinion, it was the countries of Eastern Europe which were trying to avoid any concrete solution and to cover up the fact that workers tended to flock to the West rather than to the East, by making unfounded accusations against the Western Powers.

39. In reply to the accusations against her country, she referred to the statement made by the representative of the Byelorussian SSR at the previous meeting to the effect that some three hundred of the workers who had emigrated to the United Kingdom had subsequently returned to their countries of origin. That was in itself a proof of the fact that the immigrant workers were free to return to their countries of origin if they so desired. It also showed that only a minute percentage of those who had immigrated had failed to settle down to a happy life in the United Kingdom, since only 300 out of 100,000 had decided not to settle in the country.

40. Her country had further been accused of exploiting the immigrants as cheap labour. In reply to that accusation, she pointed out that the trade unions in the United Kingdom were very powerful and would certainly never have tolerated the importation of cheap labour, which would have lowered the standards of all the workers in the country.

41. Immigrant workers were treated on a footing of absolute equality with the citizens of the country. They were paid at the same rate, they worked the same hours, they had the same rations including the extra rations for those doing heavy manual labour, they shared in the social security schemes and good accommodation was provided for them. Contrary to the allegations of the representative of Poland, the hostels provided for the immigrant workers were perfectly comfortable. Moreover, the workers were not obliged to live in those hostels; they could, if they wished, make arrangements to live with private families. As a result of the war, there was a housing shortage in the United Kingdom and it was therefore not always possible to accommodate the immigrant workers in private homes.

42. She emphasized that the European Volunteer Workers were not volunteers only in name. They were informed of the conditions of work before they came, they knew what type of employment was open to them and they were always free to return to their own countries if they wished. Much had been made of the fact that most of the immigrant labour worked in the agricultural, mining or textile industries. Those were the basic industries of the United Kingdom and it was strange that the USSR representative should consider employment in them to be an unworthy occupation. The constituency that she herself represented in Parliament was situated in one of the textile regions and she had frequent opportunities to become acquainted with the workers. All the workers in the textile mills, both the immigrants and the United Kingdom citizens, were proud of their work in one of the country's basic industries.

43. It had been alleged that there was a conspiracy among the Western Powers to prevent the repatriation of displaced persons. She firmly denied that allegation and, as an example of the work that had been done, she mentioned the Polish Resettlement Corps which had been set up in the United Kingdom to facilitate the repatriation, emigration or resettlement of Polish troops who had fought in the West. Repatriation had been actively encouraged and nearly 10,000 members of the corps had been repatriated in addition to the 100,000 Polish troops who had been repatriated previously. Many others had emigrated to foreign countries with their dependents at the expense of the United Kingdom Government, and several thousand had found employment and settled in the United Kingdom, where they received the same wages and worked under the same conditions as British workers.

44. It would, indeed, be more appropriate for the Polish representative, instead of making accusations against the United Kingdom, to turn his attention to the fate of his countrymen who had been forced to emigrate to the USSR. They had been sent to the most remote and inhospitable regions of the USSR, where they were forced to do the most arduous work under the most terrible conditions. If accusations of importing cheap labour were to be made, that was surely an example which defied comparison. In fact, the whole economy of the arid zones of the USSR was based upon obtaining cheap labour through compulsory immigration.

45. For years the USSR Government had been carrying on a policy of enforced migration to quell the opposition of the small nations it wished to absorb. That policy had been followed in the case of the Moslem peoples of the Caucasus and the Crimea who had for long been hostile to the USSR Government, and the recently acquired Baltic nations of Estonia, Latvia and Lithuania had also been subjected to it.

46. The Chechens, the Crimean Tartars, the Kalmucks, the Karachas, the Balkars and the Kizlyars, comprising in all about a million and a half people, had already been broken and dispersed. She quoted a decree of the USSR Supreme Council, published in *Izvestia* on 26 June 1946, under which the Chechen-Ingush and the Crimean Autonomous Soviet Socialist Republics had been abolished and their populations deported wholesale. The decree showed the genocide habit of mind very clearly in the mere fact that it judged and condemned, not individuals, but whole nations, out of hand. The victims of those mass deportations had been set to work on State forced labour projects under dreadful physical conditions and the small but historical nations of the Crimea and the Northern Caucasus were rapidly dying out.

47. The CHAIRMAN requested the United Kingdom representative to confine her remarks to reply to any accusations that had been made against her Government and not to re-open the discussion by making any counter-accusations.

48. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) and Mr. PANYUSHKIN (Union of Soviet Socialist Republics) said that, in view of the remarks made by the United Kingdom representative, they too would have to request the Chairman to accord them the right of reply.

49. Mr. LÓPEZ (Cuba) proposed the adjournment of the meeting.

The proposal was rejected by 14 votes to 3, with 21 abstentions.

50. Mrs. CASTLE (United Kingdom) said that, in view of the Chairman's ruling, she would refrain from giving any more evidence of conditions in the USSR. It was, however, the representatives of the Ukrainian SSR and the USSR who had originally gone beyond the scope of the item on the agenda and had raised the whole problem of forced migration. She wished, therefore, to point out that the whole vast problem of displaced persons had its origin in the conditions in the countries of Eastern Europe. The movement of countless refugees towards the West had placed an almost intolerable burden upon the Western Powers, and they were doing their utmost to solve the problem on a just and humanitarian basis. The draft resolution submitted by her delegation was designed to achieve a constructive solution to the problem by recommending the speedy application of the convention adopted by the vast majority of the members of the International Labour Organisation.

51. Mr. ALTMAN (Poland) said that the General Assembly could not decline responsibility for a tragic and rapidly deteriorating situation by referring the problem to the ILO.

52. In France, for example, despite the French representative's assertion that Polish workers were treated in exactly the same way as French citizens, cases of discrimination had become so frequent that they might almost be termed systematic. Mr. Altman cited a number of individual cases of discrimination against Polish miners, particularly in the Moselle region, in October and November 1948.

53. Furthermore, the French Government had failed to reply to official Polish protests against the difficulties placed in the way of the repatriation of Polish workers and of Polish children resident in France who had gone to Poland for their holidays.

54. In Belgium there was some evidence that Polish displaced persons were badly housed, but access to certain places for the purpose of verifying complaints had been refused to the Polish Red Cross.

55. Information about conditions in Latin America and the United States had been taken principally from the local Press, which might be regarded as unbiased in that instance.

56. Statements about conditions in the United Kingdom had been gleaned from the Polish-language Press published in that country; that Press was hostile to the existing Polish Government and could therefore be regarded as an objective source.

57. The United Kingdom draft resolution could be construed as an attempt to remove the matter from the agenda of the General Assembly under the pretext that the International Labour Organisation was more qualified to deal with it; that was a not unprecedented misuse of procedural methods. The adoption by the ILO of the Convention concerning Migration for Employment could at best have been only a partial solution, because ILO conventions were usually not ratified by the States most affected by them. That particular convention, moreover, permitted any signatory State to avoid putting into operation the principal regulations for the protection of migrant labour. As a result of the proposals of the United States delegation to the International Labour Conference in June 1949, the convention contained a basic text, which made only general statements, and three annexes in which the detailed regulations were set out. Under article 14, any ratifying State was permitted to append a declaration that it would not ratify all or any one of the annexes.

58. The Polish delegation had voted against that convention because it had desired an instrument far stronger than a questionnaire dealing merely with the legal and technical aspects of the problem without any obligation that concrete measures would subsequently be taken. The questionnaire mentioned in the last paragraph of the Polish draft resolution before the Committee was intended as one capable of giving a comprehensive picture of all aspects of the situation.

59. With regard to the United Kingdom representative's misunderstanding of paragraph (*b*) of that draft resolution (249th meeting), the transfer of savings mentioned therein referred to the transfer of part of their wages by workers living abroad to their families which had remained in their country of origin. The fact that the World Federation of Trade Unions had laid particular stress upon that question in its social programme for the protection of migrant labour was an indication of its great importance.

60. The Cuban amendment to the Polish draft resolution could not be accepted because it restricted the rights of migrant labour unduly.

61. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) remarked that the United Kingdom representative had misinterpreted the statement he had made at the previous meeting. He had referred to the Secretary-General's *Report on the Progress and Prospect of Repatriation, Resettlement and Immigration of Displaced Persons*[1] which showed that 323 persons had returned to the Western zones of Germany from the United Kingdom. The United Kingdom representative had quoted that statement to prove that immigrant workers were free to leave the United Kingdom if they so wished. It seemed as if she were proud that they were not actually put in chains. It was clear, however, that if working and living conditions in the United Kingdom were as ideal as had been alleged no one would wish to return to bug-ridden hovels in German camps. It was known that immigrant workers in the United Kingdom were housed in former garages and had to sleep in bunks, to do extremely heavy work and to exist on a paltry pittance far away from their families.

62. According to an official United Nations document, there was an extremely high rate of mortality in the United Kingdom and in the British zone in Germany; he wondered if that was also a result of the excellent living and working conditions said to prevail in those areas.

63. Regarding the alleged freedom to leave the United Kingdom and to return home, it was common knowledge that all kinds of obstacles had been used to prevent the repatriation of Poles, for instance. Some of those who wished to return had actually been so ill-treated that the Polish Government had had to intervene.

[1] Document E/816.

64. He did not think that the abuse poured by the United Kingdom representative on the USSR deserved any reply. Being unable to deny any of the facts quoted during the discussion, the United Kingdom representative had resorted to the unworthy tactics of heaping lies and slander on her opponents.

65. Mr. KATZNELSON (Israel) moved the adjournment of the meeting.

The motion was adopted by 33 votes to none, with 6 abstentions.

The meeting rose at 2.10 p.m.

TWO HUNDRED AND FIFTY-FIRST MEETING

Held at Lake Success, New York, on Monday, 17 October 1949, at 11 a.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) *(continued)*

1. The CHAIRMAN recalled that the general debate was closed, but that, in accordance with rule 104 of the rules of procedure of the General Assembly, the representatives of the Ukrainian SSR, the USSR and France would be accorded the right to speak.

2. Mr. ALEXIS (Haiti), speaking on a point of order, explained that owing to a misunderstanding, he had not realized that the Committee would meet on Saturday, 15 October; he had thought that the general debate would be continued at the current meeting and that he would be the first speaker.

3. The Haitian delegation wished to submit an amendment to the United Kingdom draft resolution, and was particularly anxious to state its views on the general question of discriminations practised by certain States against immigrating labour. He would refrain from submitting his amendment if to do so would be contrary to the rules of procedure, but he hoped that he would be permitted to state his views.

4. The CHAIRMAN regretted that there had been a misunderstanding. If there was no objection, he would allow the representative of Haiti to speak, on the clear understanding that he was doing so as an exception, out of courtesy to the Haitian delegation, and that the general debate was not to be reopened.

5. Mr. ALEXIS (Haiti) recalled that, at the end of the 249th meeting, he had protested against the motion for closure of the debate. The question of discriminations practised by certain States against immigrating labour was of the utmost gravity; it affected millions of human beings. The Third Committee should give it the most serious consideration; it could not shirk its responsibilities and follow the line of least resistance by referring the matter to the International Labour Organisation.

6. The delegation of Haiti did not believe that resolutions and pious hopes would suffice to solve the problems of social and international peace which confronted the United Nations. International order and world peace could best be achieved by the establishment of universal justice, which would allow humanity to develop and would bring concord between workers and employers.

7. At the 249th meeting, the Mexican representative had emphasized the need for improving the living conditions of immigrant workers and of the working classes generally, and had added that that would be a long process, the results of which would not be felt until thirty, forty or fifty years had passed, by which time employers would have acquired some social education and conscience. Mr. Alexis wondered whether the millions of workers who were suffering daily and waiting for the recognition of their sacred rights would have to wait for their employers' wisdom to ripen.

8. More than fifty years ago Pope Leo XIII, foreseeing the catastrophes which the exploitation of man by man would bring upon the world, had given a solemn warning in his encyclical *Rerum novarum*. He had said, in effect, that the workers should have a fair share of the products they created by their sweat and blood.

9. In some parts of the world the sufferings of the workers, both immigrant and indigenous, were tragic; he referred to certain Trust Territories and certain colonies. The exploitation of the workers there was appalling, as was proved by incontestable facts and figures. Despite the conspiracy of silence which existed on the subject, all representatives were aware of the true state of affairs in those Territories.

10. He quoted a statement by a great European, Werner Sombart, that the countries of the West had become rich and powerful by ravaging and depopulating whole continents. The peoples of the West had indeed shown ferocious egoism and realism in their treatment of the Africans and Asians, regarding them as ignorant savages belonging to inferior races. In so doing they had forgotten all that modern civilization owed to Egypt, India and Chaldea, to take only a few examples.

11. They had forgotten also that the wheel of history turned and that everything evolved and changed in the course of time. The East was changing from lethargy to fever, Africa was awakening and becoming conscious of its strength. It had become impossible to say where the brain and the heart of the world were to be found.

12. The words "West" and "East" had no longer the meaning they used to have; the word "race", which had been used as a pretext for arrogating certain privileges, had become meaningless. Today there was only Man, unique in his various aspects. A new order was coming into being;

it would be the joint work of a world *élite* gathered together in the United Nations, in which humanity placed its dearest hopes.

13. The solution of the social problem, on which world peace finally rested, was of a moral rather than an economic nature. An ideology could be overcome only by another, better and more humane ideology. What was the ideology of the Western democracies? Was it the domination of the strong over the weak?

14. Peace and happiness could be assured only through justice, love of others and respect for the right of all to life and self-respect. The toiling masses of the world were waiting for justice; to disillusion them would be to place civilization in danger. It could be saved only by granting the workers of the world their fundamental rights.

15. He had intended to submit an amendment to the United Kingdom draft resolution. As he was unable to do so, for procedural reasons, he reserved the right to reopen the whole question at a plenary meeting and to make proposals which he considered to be in the interests of justice. He reserved his position with regard to any decisions which the Third Committee might take on the question under discussion.

16. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) said that he did not intend to give a detailed reply to the slanders against the Government and people of the USSR uttered by the United Kingdom representative during the general debate on the question of discriminations practised by certain States against immigrating labour. He would nevertheless observe that when the United Kingdom delegation was not in a position to advance concrete arguments based on facts in reply to representatives who did not depict the "British paradise" in the most favourable light, it resorted to lies and slander concerning countries whose representatives endeavoured to speak impartially.

17. The representatives of the USSR and of a few other delegations had cited facts, based on official documents, statements made in the House of Commons and extracts from the British Press, all showing that the United Kingdom did take measures of discrimination against immigrant labour. Being unable to refute the accusations, the United Kingdom delegation had had recourse to a favourite Nazi propaganda method, used more particularly, though without success, by Goebbels, namely, the propagation of lies and slander.

18. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) was of the view that the slander hurled by the United Kingdom representative in every way resembled that of Nazi propaganda. If the United Kingdom delegation wished to follow in Goebbels' footsteps, it should remember his shameful end. That was the only possible reply to the slander uttered against the USSR.

19. Mr. KAYSER (France) regretted that the general discussion, which should have been concerned with the broad humane principles at the basis of the matter under discussion, should have been obstructed by a succession of controversial statements.

20. During the 249th meeting, Mr. Leon Jouhaux, who had some claim to speak on behalf of France and the French workers, had refuted the sweeping allegations made by the representative of Poland. It might have been thought that his statement revealing the democratic and non-discriminatory character of French policy towards foreign workers, would have put an end to the controversial discussion. That had not been the case, however, and, during the 250th meeting, the representative of Poland had retorted by citing further individual cases.

21. He had no intention of replying point by point to the Polish delegation, as he had no files on individual cases with him; moreover, as Mr. Jouhaux had said, it was wrong to draw general conclusions from a few individual cases.

22. None of the cases cited by the representative of Poland dated from 1949; they all went back to a period extending from mid-October of 1948 to early November of the same year. All the members of the Committee would remember what had occurred at that time. The third session of the General Assembly was then being held in Paris. A certain trade union had decided to give to a miners' strike a political and insurrectional character. By a decision which had been strongly condemned by the other trade unions, and for the first time in trade union history, instructions had been given to the miners that they were no longer to carry out safety precautions in the mines. Devastating destruction might have resulted. That attitude was all the more incomprehensible because the sabotage so directed would affect the property of the nation itself and no longer the property of capitalists, in view of the law nationalizing the mines. Even during the Nazi occupation, when the mines had not yet belonged to the nation but were still owned by private interests, such sabotage had never been contemplated.

23. The law nationalizing the mines provided for penalties against persons carrying out sabotage; the saboteurs had, therefore, violated that law—a law which all the trade unions had vehemently demanded and for which they had fought so long.

24. The French Government had decided that it would itself ensure that safety precautions were carried out in the mines. The forces of law and order had been attacked, there had been outrages and sabotage. The Government had then announced, through the intermediary of the prefects and over the radio, that foreigners taking part in such attacks would be expelled from the country; the Minister of the Interior had stated that when the person expelled had a family, he would be willing to arrange for his wife and children to be taken to the frontier with him.

25. Where Polish miners had been arrested, as had been French miners, it had been for committing sabotage during a political strike. The French authorities had observed the principle of non-discrimination, since the foreign saboteurs could not have been permitted to enjoy immunity from the law. The Poles who had been deported had been so treated because they had offended against a wholly legitimate governmental regulation, which had previously been brought to their notice.

26. When the debate on those problems had come before the National Assembly, the Minister of the Interior had stated that France welcomed, and would continue to welcome, foreigners who came to work, on the clear understanding that

they were not to interfere in the domestic life of the country or take part in political agitation. Mr. Kayser thought that no other attitude could be upheld; he would be surprised if the Polish representative, for example, were to speak of freedom for foreigners, to say nothing of nationals, in Poland to carry out demonstrations, strikes and insurrections.

27. The French delegation did not regret the debate which was taking place and was even grateful to the Polish representative for having started it. The discussion had, in fact, proved that France was a country of free democracy, whose institutions allowed the Polish Government to obtain all the information it required concerning its own nationals in France. Such information was obtained from the Press, which was completely free; from the verbatim reports of the free parliamentary debates in an Assembly where members of the opposition had precisely the same rights as members of the majority; from Polish correspondents who were free to report as they wished from France to Poland; and from investigators who could move freely throughout France and freely make contact with each of the Poles living there. The Polish Government also obtained information from those Poles who agreed to return to Poland and who could be traced while they were in France, and during the return journey, but were often untraceable once they had crossed their country's frontier.

28. Mr. Kayser concluded that none of the allegations made during the debate could be used to refute the fact that the French Government was applying with scrupulous honesty the mandate it had received in November 1948, from the majority in the National Assembly during a political strike of an insurrectional nature. That mandate had been that it should ensure, through respect for the law and its application, the protection of the national heritage and of republican order.

29. Mr. DE ALBA (Mexico) was most gratified with the discussion that had just taken place. Far from having wasted its time, the Committee had reached constructive and generous conclusions regarding a problem the moral implication of which was obvious; it had unanimously affirmed its conviction that all discriminatory treatment in the employment of immigrant labour should be abolished, in accordance with the spirit and the letter of the Universal Declaration of Human Rights.

30. The disagreement in the Committee related only to a matter of procedure and was therefore of only secondary importance. His delegation's support of the United Kingdom draft resolution (A/C.3/L.19) did not mean that it favoured a simple postponement of the problem. In its view, the problem should be resolved without delay; it could not be shirked when what was at stake was the redress of an injustice.

31. Reference to the International Labour Organisation would seem to be the logical procedure in the circumstances, as that organization had already considered the problem and reached a solution generally accepted as satisfactory. However, since the United Nations had been seized directly with the question, it must not expose itself to the suspicion that it was shirking its responsibilities; it was in duty bound to support with the full weight of its prestige a principle dear to all its Members.

32. Consequently, the Mexican delegation proposed to add to the United Kingdom draft resolution a few simple sentences (A/C.3/L.20) the meaning of which would be clear to all the workers of the world and which would indicate the social and moral importance that the United Nations attached to the question, and the spirit in which it would like to see it solved.

33. Mr. LÓPEZ (Cuba) stated that in view of the course taken by the debate, his delegation had decided to withdraw its amendment (A/C.3/L.18) to the Polish resolution.

34. Mr. DEDIJER (Yugoslavia) considered that the Third Committee was the competent organ to consider the discriminatory treatment to which migrant labour was unfortunately subjected in many parts of the world and that it was undoubtedly its duty to try to remedy that situation.

35. Nevertheless, his delegation could not support the Polish draft resolution although he was in accord with its spirit. The resolution did not draw any distinction between regular migrant labour on the one hand, and refugees and displaced persons on the other. His delegation was aware of the often pitiful lot of the refugees, many of them Yugoslavs, who were lured to certain countries by false promises. On the other hand, his delegation also knew that the ranks of refugees and displaced persons were filled with political criminals who, in the country where they sought refuge, formed the vanguard of strike-breakers and were at the service of anti-democratic forces. Consequently, his delegation could not agree that the United Nations should lend the weight of its moral authority to measures which would result in extending full social, economic and trade union protection to such traitors and quislings.

36. For those reasons, the delegation of Yugoslavia would abstain from voting on the Polish resolution. It would also vote against the draft resolution submitted by the United Kingdom.

37. Mr. JOCKEL (Australia) said that it was not without hesitation that his delegation would vote against the Mexican amendment. At the International Labour Conference, Australia had voted for the adoption of the Convention concerning Migration for Employment. It had signed agreements with the International Refugee Organization concerning displaced persons and it was admitting representatives of the IRO in Australia to supervise the application of those agreements. Hence it was wholly in sympathy with the Mexican amendment. His delegation had, however, come to the conclusion that, in its new form, the United Kingdom draft resolution fully met the desire of the Committee which was to hasten the ratification of the Convention concerning Migration for Employment.

38. The Mexican amendment introduced no new factor, yet its wording was far from clear, at least in the English version. The expression "social relations", in particular, had no very clearly defined administrative or legal meaning; furthermore, Governments would find difficulty in accepting the obligations embodied in the Mexican amendment when they concerned questions falling within the competence of private organizations.

39. Mr. MENESES PALLARES (Ecuador) emphasized the fact that the Constitution of Ecuador gave complete equality of rights to foreign immigrants who, in their work, enjoyed not only con-

stitutional guarantees, but those embodied in the labour laws.

40. Immigrant manpower thus raised no problem of discrimination where Ecuador was concerned. The delegation of Ecuador was nevertheless deeply interested in the matter, which it hoped to see satisfactorily solved.

41. The Polish draft resolution was unquestionably inspired by lofty thought and had many points of value. It seemed, however, that if immigrant man-power were to be effectively protected, a binding international convention would be desirable. The provisions of a resolution might not be so binding, and might be disregarded.

42. The Mexican amendment had the advantage of drawing attention to one of the most serious forms of discrimination against immigrant labour, namely, that which the individual encountered in his social life, which prevented him from adapting himself to his environment and which was detrimental to his dignity.

43. The delegation of Ecuador would therefore vote for the United Kingdom draft resolution, as amended by the Mexican delegation.

44. Mr. CONTOUMAS (Greece) thought that the Mexican amendment added nothing to the United Kingdom text. It might even result in limiting the interpretation of the purposes of the convention drawn up by the International Labour Conference, owing to the presence of the word "offensive" which would imply that only discrimination of that kind was condemned.

45. He was sure that migrant workers throughout the world knew of the existence of the convention adopted at Geneva; if they did not, the Press would certainly give them that information simultaneously with its account of the adoption of the United Kingdom draft resolution by the Third Committee, which clearly showed the interest taken in the question by the United Nations.

46. He appealed to the Mexican representative not to insist upon his amendment. Otherwise, Mr. Contoumas would be obliged to vote against that amendment to avoid overloading the very explicit United Kingdom text.

47. Mr. KAYSER (France) expressed the embarrassment of his delegation in having to choose between the United Kingdom text, which was perfectly satisfactory from the logical point of view, and the Mexican amendment, which had its attractions from the humanitarian viewpoint.

48. He wished to reconcile those two aspects, and wondered if the Mexican delegation might still agree to accept, in place of its amendment, a modification of the last part of paragraph 2 of the United Kingdom draft resolution, to read as follows:

". . . adopted a convention and a recommendation, founded upon the principle of non-discrimination, which should ensure such non-discrimination in practice."

49. Mr. Kayser said he would formulate that suggestion only if the Mexican and United Kingdom representatives agreed to accept it.

50. The CHAIRMAN ruled that no further amendments could be submitted, since the Committee had reached the voting stage.

51. Mr. FREYRE (Brazil) considered that the Polish draft resolution contained certain excellent provisions, such as those laid down in sub-paragraph (*a*) of the recommendations. He recalled in that connexion that the principle of non-discrimination with regard to immigrant labour was recognized by the Brazilian Constitution.

52. On the other hand, certain other provisions of the Polish draft resolution were unacceptable, in particular the provision that the country of immigration should assume the expense of repatriating immigrant labour (sub-paragraph (*c*)). That particular question should rather be the subject of bilateral negotiations between the countries concerned.

53. He was consequently unable to vote in favour of the Polish draft resolution. On the other hand, he would vote for the draft resolution submitted by the United Kingdom delegation since, in his opinion, that text offered the best and most intelligent solution for the current difficulties.

54. Mrs. CASTLE (United Kingdom) was unable to accept the amendment submitted by the Mexican delegation since it emphasized certain special points which might as a result be taken into consideration in preference to other equally important aspects of the question, whereas, under the United Kingdom draft resolution, all the relevant problems would receive the attention they deserved.

55. She recalled that, as could be seen from the draft resolution submitted by her delegation, the Committee could and should formulate an opinion regarding the importance it attributed to the principles involved; it would then be the duty of the International Labour Organisation to supervise the application of those principles, through the convention it had adopted, taking into account the opinion expressed by the Third Committee.

56. She did not think that the change suggested by the French representative added anything, from the humanitarian point of view, to the text of the United Kingdom draft resolution, since the latter already clearly enunciated the principle of non-discrimination.

57. Mrs. AFNAN (Iraq) said that her delegation was in favour of the United Kingdom draft resolution and the Mexican amendment thereto.

58. In the case of the Polish draft resolution, on the other hand, certain allegations, and even serious accusations, had been made on both sides. Certain of the facts mentioned remained unproved and certain arguments unanswered. In the opinion of the Iraqi delegation, the situation was really too serious for the Third Committee to dismiss it.

59. If the United Kingdom resolution were adopted, the International Labour Organisation would be seized of the question of discrimination and would have every opportunity of finding a solution, as was highly desirable.

60. Mrs. WILSON (Canada) approved the intention behind the Mexican delegation's amendment and its general content, but she was unable to vote for that text for the same reasons as those put forward by the Australian representatives. The Canadian delegation would therefore abstain from voting on the Mexican amendment.

61. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) noted that the majority of the Committee had recognized that discrimination against immigrant labour was an attack on the dignity of the human person, and the Committee

as a whole seemed to have condemned such practices, while making it clear that the application of the principle of non-discrimination should be the basis of any solution of the problem. The draft resolution submitted by the United Kingdom delegation, however, limited itself, *inter alia,* to mentioning item 30 of the agenda of the General Assembly regarding discriminations practised by certain States against immigrating labour without expressly condemning such discrimination, an omission which might almost imply that the practice had not in fact been verified. The Byelorussian delegation could not agree to so serious and consequently so important a matter being thus lightly treated. He would, therefore, vote against the United Kingdom draft resolution.

62. Mr. BOKHARI (Pakistan) wholly approved the comments of the representative of Iraq. However, he dwelt particularly on the fact that certain parties had brought charges of genocide and that those who were the subject of those accusations had not been in a position to refute them. That state of affairs was disquieting—the alleged victimization of Moslem population would be a matter of great concern to his people and his Government—and he hoped that the parties concerned would soon seize an opportunity of explaining or refuting the arguments put forward during that weighty discussion, so that the important matter thus raised could be elucidated.

63. Mr. ORTIZ MANCÍA (El Salvador) was glad that the Committee had broached the question of discrimination against migrant workers, since such practices were a disgrace to the whole world. The delegation of El Salvador had of course been unable to remain indifferent in the face of such a serious problem and it had resolutely taken part in the struggle.

64. He was happy to note that all the representatives were agreed in condemning the practices in question, thus establishing the universality of the principle of non-discrimination with regard to migrant workers. The differences of opinion which had emerged during the discussion really concerned only the procedure to be adopted, certain parties being of the opinion that the General Assembly itself should intervene directly and positively, whereas others considered that the International Labour Organisation was the appropriate agency to deal with that type of question.

65. The delegation of El Salvador would vote for the United Kingdom draft resolution and the Mexican amendment thereto.

66. Mr. OTAÑO VILANOVA (Argentina) agreed that discrimination against immigrant labour constituted a flagrant violation of fundamental human rights. He explained that the development of Argentina had, to a large extent, been due to immigration and that, under the country's constitution, immigrants automatically acquired citizenship after a few years of residence and had the same advantages under national law as the native inhabitants.

67. Mr. Otaño Vilanova approved the principles expressed in the Polish draft resolution but was unable to accept sub-paragraphs (*b*) and (*c*) of the operative part. For that reason, he would be unable to vote in favour of the draft resolution; he would, however, vote in favour of the United Kingdom draft resolution and of the Mexican amendment.

68. Mr. BAROODY (Saudi Arabia) recalled that accusations had been made both by the United Kingdom and by the Ukrainian SSR in connexion with the cruel treatment allegedly meted out to Moslems in various parts of the world. It was not easy for small countries to know exactly where the truth lay or to ascertain the facts, but the Committee itself could not remain in doubt when it was a question of alleged violations of fundamental human rights. Could it be tolerated for the United Nations to make a distinction between one human group and another when the issue was the recognition of human rights? In the circumstances, Mr. Baroody would abstain from voting on all the draft resolutions under consideration; he also wished to know whether it would not be possible for the Chairman to find means of verifying the accuracy of the allegations made in the course of the discussion.

69. Mr. MORGAN (Guatemala) would vote against the Polish draft resolution, but he would vote in favour of the United Kingdom draft resolution, if the Mexican amendment were adopted.

70. Mr. KATZNELSON (Israel) stated that he would abstain from voting on the Polish draft resolution, since the question it raised was far from clear and in view of the fact that contradictory allegations had been brought forward. He approved the Mexican amendment, but suggested a slight modification which would make the wording clearer. He would, however, accept the Mexican amendment even if the modification he had suggested were not adopted.

71. The CHAIRMAN pointed out to the Israeli representative that it was too late to submit amendments to the texts under discussion.

72. Mr. PITTALUGA (Uruguay) stated that he would vote in favour of the United Kingdom draft resolution and of the Mexican amendment, for the same reasons as the representative of Ecuador.

73. Mr. ALTMAN (Poland) asked that each section of the operative part of his draft resolution should be put to the vote separately.

74. The CHAIRMAN recalled that the Cuban delegation had withdrawn its amendment and that a vote should consequently be taken first of all on the Polish draft resolution, which would be put to the vote by parts as the Polish representative had requested.

75. He put the Polish draft resolution (A/C.3/524) to the vote.

The two paragraphs of the preamble were rejected by 18 votes to 8, with 21 abstentions.

Sub-paragraph (a) *of the operative part was rejected by 18 votes to 8, with 21 abstentions.*

Sub-paragraph (b) *was rejected by 22 votes to 6, with 18 abstentions.*

Sub-paragraph (c) *was rejected by 25 votes to 6, with 15 abstentions.*

Sub-paragraph (d) *was rejected by 22 votes to 7, with 19 abstentions.*

The final paragraph of the draft resolution was rejected by 22 votes to 7, with 18 abstentions.

76. The CHAIRMAN stated that it would be unnecessary to take a vote on the Polish resolution as a whole, since each part of it had been rejected.

It was so decided.

77. The CHAIRMAN invited the Committee to vote upon the amendment submitted by the Mexican delegation (A/C.3/L.20) to the United Kingdom draft resolution and subsequently upon the draft resolution itself (A/C.3L.19).

The amendment was adopted by 23 votes to 9, with 15 abstentions.

The draft resolution, thus amended, was adopted by 37 votes to 6, with 4 abstentions.

78. The CHAIRMAN, replying to the request made by the representative of Saudi Arabia, stated that, under the rules of procedure, he himself was not able to take a decision or to make a recommendation. It was for the delegations to make proposals with regard to the procedure to be followed and to raise the question in the General Assembly.

79. Mr. BAROODY (Saudi Arabia) wished to make it clear that he had not meant to ask the Chairman himself to find a solution and to put it into effect, but that he had merely invited him to study possible means of verifying the accuracy of certain allegations, particularly those which raised the question of violations of human rights.

80. The CHAIRMAN replied that, in any case, it was for the General Assembly to decide whether it wished to include the question in its agenda or not.

The meeting rose at 1 p.m.

TWO HUNDRED AND FIFTY-SECOND MEETING

Held at Lake Success, New York, on Tuesday, 18 October 1949, at 10.45 a.m.

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

Advisory social welfare services (A/975 and A/C.3/521)

1. The CHAIRMAN opened discussion on the question of advisory social welfare services and drew attention to the resolution recommended by the Economic and Social Council (A/975).

2. Mrs. MYRDAL (Secretariat) said that the advisory social welfare services had been instituted in 1946 as a result of General Assembly resolution 58 (I) and had been continued subsequently on a year-to-year basis. An ever increasing number of Governments had participated in the programme and it had been possible to extend the services rendered without additional expenditure on the part of the United Nations, thanks to the increased financial participation of the recipient countries. At its ninth session, the Economic and Social Council had decided by its resolution 243 (IX) E, that the services should be placed on a continuing basis. It was not for the Secretariat to pass judgment on the value of the services; she wished, however, to point out that the existing year-to-year basis did involve certain practical difficulties in administration, in that all activities had to be both planned and concluded within a single budgetary year. In conclusion, she stated that all the relevant information would be found in the Secretary-General's note on the subject (A/C.3/521).

3. Mr. SUTCH (New Zealand), speaking on behalf of Mr. Thorn, the President of the Economic and Social Council, who was unfortunately unable to be present, warmly advocated the adoption of the resolution recommended by the Council. After referring briefly to the origin of the advisory social welfare services, he said that the programme had been extremely popular among the recipient countries and had also been heartily endorsed by the countries providing facilities. The programme was, indeed, one of the activities of the United Nations which fulfilled the ideal of co-operative assistance in the solution of problems facing any Member. The information given in the note by the Secretary-General was an overwhelming proof of the need for the services. The annex to the *Report by the Secretary-General on the implementation of resolution 58 (I) of the General Assembly*[1] contained expressions of appreciation from many recipient countries. Both in the Social Commission and in the Economic and Social Council, his delegation had supported the recommendation that the services should be placed on a continuing basis and it would continue to do so in the General Assembly.

4. Sixty-one countries had participated in the programme during the three years of its existence. Some, among them Australia and Belgium, had both provided and received assistance. The scope of the programme had also widened considerably for the items it covered had increased from eighteen in 1947 to forty in the year 1948-49.

5. During the discussions in the Economic and Social Council, some representatives had expressed the opinion that the recipient countries rather than the United Nations should meet the cost of the services. He agreed that the recipient countries should bear at least a part of the cost, for they would themselves be more actively concerned in the success of the programme and the funds allocated by the United Nations would go further. On the other hand, it would be a mistake to insist that all the services should be paid for by the recipient countries, because those most in need of the services might then be eliminated. That was why the Economic and Social Council had simply requested the Secretary-General to continue his efforts to bring about increased financial participation on the part of recipient Governments. The results had been very successful, and had enabled the programme to be extended considerably without any additional expenditure on the part of the United Nations. Indeed, because of that increased participation, the average cost of a fellowship to the United Nations had decreased from $3,000 in 1947 to approximately $2,000 in 1949. He was confident that the recipient Governments would continue to increase their financial participation and he therefore hoped that there would no longer be any opposition to the scheme on that score.

[1] Document E/828.

6. The Secretariat had suggested[1] that the programme should be extended in order to give young, inexperienced scholars the opportunity of a year's study abroad. His delegation felt that it would be more useful to give a short period of intensive training to those who already had some experience, so that they could then return to their countries and pass on their experience to others. That was, however, partly a question for the recipient countries themselves to decide, and he fully sympathized with the countries which wished to send inexperienced people abroad for a year's training because they had no trained people who would qualify for a six months' fellowship.

7. He emphasized the difficulties caused both to the United Nations and to the participating countries by the existing procedure. On the year-to-year basis, it was sometimes difficult for the experts or the fellows to complete their work within the financial year and unless the programme were placed on a continuing basis it would be very difficult to obtain increased participation from Governments. He pointed out that the Second Committee, in recommending that technical assistance in the economic field should be placed on a permanent basis, had at the same time requested a far higher allocation for that item in the United Nations budget. There was no such request for a higher allocation connected with the advisory social welfare services. All that was asked was that they too should be placed on a continuing basis.

8. In conclusion, he thanked the Secretariat for the publication of the booklet entitled *International Exchange of Social Welfare Personnel*.[2] The whole booklet, and in particular chapter VII, "Suggestions for future action", would be extremely valuable.

9. Mr. KAYSER (France) warmly supported the resolution submitted by the Economic and Social Council and hoped it would be unanimously adopted. He emphasized the great importance of the advisory social welfare services and regretted that work of such vital importance should have been given such an uninspiring title. He instanced some of the practical results already achieved, stressing especially the work done in Austria, since that country was not a Member of the United Nations. The expert sent by the United Nations had done a great deal to help in the reorganization of the social services. It was, indeed, unfortunate that so vital a programme should have been given such an uninspiring title.

10. As Mr. Sutch had pointed out, the Second Committee had already recommended that the programme for economic assistance should be placed on a permanent basis, and the Third Committee should do as much for the advisory social welfare services.

11. He emphasized that the programme should not be run on bureaucratic lines, and that each case should be judged on its own merits. The programme should therefore be extremely flexible, leaving a wide freedom of choice to the Governments concerned and letting them use their imagination in seeking methods of implementation.

12. Finally, he expressed the hope that the recipient countries would continue to increase their financial participation and that, in future, the experts would be chosen from a larger number of countries.

13. Miss BAERS (Belgium) felt that the implications of resolution 58 (I) of the General Assembly should be fully understood before a decision was taken on the advisability of placing the advisory social welfare services permanently on the United Nations budget. At the time when the urgent and important advisory functions in the field of social welfare carried on by UNRRA had been transferred to the Economic and Social Council, those activities had been regarded as those of immediate welfare administration rather than of social welfare services in the wider sense. Resolution 58 (I), paragraph 2, sub-paragraph (*b*) had referred merely to the administration of social welfare programmes; those, however, were merely one of the many possible aspects of social welfare service, which itself could be interpreted in many different ways, as the replies to the questionnaire circulated by the Department of Social Affairs had shown. In her delegation's opinion, the scope of social welfare service was far greater than that of the most technically-advanced and scientific welfare administration programmes. It should be preventive rather than remedial, collective rather than individual. It should contribute to the raising of living standards in general rather than to relieving individual inequalities. The State alone could not, however, do that; it would require the collaboration of the persons concerned, of philanthropic and charitable organizations and of systematic activity in that field by industrial and agricultural organizations in connexion with the activities of the State through its qualified organs. The State must undoubtedly participate in social welfare services, but the initiative must come from private sources.

14. In General Assembly resolution 58 (I), no provision appeared to have been made for social welfare services on such a wide scale. It had been drafted to deal with the transitional and abnormal situation immediately following the war. If a permanent organization for advisory social welfare services were desirable, it would be advisable for the Economic and Social Council to review the terms of resolution 58 (I) in the light of that decision and of the normal social conditions in which those services were to be organized. Such a review was all the more necessary in view of the fact that, at its current session, the General Assembly was drawing up a programme for technical economic assistance, with which the proposed programme of social assistance should be parallel, as the French representative had urged. With such considerations in mind, the Belgian delegation was submitting the following draft resolution:

"*The General Assembly,*

"*Considering* that the experience gained in carrying out General Assembly resolution 58 (I) on advisory social welfare services has proven the usefulness of these services;

"*Considering* that the terms of resolution 58 (I) refer more to the abnormal situation following the war than to the normal social conditions in which the social welfare services are to be organized;

"1. *Believes* that there is reason to consider the existence of these services on a continuing basis;

"2. *Requests* the Economic and Social Council to review the terms of resolution 58 (I) and to

[1] See Document E/CN.5/109.

[2] Document E/CN.5/105/Rev. 1.

submit to the General Assembly, at its session in 1950, a new draft resolution that might serve as the basis for a permanent organization for advisory social welfare services;

"3. *Authorizes* the Secretary-General to continue the advisory social welfare services in operation during 1950."

15. With regard to priority in the advisory services supplied, the Belgian delegation felt that the granting of fellowships was more important even than the despatching of experts. The success obtained from the sending of administrative or financial experts was not a relevant precedent. In the field of advisory social welfare services, experts should be sent only in response to specific requests. Moreover, she agreed with the representative of France that such experts should be drawn from a greater variety of countries than they had been previously. Fellowships were incomparably more valuable, because the fellows were already acquainted with the thought, traditions, manners and customs of their countries of origin and would therefore be in a better position than any foreign expert to see which of their experiences were really relevant to their country's needs and to advise pertinently about their application on their return.

16. The language — at least in the French text — of resolution 58 (I), paragraph 2, sub-paragraph (*b*) was not absolutely clear in that connexion. The Secretariat had been compelled to interpret it, but had perhaps not always done so consistently. The word used in the French text was *fonctionnaires* (officials). In some countries, the fellowships had been granted only to State officials or officials of government organs, whereas in others they had been chosen outside the ranks of government officials proper. The Belgian delegation strongly urged that the French word should be interpreted in the broader sense: that the fellows should be chosen from among both government officials and highly qualified social welfare workers nominated by the State concerned. Persons in under-developed countries who might have studied social science or social welfare abroad on their own initiative might not be government officials for the simple reason that no such government services existed in their country; they should not be excluded from the fellowship programme for that reason. On the other hand, in highly developed countries persons with great experience in private social welfare activities should not be excluded merely because they were not government officials. The extension of qualifications for receiving a fellowship to both such categories was entirely consistent with the spirit of resolution 58 (I). The Committee should make a clear statement of its interpretation of that resolution and submit it for approval to the General Assembly.

17. With regard to the proposed seminars, their advantages were not always proportionate to the expense involved in organizing them. Governments tended to send routine officials or persons not conversant with the subjects treated. Moreover, seminars organized by the United Nations seemed to be superfluous in countries in which there was a continual round of congresses and other activities in the social field. In those countries, too, the seminars seemed to involve greater expenditures than they were really worth.

18. Mr. CONTOUMAS (Greece) said that he was glad to testify to his country's great appreciation of the services which it had received under resolution 58 (I). He agreed with the representative of Belgium that fellowships provided the most effective type of service and that they should not be confined to government officials in the stricter sense of the expression.

19. Mr. AQUINO (Philippines) said that his delegation supported resolution 243 (IX) E of the Economic and Social Council not only because his country was one of the principal recipients of the advisory social welfare services but also because it had sponsored a similar resolution at the third session of the General Assembly.

20. He had, however, been alarmed to see in the Secretary-General's note that Japan was mentioned as already receiving some of the services and being in negotiation for further assistance. While he did not ignore the fact that humanitarian motives might have been at the origin of the extension of such assistance and while he felt that it would be inopportune to enquire whether any political motives had also been involved, he wished it to be clearly understood that the granting of such assistance must in no way be regarded as a precedent. Enemy countries could not participate in the activities of the United Nations until they had signed a peace treaty; until then they could not be regarded as sovereign States.

21. He shared the concern of the Secretary-General about the difficulties involved in continuing the advisory social welfare services on a yearly basis and agreed with the representative of New Zealand that they should be made permanent.

22. There would be no great difficulty involved in removing the technical objections raised by the representative of Belgium about the interpretation of the French text of resolution 58 (I).

23. Mr. JOCKEL (Australia) supported the resolution submitted by the Economic and Social Council. He noted that certain Governments, including his own, had gone further than the original programme, in collaboration with UNESCO.[1] His country was anxious to act as host to more fellows than it had previously received.

24. The Belgian draft resolution was valuable because it carried the work of the United Nations in that field a step further. The existing programme of advisory social welfare services was based upon General Assembly resolution 58 (I), which had been based upon the activities of UNRRA. The Economic and Social Council in its subsequent resolution 43 (IV) had requested the Secretary-General to arrange for a study of methods of social welfare administration currently in use in different countries. The report on the *International Exchange of Social Welfare Personnel* appeared to be based upon the resolution of the Economic and Social Council rather than upon that of the General Assembly. If the Belgian draft resolution were amalgamated with resolution 243 (IX) E of the Economic and Social Council, it would be possible to deal with both the situation which had existed at the termination of UNRRA and the new situation contemplated by the Economic and Social Council.

25. Mr. RAMADAN (Egypt) supported the Economic and Social Council's resolution but reserved his Government's position with regard to the

[1] See *International Exchange of Social Welfare Personnel*, Chapter II, section C.

question of financial contributions by the Governments concerned. Such contributions would be contingent upon the ability of those Governments to allocate the requisite funds in a budget which might be overburdened by previous commitments.

26. Mr. AZKOUL (Lebanon) paid a tribute to the work done by the social welfare services and wished in particular to express his country's gratitude for the help it had received under the scheme. Seminars and cycles of studies were particularly important for, in addition to spreading useful technical knowledge, they also served to awaken the people's interest in social questions. It had been suggested in the Economic and Social Council that the services should be financed by the recipient countries. That, in his opinion, would be most unfortunate, for their success had been largely due to the fact that they had been organized by the United Nations itself and not by the Governments of the countries concerned. He agreed, however, that the recipient countries should participate as much as possible in providing the necessary funds.

27. The Economic and Social Council had discussed at great length the question whether the social welfare services should be placed on a permanent basis and had finally decided to use the word "continuing" rather than "permanent" so as to avoid committing the General Assembly irrevocably and to leave it free to end the scheme if ever that became advisable.

28. He fully agreed with the Belgian representative's interpretation of the word "officials". Indeed, each Government should be left to decide who should receive the fellowships available.

29. The States requesting assistance under the scheme had often found it difficult to determine exactly which service they should request first in order to achieve the best results possible. For instance, were they to send their own officials abroad or request the assistance of foreign experts? In some instances they had finally requested all the services at once. If the scheme were placed on a continuing basis, those States would be able to plan ahead to make a more rational use of the services available.

30. While agreeing with the intentions of the Belgian delegation, he felt that paragraph (1) of the operative part of the proposal, which stated that there was reason to consider the existence of those services on a continuing basis, needlessly reopened a question which had already been thoroughly examined and settled by the Economic and Social Council. On the other hand, it would be advisable to achieve greater consistency between current intentions and the letter and spirit of General Assembly resolution 58 (I) as otherwise the proposed decisions of the Committee would lack a firm foundation. He wondered, therefore, whether the Belgian representative would not agree to the following procedure: the Committee would adopt the resolution of the Economic and Social Council, which recommended that the services should be placed on a continuing basis, and at the same time ask the Council to revise General Assembly resolution 58 (I) and submit a new resolution which would take into account the decision already made to establish those services on a continuing basis.

31. Mr. AQUINO (Philippines) believed that the Belgian proposal was inconsistent with the spirit in which the social welfare services had been conceived in the first instance. The second paragraph of the proposal drew a clear distinction between the abnormal situation following the war and the so-called normal social conditions. In his opinion, as it was impossible to foresee when such normal conditions would once again prevail throughout the world, the Committee should concern itself first of all with the abnormal conditions resulting from the war; instead of organizing a permanent scheme on the basis of normal social conditions, the United Nations should deal with abnormal problems on a continuing basis since no one knew how long the abnormal situation would last.

32. Furthermore, there was a glaring contradiction in the Belgian proposal. Indeed, while paragraph 1 of the operative part expressed agreement that there was reason to consider the existence of the social welfare services on a continuing basis, paragraph 2 requested the Economic and Social Council to submit to the General Assembly, at its session in 1950, a new draft resolution which might serve as a basis for a permanent organization for those services. Thus, the continuing basis of the services was made dependent on a new resolution.

33. In his opinion, the advisory social welfare services should be placed on a continuing basis and a permanent programme evolved as time went on. Consequently, he would vote against the Belgian proposal and support the resolution of the Economic and Social Council.

34. The CHAIRMAN, in reply to a question by the respresentative of FRANCE, said that in view of its character the Belgian proposal should be considered as an independent draft resolution and not as an amendment to the Economic and Social Council resolution.

35. Miss BAERS (Belgium) was prepared to take into consideration the observations made by the Lebanese representative and to eliminate any possible misunderstanding regarding the continuing basis or permanent character of the social welfare services.

36. The statement made by the representative of the Philippines was obviously based on a misunderstanding. Indeed, when proposing that the scheme should be organized on a basis of normal social conditions, the Belgian delegation in no way wished to suggest that social welfare services should be withheld from countries which had suffered from the war and were thus experiencing abnormal conditions. She believed, however, that before giving a permanent character to those services, the Committee should first decide on what basis they were to be organized.

37. The Belgian delegation was in favour of the existing services and was also in favour of organizing them on a permanent basis. Any such permanent organization, however, should not relate only to the abnormal situation following the war, but should also be appropriate to normal social conditions.

38. Mr. AZKOUL (Lebanon) suggested that the following text might be adopted as a compromise: the first paragraph of the Belgian draft resolution followed by the whole of the Economic and Social Council resolution, followed by the second paragraph of the Belgian resolution and then by para-

graph 2 of the operative part of the Belgian resolution amended to read:

"Requests the Economic and Social Council to review the terms of resolution 58 (I) and to submit to the General Assembly, as its session in 1950, a new draft resolution that might serve as a basis for the continuing organization of those services."

39. Miss BAERS (Belgium) accepted in principle the suggestions made by the Lebanese representative but wished to consider them in detail.

40. Mr. BOKHARI (Pakistan) suggested and the CHAIRMAN agreed that the Belgian and Lebanese representatives should prepare a joint draft resolution.

41. Mr. CHA (China) said, with reference to the note by the Secretary-General, that he would be grateful if the Secretariat could publish information on the following additional points: the number of experts requested and the number of experts sent, the number of fellowships requested and granted, the sums spent on literature which had been requested and the total amount spent by the United Nations in connexion with the advisory social welfare services.

The meeting rose at 1 p.m.

TWO HUNDRED AND FIFTY-THIRD MEETING

Held at Lake Success, New York, on Wednesday, 19 October 1949, at 10.45 a.m.

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

Advisory social welfare services (A/975 and A/C.3/521)

1. The CHAIRMAN drew attention to the amendment (A/C.3/L.21) submitted jointly by the Lebanese and Belgian delegations to the draft resolution presented by the Economic and Social Council.

2. Sir Raphael CILENTO (Secretariat), referring to the comment that the list of social welfare experts had been too restricted from the point of view of nationality, said that that situation had been progressively remedied. The preponderance of United States experts had been reduced from fifteen out of twenty-four in 1947 to ten out of twenty-one in 1948 and there would probably be only seven out of seventeen in 1949. Certain of those United States appointments, moreover, were for a limited period. The remainder of the appointments would comprise two experts each from the United Kingdom, Belgium, Chile and Canada, and one each from New Zealand and the Philippines. The existence of the single-year programme had considerably hampered that reduction. The delays involved in processing the experts meant that they could be used only for very short periods. That, in turn, exercised a bad effect upon requests, because the countries most in need of experts felt that they should be able to count upon their services for a considerable period — a guarantee which the Secretariat was unable to give. Furthermore, many highly qualified experts were unable or unwilling to leave their regular work for such short periods. It had even occasionally been necessary to reject requests, because it was impossible to ensure the availability of properly qualified persons.

3. The single-year programme, furthermore, precluded the use of the same expert by two or more neighbouring countries and the use of teams of experts who might collaborate with the specialized agencies concerned. It thus increased the cost of administration and reduced efficiency.

4. The sole restrictions on the types of expert advice supplied were the proviso that it must fulfil a specific request of a Government and the existing limitations imposed by the short-period programme and small budget available. The type of advice specifically requested usually varied with the degree of development of the country requesting it.

5. The difficulties felt by the Belgian representative might have arisen from the fact that the term "social assistance" was variously interpreted and did not mean the same system as the *assistance sociale* known in Belgium.

6. The Belgian representative's objection to seminars on the grounds that their value was not proportionate to their expense was not borne out by the results of the three seminars held since 1946. They had contributed considerably to the increase of social awareness in the twenty-seven countries concerned and had led to the establishment of a school of social work, with a member of the United Nations Secretariat currently acting as its expert adviser.

7. That the Belgian representative was wrong in believing that only government officials attended such seminars was shown by the fact that out of eighty persons who had attended the recent seminar at Beirut only eleven had been officials, ministers or former ministers for social affairs or education, and of the latter many had been experts in their own right. Moreover, the overwhelming majority of the four hundred other persons attending had been specialists in that field. That seminar had led to a request that another similar meeting should be held in 1950, and one of the Governments concerned had offered to print, without charge to the United Nations, 5,000 copies in Arabic of the report of the entire work.

8. With regard to the comment that the qualifications for fellowships should be broadened to include private individuals in addition to officials, the Secretariat had always regarded itself as bound to be guided by the requests of the Governments. Fellowships would be granted to an individual engaged in private social welfare assisting the Government, if no suitable official were available and if the Government concerned so requested. On the other hand, grants had been refused to private persons proposed by private agencies, since they would work only with private agencies on their return.

9. The programme had already diverged widely from the terms of reference laid down in resolution 58 (I) of the General Assembly. That had occurred with the consent of the Social Commission, of the Economic and Social Council and of the General Assembly at all stages. There had been no provision for seminars, for example, in resolution 58 (I), but experience had shown the value of organizing them. A gradual change had already developed and would continue so long as the programme was adapted to the growing needs of the countries concerned.

10. The Secretariat had summarized, from various documents, further detailed information on certain aspects of the programme; that information, given in a note by the Secretary-General (A/C.3/521), was available for the representative from China, as requested, and for all members of the Committee who desired it.

11. Mr. DE ALBA (Mexico) agreed with the representative of France that the title "advisory social welfare services" was neither inspiring nor accurate, particularly in its Spanish translation.

12. The resolution of the Economic and Social Council was very opportune: the time had come for the transformation of the emergency activities of UNRRA into a permanent programme based upon similar principles. The joint Belgian and Lebanese amendment, although acceptable in principle, did not go far enough: not only should the terms of resolution 58 (I) be reviewed, but a strong recommendation should be added that the existing divergent services should be closely co-ordinated. The Secretary-General's report on the programme showed that so many different activities were being carried out that there was a real danger that the whole programme would be weakened unless they were co-ordinated more closely.

13. At the same time, the Economic and Social Council should recommend that the United Nations make the fullest possible use not only of the specialized agencies but also of the technical non-governmental organizations active in that field. WHO and UNESCO had relations with such organizations in their fields. UNESCO in particular was advising and receiving advice from many international organizations working on subjects similar to its own. Such collaboration was not mentioned in section III of the report, which referred only to the specialized agencies and other departments of the Secretariat. The resolution before the Committee should therefore include a specific reference to the desirability of using all appropriate non-governmental organizations as well as the relevant specialized agencies and a recommendation that their work should be closely co-ordinated with that of the United Nations.

14. Such collaboration would greatly simplify and lighten the work of the United Nations and would make it possible for a great deal more work to be done with the very limited funds allotted to the advisory social welfare services. The very inadequate sum of 30,000 dollars allotted for films showed the advisability of such collaboration with outside agencies, which alone had the requisite funds at their disposal. The greatest care must, however, be taken to avoid overlapping and duplication, particularly in connexion with the work of the non-governmental organizations.

15. With regard to the details of the programme, it was essential that the experts should possess the highest qualifications, as the prestige of the United Nations was involved.

16. While he would support the proposal that the programme should be placed on a continuing basis and should be reviewed by the Economic and Social Council, a definite date should be stipulated for that review; it should take place at that Council's session in 1950.

17. Mr. PLEJIC (Yugoslavia) believed that the results achieved by the advisory social welfare services fully justified their existence. His country was grateful for the help it had received in that field. In addition to its contribution to the improvement of social standards in various countries, the scheme also served another very important purpose. Indeed, it served the cause of peace in so far as peace was closely linked with the settlement of social and economic problems throughout the world.

18. All Member States, whether large or small, rich or poor, contributed towards the cost of the services, which were extended to those who needed them most. That was a commendable example of how to organize any international scheme of economic and social aid. He believed, therefore, that the Committee should support the further development of the advisory social welfare services.

19. Yugoslavia was a recipient country; but it was also prepared to act as a contributing country by extending its hospitality to fellows from abroad. The country had suffered extensive devastation during the war and could not boast of any large-scale technical installations in the field of social services. He felt, however, that it might prove useful to some to see for themselves how the whole system of Yugoslav social welfare services rested on a very wide basis and involved all social classes. The characteristic trait of the Yugoslav social services was the participation of the masses in a joint effort to meet the social consequences of the ravages wrought by the war and to raise the general social standard of the workers.

20. The Yugoslav delegation supported the resolution of the Economic and Social Council, which recommended that the advisory social welfare services should be placed on a continuing basis, and also the joint Belgian and Lebanese amendment, which provided for even wider action in that field.

21. Mrs. VIAL DE SEÑORET (Chile) referred to the advantages her country had derived from the advisory social welfare services scheme and said that she would support the Economic and Social Council's draft resolution and the joint Belgian and Lebanese amendment. She also agreed with the New Zealand representative that fellowships should be granted to experts so that they could increase their knowledge and experience still further and thus make the best use of the scheme.

22. Mrs. WILSON (Canada) appreciated the outline of the various reasons why the advisory social welfare services should be placed on a continuing basis given by the representative of New Zealand at the previous meeting. It had been particularly encouraging to hear that the recipient countries were increasing their financial

participation in the scheme, for that would enable the funds supplied by the United Nations to go further. It should also be borne in mind that the countries receiving assistance would gradually be able to build up their own social services, so that they would eventually be able to manage without any outside help. That was in fact the final aim of the whole programme. She fully realized that some countries were as yet unable to share in the cost of the services they received and she felt that those were the countries which had most need of the services. As some other representatives had stated, the services might eventually become an integral part of the programme of technical assistance to under-developed countries.

23. Her delegations considered that the holding of seminars and the provision of social welfare consultants were both necessary and valuable services which should be made a continuing feature of the United Nations programme.

24. With regard to the fellowship programme, she thought that more could be done to co-ordinate it with the programmes of a similar nature organized by the specialized agencies and the non-governmental organizations. It would be interesting to know the Secretariat's views on that point. In her country's experience, the persons sent abroad on fellowships varied greatly in their capacity to benefit from the training they received. Some had been mature and intelligent and thus well able to take advantage of their experience, whereas others, through no fault of their own but rather through an error of judgment on the part of those who had selected them, had been unable to make the best use of their training. She asked what the experience of other countries had been in that respect.

25. The representative of New Zealand had expressed the opinion that it would be more useful to give short periods of intensive training to people who already had some experience than to give longer periods of training to inexperienced people. She felt much sympathy for that point of view and emphasized that there should be adequate safeguards to ensure that fellowship holders were of a uniformly high calibre. She suggested that, if some countries had no trained persons to send on fellowships, part of the funds should be definitely set aside to provide training for inexperienced students. If the fellows were divided in advance into two categories, the host countries would know whether the people they received already had some experience or not, and they would then be able to provide the most suitable training. It would also be helpful if the more prosperous countries would meet the expense themselves when they wished to send persons abroad for training, so that the United Nations funds could be used for the countries which were in really urgent need of assistance.

26. She emphasized that her remarks were simply intended to be helpful for future planning and were not in any way intended as a criticism of the work that had been done in the past.

27. In conclusion, she stated that her delegation was, in principle, in favour of placing the advisory social welfare services on a continuing basis. She emphasized, however, that it would still be necessary to examine the details of the programme each year in order to make sure that the greatest possible use was made of the limited funds available.

28. Mr. MENESES PALLARES (Ecuador) stressed the constructive character of the assistance given to various countries under the advisory social welfare services scheme and expressed his appreciation of the efficiency with which the United Nations and the specialized agencies had contributed to its success.

29. The scheme acquired particular significance in the light of the approval by the Second Committee of the United Nations programme for technical assistance to under-developed countries.[1] Indeed, there was a very close connexion between economic and social progress, and a successful utilization of available material resources became somewhat meaningless if it did not result in improved social standards. He supported the principle that the scheme should be placed on a continuing basis and pointed out that most of the difficulties encountered so far had been due to its temporary character.

30. Particular emphasis should, in his opinion, be laid on the need to co-ordinate all the services given by the United Nations and the specialized agencies. An example of such co-ordination by the United Nations — prior to the departure of experts and after their arrival — had been seen recently in his own country. The importance of such co-ordination had long been recognized and the fourth session of the Social Commission had, on the suggestion of the representative of Ecuador, adopted a resolution requesting the Secretary-General "to seek to promote the correlation of the work of advisers, including advisers provided by specialized agencies, whenever the request of a government shows that the matters on which advice is being provided to it fall within the fields of competence of one or more programmes of the Secretariat and of one or more specialized agencies".[2] The delegation of Ecuador would support the Economic and Social Council's resolution as amended by the joint Belgian and Lebanese proposals.

31. Mrs. ROOSEVELT (United States of America) said that her Government considered the scheme to be a particularly constructive one and was glad to note that the participation of the recipient countries in meeting its cost had increased. She had been impressed by the administrative difficulties resulting from the existing year-to-year basis of the scheme and was in favour of lending it a continuing character. She emphasized, however, that appropriations made for the advisory social welfare services would have to be examined every year by the General Assembly.

32. Referring to the Mexican representative's statement on the inadequacy of the sums allocated for films, she pointed out that new films were produced by the United Nations for a particular field where suitable films did not exist, and that activities in this field were mostly confined to compiling an international catalogue of welfare films which Governments could secure. It would appear that the funds were quite sufficient for that purpose.

[1] See *Official Records of the fourth session of the General Assembly, Second Committee,* 98th meeting.

[2] See *Official Records of the Economic and Social Council,* Fourth Year, Ninth Session, *Supplement No. 8,* paragraph 41.

33. Regarding the selection of the fellows sent abroad, she observed that the experience of the United States as a host country had been increasingly satisfactory and that there had been a marked improvement in the selection. Governments were becoming more and more aware of the qualifications required from the fellows they sent abroad under the scheme.

34. The United States delegation supported the Economic and Social Council resolution and also the joint Belgian-Lebanese amendment as it felt that General Assembly resolution 58 (I), though sound in principle, required some alteration in its details.

35. Mr. KATZNELSON (Israel) said that his delegation appreciated the importance of the assistance received by many countries under the advisory social welfare services scheme and supported the recommendation that it should be placed on a continuing basis. Valuable though it was, however, the existing programme did not solve the basic problem of how to supply adequate numbers of qualified and trained social workers, who were so essential to the very existence of social services and institutions in any country. That could only be achieved by the establishment of permanent facilities for the training of young men and women as social welfare personnel. The shortage of social workers was particularly acute in countries with a rapidly increasing population. The proposed continuing basis for the scheme might enable the Secretary-General to extend effective assistance to the countries concerned in the establishment and administration of a network of social service schools.

36. He therefore wished to propose the following amendment (A/C.3/L.22) to be added to the Economic and Social Council resolution as paragraph 3 or, if the Belgian-Lebanese amendment were adopted, as paragraph 4:

"*Directs* the Secretary-General, in view of the absence or inadequacy of local facilities for training of qualified social workers in many countries where the increasing population or the rapid rhythm of social development urgently demand large numbers of trained social workers, to give special consideration to suggestions for meeting this need."

37. His delegation would support the Economic and Social Council's draft resolution as amended by the joint Belgian-Lebanese proposal.

38. Mr. SUTCH (New Zealand) pointed out that both the Social Commission and the Economic and Social Council had, for a long time past, been extending the scope of the advisory social welfare services scheme as much as possible within the limits laid down by the terms of General Assembly resolution 58 (I) and the funds allocated by United Nations. Those concerned had become more and more conscious of the need for placing the scheme on a continuing basis. They had, however, fought shy of recommending any revision of resolution 58 (I) lest such a revision should lead to a gradual elimination of the assistance given to war-devastated countries. Indeed, although the resolution in question did not specifically relate to any post-war emergency, it had been adopted in view of the apparent "necessity of transferring to the United Nations the urgent and important advisory functions in the field of social welfare carried on by UNRRA". The need for the assistance given to war-devastated countries under that scheme was still very great, and it had been feared that any revision of the resolution might unfortunately lead to some reduction of that aid. Hence he could not help entertaining some misgivings in connexion with the joint Belgian-Lebanese amendment, which requested the Economic and Social Council "to review" the terms of resolution 58 (I). The expression "to review" might be interpreted in many different ways; indeed, it might even lead to a curtailment of the scheme, which would be entirely contrary to the aim pursued by the Belgian proposal.

39. Mr. CHA (China) supported the draft resolution recommended by the Economic and Social Council. He also agreed with the representatives of Belgium and Lebanon that it might be necessary to revise General Assembly resolution 58 (I) and he therefore supported their amendment (A/C.3/L.21).

40. In his opinion, the advisory social welfare services had been one of the most constructive branches of the work of the United Nations. It was not a spectacular subject and it had not received much attention from the public, but it was none the less of vital importance and the results achieved were very encouraging.

41. China, as one of the recipient countries, was extremely grateful for the assistance it had obtained under the United Nations programme. At the same time, he wished to point out that his country had shared to a very large extent in the expenses involved. Such items as travel expenses within the country, living allowances, passport and visa fees and countless other incidental expenses had been met by the Chinese Government. In fact, the expenditure incurred by his Government in respect of the services received were far in excess of the amount contributed by the United Nations. The services had been extremely successful in his country and he would be very happy to see them placed on a continuing basis.

42. Mrs. CASTLE (United Kingdom) said that her delegation was, in principle, in favour of placing the advisory social welfare services on a continuing basis. The United Kingdom appreciated the valuable work that had been done under the programme and had been glad to play its part in providing assistance. The serious difficulties involved in operating the scheme within the strait jacket of a single budgetary year were obvious and a more flexible administrative system was therefore needed.

43. She emphasized, however, that there was a difference between a "continuing" and a "permanent" basis. The aim of the Economic and Social Council resolution was to facilitate the administering of the programme, so that it would no longer be necessary to plan and complete each operation within a single budgetary year. As the representative of Canada had pointed out, the whole programme would still be subject to the normal annual review without prejudice to a modification of the basis and financing of the scheme in the light of experience. She noted that, in the French text of the Economic and Social Council resolution, the words *à titre permanent* were used for the English "on a continuing basis". She pointed out that, in English, the words "continuing" and "permanent" were not synonymous, although they seemed to be so used by the simul-

taneous interpreters, and suggested that some alteration might be made in the French text to avoid any possible confusion.

44. She was glad that the need to co-ordinate the advisory social welfare services with the technical assistance programme had again been raised. Her delegation had stressed the point in the Social Commission.

45. She appreciated what had already been done towards obtaining increased financial participation from the recipient countries, and hoped that the Secretary-General would continue his efforts in that direction. The recipient countries were already making a very valuable contribution by paying for many of the incidental expenses in their own national currencies, but she felt that still more could be done. She did not wish to exclude any country from the benefits of the programme by insisting on payment for the services in every single case, but as the financial participation of recipient countries increased, it would naturally follow that the same amount of United Nations money would go further by an extension of the scheme to an even larger number of countries.

46. Mr. ALTMAN (Poland) said that his country was one of those which had benefited from the advisory social welfare services and he supported the Economic and Social Council's draft resolution. His delegation would reserve its comments on the detailed aspects of the scheme until it was again discussed by the Social Commission.

47. In normal times, it was for the Governments themselves to improve their social services from their own resources, but international co-operation and the exchange of information was always extremely helpful. As an example of successful international co-operation in that field, he mentioned an agreement recently signed between Poland and Czechoslovakia.

48. Finally, he stated that he would have no objection to the adoption of the joint Belgian and Lebanese amendment.

49. The CHAIRMAN said that the objections raised by the representative of New Zealand might be met if the word "review" were replaced by "examine" and the word "revisions" by "modifications" in the English text of the joint Belgian and Lebanese amendment. The English text would then be an exact equivalent of the original French. He further suggested that the last part of the amendment should be altered to read:

". . . and to recommend to *the next regular session of* the General Assembly any necessary modifications therein".

50. Mr. AZKOUL (Lebanon) and Miss BAERS (Belgium) agreed to the changes suggested by the Chairman and emphasized that resolution 58 (I) was not to be revised completely, but only in so far as was necessary in view of the decision, in the first paragraph of the Economic and Social Council's draft resolution, to place the services on a continuing basis.

51. Mr. KAYSER (France) referred to the United Kingdom representative's remarks about the words "continuing" and "permanent" and asked the Secretariat to ascertain which language the Economic and Social Council had used when adopting the resolution. When that information was available some suggestions might be made in order to bring the translation into line with the original text.

52. Miss BAERS (Belgium) asked whether the wording would have any financial implications or whether it was simply a question of language.

53. The CHAIRMAN said that the Secretariat would study the points raised by the representatives of France and Belgium before the following meeting.

The meeting rose at 1 p.m.

TWO HUNDRED AND FIFTY-FOURTH MEETING

Held at Lake Success, New York, on Tuesday, 25 October 1949, at 3 p.m.

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

Advisory social welfare services (*continued*)

1. Sir Raphael CILENTO (Secretariat) thanked members of the Committee for the many helpful suggestions they had made during the discussion on the advisory social welfare services and said that they would be brought to the attention of the various officers concerned.

2. The representatives of Mexico and Ecuador had referred (253rd meeting) to the need for co-ordinating activity between the United Nations and the specialized agencies, and the Canadian representative had asked whether all possible steps had been taken to ensure such co-ordination. Those representatives were not satisfied with the existing system of fellowships but supported the useful work performed by the experts and the results achieved by the seminars. The Social Activities Division of the United Nations was taking and would continue to take all possible steps to ensure the necessary co-ordination. Whenever the Division received a request for an expert in a field which came within the competence of any specialized agency, that request was referred to the agency concerned to see whether it could not provide such an expert itself. Furthermore, the Administrative Committee on Co-ordination was seeking and indeed achieving some measure of uniformity regarding fellowships.

3. The United Nations in the past had been continually requested to encourage increased participation on the part of the Governments concerned. The specialized agencies had not, to his knowledge, received similar requests. That had been a great handicap to the United Nations and was an important point, as any lack of uniformity might possibly lead to some competition between the United Nations and the specialized agencies. Uniformity and co-ordination in detail, however, were gradually being achieved: the best example of team-work had been provided by the co-operation

between the United Nations and two specialized agencies in providing several experts for Ecuador. The Secretariat was pressing towards team-work —a most satisfactory idea. The main obstacle so far had been caused by the temporary basis of the advisory social welfare services, so that the proposed continuing basis would be of very great help in solving that difficulty.

4. The Canadian representative had also emphasized the need for greater uniformity regarding the qualifications of fellows sent abroad. The qualifications of applicants were being carefully scrutinized and it had been proposed that special selection committees should be set up for that purpose in every country concerned. The standard of the fellows had improved considerably of late.

5. The representative of Israel had spoken (253rd meeting) of the need for schools of social science in countries which were short of qualified personnel in that field. Although it was impossible for the Social Activities Division to set up and to maintain such schools, the problem had already received careful consideration and a consultant had recently been sent to Guatemala to help in the organization of such a school. That form of co-operation could be extended to other countries in need of similar aid.

6. The granting of scholarships was handicapped by the high expenditure it involved. Arrangements, however, were being made in Europe for an exchange programme between various countries without any cost to the United Nations itself. Such arrangements were in keeping with the principle of increased participation on the part of the recipient countries concerned.

7. Much had been made during the debate of a possible difference in meaning between the words "continuing" and "permanent". In the course of the lengthy discussions which had taken place in the past on the subject of the advisory social welfare services, it had been unanimously agreed that the scheme should no longer be hindered by the necessity of operating on a year-to-year basis and that it should become a regular part of the activities of the United Nations. Both words had been used during those discussions in support of the view that the scheme should become a regular function of the United Nations. That, indeed, was the aim of the Social Activities Division itself; it was not proposed that the scheme should last forever, but merely that it should be on a continuing basis from year to year.

8. Mr. BOKHARI (Pakistan) said it was clear that no one disputed the extremely useful character of the advisory social welfare services and that all were agreed that they should be regarded as a regular feature of the activities of the United Nations. Pakistan had not yet benefited from that scheme because of various difficulties; it hoped to overcome them in the near future and then to become not only a recipient but also a contributing country.

9. During the debate which had taken place in the Committee, the Belgian delegation had proposed (252nd meeting) an amendment emphasizing that the terms of resolution 58 (I) referred more to the abnormal situation following the war than to the normal social conditions in which the social welfare services were to be organized. In other words, it had emphasized the need for revising the orientation of a programme originally designed to meet the abnormal situation following the war. Unfortunately that idea was no longer included in the joint amendment agreed upon by Belgium and Lebanon.

10. Conditions had greatly changed since the adoption of resolution 58 (I) which had been mainly designed to provide specific forms of assistance to the war-devastated countries. Many wounds had been healed since then and other needs were becoming apparent. All members were conscious of the grievous losses suffered by many countries which had taken part in the war and no one would dispute their right to aid and assistance for repairing the ravages wrought by war and improving the resulting social conditions. Yet it was necessary to make certain reservations on that point. War was an event and not a continuous process, while various historical processes went on continuously, whether there was war or not, bringing much devastation and suffering to countries which might not have been technically at war. Indeed, a high death-rate was often more disastrous to a country at peace than casualties sustained in military operation by a country at war. Nonetheless, there had been some tendency of late to over-emphasize the needs of war-devastated countries at the expense of the countries which had not been at war, and it had become necessary to redress the balance somewhat. The important point of the original Belgian amendment was that resolution 58 (I) had been adopted in specific circumstances immediately following the end of hostilities, whereas conditions had changed since then and it had become necessary to consider war damages side by side with other equally important and urgent factors.

11. He did not intend to submit again the original Belgian amendment and his only purpose was to emphasize that war damages should not be the only factor to be considered when examining the needs of the world equitably. Many other representatives had made extremely valuable observations and suggestions during the debate and he felt that both their and his point of view would be fully met if the joint Belgian and Lebanese amendment (A/C.3/L.21/Rev.1) were amended to read:

"3. Requests the Economic and Social Council to review the terms of resolution 58 (I) in the light of the provisions of paragraph 1 above, *and in the light of the discussions of the Third Committee of the General Assembly . . .*"

12. Mr. FREYRE (Brazil) supported the recommendation made by the Economic and Social Council. While appreciating the remarkable work already done by the services, he suggested that, in future, the programme might be implemented through the specialized agencies rather than by the United Nations itself. In view of the far more extensive programme of technical assistance to be carried out in the economic field, it was obvious that the advisory social welfare services should not be in any way neglected.

13. With regard to the future development of the programme, he considered that the most effective way of granting assistance would be through the award of fellowships to social welfare officials and by sending experts to the countries which needed them.

14. He emphasized the need for co-operation with the specialized agencies and supported the

Belgian and Lebanese amendment providing for the revision of resolution 58 (I). He believed that, in future, the under-developed countries and the war-devastated areas should be placed on an equal footing and that assistance should be granted where it was most needed.

15. He sympathized with the amendment submitted by the representative of Israel but he did not think it was really necessary since the Secretariat would obviously take into consideration the views expressed by various delegations when carrying on the programme.

16. With regard to sub-paragraph (*b*) of the Ethiopian amendment (A/C.3/L.23), he did not think that the time had yet come to establish a permanent United Nations organization for advisory social welfare services. Nevertheless, he asked for further information concerning the exact scope of the amendment before he could take a definite decision upon it.

17. Mr. ALAMAHEYOU (Ethiopia) said that his country would support whole-heartedly any programme designed to raise the social, cultural and economic standards of the peoples of the world. In addition to immediate practical results, such programmes would ultimately also have a salutary political influence. The existing international tension was due to many factors and mainly to various differences and disparities between the cultural, economic and social standards prevailing in different parts of the world. Taken by themselves, many of those problems were not political in character, but taken as a whole they could form intricate political problems which it would be difficult for the United Nations to settle. If the United Nations were to widen and intensify its activities in the non-political fields and to narrow the existing disparities between various nations, the remaining, basically political problems might become much easier to solve. That was the aim of the amendment he had submitted to the Committee.

18. Sub-paragraph (*b*) of that amendment requested the Economic and Social Council to study and report on the possibility of establishing a permanent United Nations organization for advisory social welfare services. He had made that suggestion because of the different interpretations given to the expression "continuing basis" contained in the Economic and Social Council's draft resolution. In his opinion, "permanent" and "continuing" were not synonymous and while he would be satisfied if the existing scheme continued as recommended in the draft resolution, he would also like the Council to examine the possibility of establishing a permanent social welfare organization.

19. Regarding sub-paragraph (*a*) of his amendment, he said that in his opinion resolution 58 (I) was defective in so far as it tended to preclude the under-developed countries from participating in the programme in question. It met the requirements of countries which had well developed social welfare schools or suitably qualified social welfare officials and which could thus benefit from the schemes providing for experts and fellows. On the other hand, countries which were under-developed or whose educated men and women had perished in the war could not participate in the programme at least until such time as they had been able to develop their own schools and train their own experts. The shortcomings of resolution 58 (I) had been recognized by the Secretary-General himself. In the *Progress report on the implementation of resolution 58 (I)*[1], the Secretariat had suggested that the Social Commission should consider "the extension of the fellowship programme to include provisions by which young inexperienced scholars may be given formal training for at least one year in schools in social work abroad".

20. The adoption of the Ethiopian amendment would enable under-developed countries to participate in the social welfare programme. Should his amendment be rejected, however, he would still support the resolution if the Committee adopted the amendment proposed by the representative of Israel (A/C.3/L.22) as that amendment represented a step towards his goal.

21. Mr. SUTCH (New Zealand) said it had been generally agreed during past discussions that the advisory social welfare services should become a regular feature of United Nations activities and it had been felt that the expression "on a continuing basis" covered that concept adequately. Since, however; there had been some misunderstanding on that point, he proposed that the word "permanent" should be used instead of "continuing" in the Economic and Social Council's draft resolution before the Committee. He hoped that such a change would allay the misgivings of the Ethiopian representative. Otherwise, sub-paragraph (*b*) of the Ethiopian amendment would represent a step backward—indeed, if the social welfare services were to be placed on a continuing basis, there was no need to ask the Economic and Social Council to study the possibility of placing them on such a permanent basis.

22. The adoption of sub-paragraph (*a*) of the Ethiopian amendment would also narrow down the scope of the resolution; while the joint Belgian-Lebanese amendment (A/C.3/L.21/Rev.1) requested the Economic and Social Council to review the terms of resolution 58 (I) in order to widen and improve it as a whole, the Ethiopian amendment proposed that such a revision should be carried out only for the purpose of including provisions for the training of inexperienced scholars. Furthermore, one of the suggestions already contained in the report on *International Exchange of Social Welfare Personnel*[2] was that scholarships for at least one academic year of basic social work training should be granted to persons with little or no social welfare experience who, upon completion of their study abroad, were to fill posts in countries which were then beginning or had only recently begun to develop programmes in the social field. That question was to be examined by the Social Commission and the Economic and Social Council. Furthermore, it had always been his opinion that when funds were limited it was more advantageous for a country to send an expert abroad for a short time, so that he should obtain up-to-date knowledge and experience, rather than to send immature and inexperienced trainees for long periods of time. He believed that before specializing in any particular field, the peoples of under-developed countries should first acquire general knowledge and experience.

23. The amendment submitted by Israel also emphasized only one particular point, namely, the

[1] Document E/CN.5/109.

[2] See document E/CN.5/105/Rev.1, chapter VII, section A.

inadequacy of local facilities for training qualified social workers in many countries. He believed that the problem should first be examined by the Social Commission, which would then make the necessary recommendations.

24. In conclusion, although he did not necessarily agree with the views of the Pakistan representative on post-war needs in the world, he accepted his suggestion for he believed that it would meet the views expressed by the representatives of Ethiopia and Israel. The summary records of the Third Committee would be examined by the Social Commission and the Economic and Social Council, which would thus be fully acquainted with the suggestions made by all the members of the Committee.

25. Mrs. KRIPALANI (India) supported the draft resolution submitted by the Economic and Social Council and said that her country had greatly appreciated the work done by the advisory social welfare services. While welcoming the proposal that the services should be placed on a continuing basis, she hoped that their cost would be kept at a reasonable level. She did not wish efficiency to be sacrificed to economy, but she emphasized that the money spent on the services should be made to go as far as possible. One way in which that aim could be achieved would be to avoid all unnecessary duplication of work and she was glad to see from the brochure entitled *International Exchange of Social Welfare Personnel* that a first step had already been taken towards co-ordinating the activities of the various international organizations in the social field.

26. With regard to the financial participation of the recipient countries, she noted from the note by the Secretary-General (A/C.3/521) that it had increased greatly in the year 1948-1949. In her opinion, that was sufficient evidence of the desire of the recipient countries to participate as far as possible in financing the programme and she did not think that any further demands should be made upon them. The assistance of the United Nations should always remain a part of the programme and she could not, therefore, support any attempt to shift the financial burden entirely onto the shoulders of the recipient countries.

27. With regard to the fellowship programme, she referred to the report of the Social Commission[1], in which it was stated that the Indian representative had proposed that the programme should be suitably modified so as to permit a period of observation extending to a maximum of two years. That proposal had been withdrawn on the understanding that the principle of extending the period of fellowships had been accepted. The Social Commission had agreed that the Secretary-General himself should be permitted in special cases to extend the period of study to be granted to fellows, but it had been pointed out that such an extension would be impossible unless the programme was placed on a continuing basis and more funds were made available. The first of those conditions would be fulfilled if the Committee adopted the Economic and Social Council's draft resolution, but her delegation could not agree to any appreciable increase in expenditure. She therefore asked how the Social Commission's recommendation was to be put into effect.

28. Finally, she stated that she would support the Economic and Social Council's draft resolution together with the amendment submitted jointly by the delegations of Belgium and Lebanon.

29. Mr. BEAUFORT (Netherlands) supported the proposal that the advisory social welfare services should be placed on a continuing basis, on the understanding that the budgetary allocations would be re-examined each year. He referred to the report of the Advisory Committee on Administrative and Budgetary Questions which stated that increased contributions by Governments had hitherto served to augment the total expenditure rather than to decrease the net appropriation of the United Nations.[2] He hoped that in future the direct expenditure on the part of the United Nations would be decreased and that the adoption of the proposal to place the services on a continuing basis would help to achieve that end.

30. He appreciated the motives underlying the amendments submitted by the representatives of Ethiopia and Israel, but considered that the adoption of the joint Belgian and Lebanese amendment would render them unnecessary.

31. Mrs. AFNAN (Iraq) said that the advisory social welfare services were among the most constructive efforts made by the United Nations. As the representative of France had said (252nd meeting), there was a certain lack of imagination in the title given to them and she felt that the lack of imagination extended also to the budgetary allocations. More than 3 million dollars had been allocated to the information services in the budget for 1950 and she felt that if some of that money were spent on the advisory social welfare services the peoples of the world would learn about the principles and purposes of the United Nations in a tangible way. Many countries had, through bitter experience, learned to interpret all assistance as some form of political manoeuvre and, if the United Nations could extend its services to those countries, they might at last discover that assistance could really be altruistic.

32. In her opinion, some representatives had rather over-emphasized the need for increased financial participation from the recipient countries. If that policy were carried too far, the countries which were most in need of assistance would find themselves unable to afford it. There were, moreover, many Trust Territories which should also be entitled to receive assistance from the United Nations and she hoped that, in future, the services would be made available not only to all who requested them, but also to all countries which needed them.

33. She warmly supported the joint Belgian and Lebanese amendment with the addition suggested by the representative of Pakistan, as she believed that resolution 58 (I) should be re-examined with a view to rendering the services really available to all countries without any discrimination. She hoped that the services would eventually become a permanent feature of the work of the United Nations and that they would be co-ordinated with similar programmes organized by the specialized agencies.

34. Mr. EUSTACE (Union of South Africa) agreed that the advisory social welfare services

[1] See *Official Records of the Economic and Social Council*, fourth year, ninth session, Supplement No. 8 (E/1359).

[2] See *Official Records of the fourth session of the General Assembly*, Supplement No. 7, (A/934), paragraph 205.

were fulfilling an essential purpose and that they should be continued. His delegation felt, however, that the time had not yet come to place the programme on a permanent basis, for if that were done there would no longer be an opportunity of reviewing the basis of the programme each year.

35. Economic conditions throughout the world were still far from stable as was shown by the dollar shortage prevalent in many countries and the recent devaluation of certain currencies. Many countries were still unable to accept financial responsibility for the services they received and he felt that any final decision on the subject should be postponed until economic conditions became more stable and the recipient countries were able to bear a larger share of the expense.

36. He emphasized that his remarks were not in any way intended as an argument against continuing the services; he simply felt that the time had not yet come to place them on a permanent basis.

37. Mr. FENAUX (Belgium) accepted the addition to the joint Belgian and Lebanese amendment submitted by the representative of Pakistan and considered that the purpose of the other two amendments would be covered by that text.

38. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) supported the draft resolution submitted by the Economic and Social Council. In his opinion, that resolution was perfectly adequate in itself and there was no need to amend it in any way. There was no need to instruct the Economic and Social Council to review the terms of resolution 58 (I), since the Council would doubtless take that action on its own initiative if it deemed it necessary. He would therefore abstain from voting on the joint Belgian and Lebanese amendment.

39. The amendments submitted by the representatives of Israel and Ethiopia dealt with specific aspects of the programme and, in his opinion, those details could not be settled until the actual requests for assistance were received by the Secretary-General. He did not think it was necessary to establish a permanent United Nations organization for advisory social welfare services, as was suggested in sub-paragraph (*b*) of the Ethiopian amendment. Such an organization would only entail additional expenditure on administration and there would then be less money available for the services themselves. He would therefore vote against the amendments submitted by the representatives of Israel and Ethiopia.

40. Mr. EREN (Turkey) said that his delegation was fully in support of the idea that the advisory social welfare services should be placed on a continuing basis, but he wished to emphasize the practical consequences of such a decision. Experience had shown that when a programme was placed on a permanent basis the cost tended to rise from year to year. The cost of all the social services sponsored by the United Nations might eventually become prohibitive for Governments that had their own social services to support. It should be borne in mind that each Government had its own social welfare programme and that the aspects requiring most urgent attention differed from country to country. Thus countries might find it difficult to bear the additional financial burden of the United Nations programme if it did not correspond exactly with their own immediate needs.

41. In conclusion, he stated his delegation would support the scheme as a whole, but he hoped that the practical implications would be borne in mind and that the adoption of the Economic and Social Council draft resolution would not involve any additional expenditure.

42. Mr. ALAMAHEYOU (Ethiopia), replying to the representative of New Zealand, felt that there was a certain distinction between the words "on a continuing basis" and "on a permanent basis". Moreover, sub-paragraph (*a*) of his amendment was not in any way restrictive in character. It simply mentioned one specific way in which the scope of resolution 58 (I) could be widened, but that did not exclude the possibility of improving the resolution in other ways at the same time. He further emphasized that the adoption of his amendment would not alter the existing practice of reviewing the budgetary allocations for the services each year. He therefore urged all delegations to support his amendment.

43. Mrs. DE CASTILLO LEDÓN (Mexico) said that the advisory social welfare services should be placed on a permanent basis because they were among the most important obligations incumbent upon the United Nations. The Israeli and Ethiopian amendments should be rejected, because they listed only specific services and were thus too restrictive, whereas the joint Belgian and Lebanese amendment, as amended by the representative of Pakistan, fully covered the requisite scope of the programme. There was undoubtedly a consensus of opinion that the scope should be as broad as possible.

44. Mr. AZKOUL (Lebanon) accepted the insertion proposed by the Pakistan representative. If the Economic and Social Council were going to review the terms of resolution 58 (I), it must be able to do so in the light of the discussions which had taken place in the Third Committee.

45. With regard to the question whether the services should be placed on a continuing or permanent basis, the representative of the Secretariat had been correct in his interpretation, but the Lebanese delegation wished to emphasize its view that the objection to the word "permanent" was that it might be construed as a belief that the need for advisory social welfare services might itself be permanent, whereas, with the growing development of countries currently backward in that field, that need might eventually disappear.

46. The amendment submitted by the Ethiopian representative was very valuable as a suggestion and a guide to action, but that idea should appear in the records rather than be incorporated in the resolution. Its inclusion in the resolution might restrict the scope of the proposed review of resolution 58 (I) by concentrating it upon the examination of a single specific point, whereas the insertion suggested by the representative of Pakistan fully authorized the Economic and Social Council to examine that question together with the others which had emerged in the course of the discussion. The Ethiopian suggestion was, however, of the utmost importance. It was essential that the lack of suitably qualified social welfare officials or adequate services should not deprive an under-developed country of the opportunity to receive the United Nations services. As things stood, an under-developed country might not be able to receive seminars or experts because it lacked the prerequisite for the success of such

activities, namely, a number of experienced and qualified persons with whom the visiting experts could work. The Economic and Social Council should take most careful note of the Ethiopian delegation's suggestion when it came to work out the proposed continuing plan for advisory social welfare services.

47. Mr. FENAUX (Belgium) agreed with the representative of Lebanon in accepting the Pakistan representative's proposed insertion into the joint amendment.

48. Mrs. ROOSEVELT (United States of America) said that the retention of the phrase "on a continuing basis" would not only ensure the planning of a programme of services for periods longer than that of a single year but would also enable the Economic and Social Council to decide from time to time whether certain activities should be extended or discontinued.

49. The joint Belgian and Lebanese amendment, as amended by the representative of Pakistan, had rendered the Ethiopian and Israeli amendments unnecessary; she would therefore vote for the former.

50. Mr. VÁSQUEZ (Uruguay) observed that it was generally agreed that the existence and continuation of the advisory social welfare services were desirable; the only real differences of opinion concerned their scope. Such amendments as that submitted by the Ethiopian delegation concerned the future of the programme rather than its immediate existence. It might be desirable, however, that the programme should be continued for a specified period, perhaps for three or five years, rather than that it should be made permanent; that would simplify budgeting. He therefore proposed that the following paragraph should be added as sub-paragraph (iii) to the draft resolution submitted by the Economic and Social Council:

"(iii) For the subsequent years, to have the Social Commission establish an organic plan to generalize and extend those services, keeping in mind the amendments submitted to the Third Committee."

51. Mr. DOMINIQUE (Haiti) strongly supported the Ethiopian amendment. Many under-developed countries could not afford the whole cost of fellowships. That, however, was no reason for them to be deprived of such services altogether. The adoption of the Ethiopian amendment would provide the means whereby the problems of the under-developed countries in that connexion could be solved in a short period and at relatively small cost.

52. Mr. ALLEN (United Kingdom) said that he was satisfied with the explanation which the representative of the Secretariat had given concerning the interpretation of the phrases "on a continuing basis" and "on a permanent basis". He would support the joint Belgian and Lebanese amendment, as amended by the representative of Pakistan.

53. Mr. KATZNELSON (Israel) emphasized that the provision of local facilities for the training of qualified social workers was a prerequisite for any extension of local services, particularly in recently liberated countries, where the rhythm of social development was especially rapid. The change in political status tended to accelerate that rhythm. In existing circumstances, such services were necessarily restricted, not only owing to lack of funds, but also because of the shortage of the necessary social workers. He had felt it essential to draw attention to that fact in the light of the proposed continuance of the advisory social welfare services.

54. The establishment and extension of local facilities for the training of social welfare personnel was to be preferred to the system of fellowships and short-term seminars, because the latter might fail to lead to effective practical action. Deficient co-ordination between the extension of training facilities and the extension of local social welfare services themselves might involve a similar danger. The example of the establishing of the first social service school in Guatemala cited by the representative of the Secretariat had, however, been encouraging and should be imitated elsewhere.

55. On the understanding that the Economic and Social Council would take his delegation's views into account, he was prepared to withdraw his amendment (A/C.3/L.22) in favour of the joint Belgian and Lebanese amendment, provided that the Pakistan representative's proposal were incorporated in it and also provided that that representative would accept the further insertion of the words "and the suggestions" after the word "discussions". The Economic and Social Council should be requested to pay particular attention to the suggestions made during the debate.

56. Mr. BOKHARI (Pakistan), Mr. AZKOUL (Lebanon) and Mr. FENAUX (Belgium) accepted the insertion proposed by the representative of Israel.

57. Mr. SUTCH (New Zealand) felt that the substitution of the word "permanent" for the word "continuing" in the first paragraph of the draft resolution submitted by the Economic and Social Council might make the eventual incorporation of the existing programme into an expanded programme easier, while it would not preclude its discontinuance, should that become necessary.

58. The CHAIRMAN put to the vote the amendment submitted by the Ethiopian delegation A/C.3/L.23.

The amendment was rejected by 23 votes to 3, with 22 abstentions.

59. The CHAIRMAN put to the vote the oral amendment proposed by the representative of Uruguay.

The amendment was rejected by 25 votes to 6, with 19 abstentions.

60. The CHAIRMAN put to the vote the joint Belgian and Lebanese amendment (A/C.3/L.21/Rev.1), as amended by the delegations of Pakistan and Israel.

The amendment, as amended, was adopted by 47 votes to none, with 5 abstentions.

61. The CHAIRMAN put to the vote the question whether the word "continuing" should be retained in paragraph 1 of the draft resolution submitted by the Economic and Social Council (A/975).

It was decided that the word "continuing" should be retained, by 24 to 18, with 9 abstentions.

62. Mr. AZKOUL (Lebanon) explained that he had voted for the retention of the word "continuing" because the use of the word "permanent"

might have given the impression—which his delegation thought undesirable—that it was felt that there might be a permanent need for such services, whereas it was to be hoped that the need would dwindle and eventually vanish.

63. The CHAIRMAN put to the vote the draft resolution submitted by the Economic and Social Council (A/975), as amended by the joint Belgian and Lebanese amendment (A/C.3/L.21/Rev.1).

The resolution as amended, was adopted unanimously.

64. Mr. CISNEROS (Peru) welcomed the unanimous adoption of the resolution. It was particularly gratifying that no political issues had been interjected into the debate. The establishment of the advisory social welfare services on a continuing basis was a great step forward in the campaign waged by the United Nations against the scourge of poverty. His own country, which already enjoyed a highly developed system of social welfare services, would willingly collaborate in the programme to the best of its ability.

The meeting rose at 5.45 p.m.

TWO HUNDRED AND FIFTY-FIFTH MEETING

Held at Lake Success, New York, on Wednesday, 26 October 1949, at 3 p.m.

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

Chapter III of the report of the Economic and Social Council (A/972)[1]

1. The CHAIRMAN opened the discussion on chapter III of the report of the Economic and Social Council.

2. Mr. CHANG (China) called attention to the fact that a document prepared by the Third Committee—the Universal Declaration of Human Rights—had been placed, together with the Charter of the United Nations, within the cornerstone of the United Nations Permanent Headquarters. The preparation of that Declaration had been a historic achievement which would live long in the memory of mankind. The work in that field had not yet been completed, for the covenant remained to be drafted, but a very important initial step had been taken in the adoption of the Declaration.

3. He congratulated the Third Committee on all the work it had accomplished during the preceding year. Besides its work on the Universal Declaration of Human Rights, the Committee had also considered the draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others. Much had also been done to strengthen the control over narcotic drugs during the three years since the United Nations had taken over that task. Two protocols had been adopted on the subject: one on 11 December 1946 and the other on 19 November 1948. Moreover, the Commission on Narcotic Drugs was doing valuable work in the preparation of a new single convention to replace the existing international treaties on the subject.

4. Concluding his remarks of appreciation, he submitted the following draft resolution (A/C.3/L.24) for adoption by the Committee:

"*The General Assembly,*

"*Takes note* of chapter III of the report of the Economic and Social Council."

5. Mr. SUTCH (New Zealand) said that chapter III of the Economic and Social Council's report covered some of the most important aspects of the work of the United Nations. In his opinion, the Economic and Social Council was the most important organ of the United Nations for the achievement of international co-operation on a long-term basis. He dwelt briefly on the work of the various Commissions of the Economic and Social Council and said that too little information on the subject reached the general public. The head-lines of the newspapers dealt with the political problems of the world and very little emphasis was laid on the steady progress made by the United Nations in the economic and social fields. It was there that the nations were reaching unanimous decisions and that heartening fact should be given wider publicity.

6. It was with deep appreciation of the work done by the Economic and Social Council and its Commissions that he supported the draft resolution submitted by the representative of China.

7. Mr. AZKOUL (Lebanon), supporting the Chinese draft resolution, congratulated the Economic and Social Council and particularly its President on its efficient work during the ninth session, but regretted that it had been unable to complete its examination of the draft conventions on declaration of death of missing persons and for the suppression of the traffic in persons and the exploitation of the prostitution of others, although they had been fully considered previously by the relevant subsidiary bodies.

8. The reasons advanced in explanation of that failure had been the lack of time and the absence of experts capable of dealing with legal questions. Those pretexts could not be regarded as an adequate explanation of what might appear almost a dereliction of duty. The Council was composed, not of individual members, but of Governments, which certainly had the requisite experts at their disposal. The lack of legal experts could be remedied if the Governments were urged to send to the Council's sessions the requisite technical experts. Alternatively, the Council might delegate more work to the qualified sub-commissions and sub-committees.

9. The Economic and Social Council itself had regretted its failure and had expressed the hope that some remedy might be found. The General Assembly should make a special effort—possibly at its fifth session—to seek the solution for such difficulties.

10. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) did not agree with the interpretation of the Chinese draft resolution given by the

[1] See *Official Records of the fourth session of the General Assembly*, Supplement No. 3.

representative of New Zealand. The latter had apparently construed the words "Takes note" to mean that the Committee had no critical observations to make on the work of the Economic and Social Council. That certainly was not the opinion of the USSR delegation which did not feel that all the activities of the Council provided ground for extreme gratification. Indeed, many of them had been most unsatisfactory. For instance, instead of dealing adequately with the question of trade-union rights, the Economic and Social Council had merely referred the matter to the International Labour Organisation which was known to be more concerned with the interests of employers than with those of the workers. It was possible to quote many other similar examples. When, therefore, the USSR delegation voted in favour of taking note of chapter III of the report of the Economic and Social Council, that vote should not be interpreted as expressing its satisfaction with, or indeed any comment on, the work of the Council.

11. Mr. KAYSER (France) was in agreement with the statement made by the New Zealand representative. Although some delegations might attribute a restricted meaning to the expression "Takes note", the French delegation wished to make it quite clear that by voting in favour of a resolution taking note of chapter III of the Council's report, it was expressing, together with many other delegations, its whole-hearted approval of, and satisfaction with, the work performed by the Council.

12. Mr. VÁSQUEZ (Uruguay) wanted to congratulate the Economic and Social Council for showing by its achievements that effective steps could be taken by the United Nations for the promotion of solidarity throughout the world. In his opinion, it was most essential that the Economic and Social Council should, without any further delay, complete all the work still outstanding in connexion with the Universal Declaration of Human Rights. His delegation warmly approved of the work already done by the Council and would vote in favour of the Chinese draft resolution.

The Chinese draft resolution was adopted unanimously.

The meeting rose at 4.5 p.m.

TWO HUNDRED AND FIFTY-SIXTH MEETING

Held at Lake Success, New York, on Friday, 4 November 1949, at 3 p.m.

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

Refugees and stateless persons (A/971 and A/C.3/527)

1. Mr. LAUGIER (Assistant Secretary-General in charge of the Department of Social Affairs) wished to make some comments on the Secretary-General's report on refugees and stateless persons (A/C.3/527).

2. He apologized on behalf of the Secretariat for the fact that the report had not been submitted earlier. It had been prepared in pursuance of Economic and Social Council resolution 248 (IX), a resolution which concerned four different services: the Department of Social Affairs, the Legal Department, the Executive Office of the Secretary-General, and the Department of Administrative and Financial Services. More time had therefore been needed to enable those services to complete their joint task. Moreover, several Governments members of the International Refugee Organization had changed their position with regard to the date when that organization should terminate its activity and it had been necessary to make changes in the report at the last moment.

3. Mr. Laugier drew attention to the fact that when the Economic and Social Council had adopted resolution 248 (IX), it had been understood that IRO would terminate its activity in the month of June 1950. It had therefore seemed essential that the General Assembly should take, during its current session, the administrative and financial measures necessary to ensure the protection of the refugees after that date. Since then it had been decided that IRO should continue to function until 1951, and it was therefore possible for the General Assembly to postpone its discussion of the problem until 1950. Nevertheless, the Secretary-General thought that such a postponement would be most unfortunate and he considered it essential for the Assembly to consider the question during its current session.

4. Indeed, however long IRO might continue to function and no matter how much success it achieved, the problem of the refugees and that of the international, legal and material assistance to be given them would remain even after the dissolution of IRO. It was difficult, at that stage, to provide any accurate figures for the number of refugees who would still require assistance after IRO had ceased to operate. But it was essential to establish at the current session the general principles to be followed in that field.

5. Once those principles had been established, the General Assembly could consider the necessary administrative and financial provisions at its following session in the light of more detailed information.

6. As for the report itself, it was based on two main questions, namely, the form which the international organ to replace IRO should take, and the terms of reference it should have. As far as the form was concerned, the Economic and Social Council had envisaged two possible solutions: the appointment of a High Commissioner, or the establishment of a special service for refugees within the Secretariat. The Secretary-General considered that it would be better to appoint a High Commissioner because of the great importance of the problem.

7. In conclusion, Mr. Laugier drew attention to the memorandum sent by IRO to the Secretary-General on 20 October 1949 (A/C.3/528). That document contained detailed information on the question of refugees and should be of some help to the Committee in making its recommendations.

8. Mr. ROCHEFORT (France) wished to state briefly the way in which his country approached the problem of refugees and how he thought the problem should be solved on the international plane.

9. He recalled that, after the First World War, France had granted temporary or permanent admission to 1,300,000 refugees, without regard to their political opinions. While that number included displaced persons with their families who had come as workers (approximately 35,000), it also included many aged, sick and infirm (approximately 100,000) incapable of making a living. All that went to show that his country did not consider its political or economic interests where refugees were concerned, but based itself solely on humanitarian considerations. It was precisely in that spirit that his delegation had submitted its draft resolution on the question (A/C.3/529).

10. With regard to the Secretary-General's report, his delegation noted with sympathy that a High Commission should be established, as well as the return to the precise concept of refugee, rather than of stateless person. It had, however, many reservations to make on a number of points in the report.

11. In his opinion, the problem of refugees could not be narrowed down to the question of what was to follow the IRO. That organization was made up of only some fifteen or eighteen governments, whereas the problem itself was of concern to all Members of the United Nations. Furthermore, the IRO had been asked to deal with only one aspect of the problem, and owing to lack of money rather than for reasons of principle, it had even had to restrict that limited field of action still further.

12. In order to ensure a satisfactory solution of the problem of refugees, it was not enough to study the limited question of the IRO; what was necessary was to decide on some form of international action calculated to solve the far wider problem of the existence and protection of refugees in general.

13. His delegation considered that the definitions made by IRO could only be retained provisionally. The High Commissioner should be authorized to interpret those definitions himself and to prepare a new text to be submitted to the Assembly.

14. Because of the nature and vastness of the problem, the High Commissioner could not take the place of the competent government services, as had been the case with IRO. The problem of protection in its widest sense had two separate aspects and the international responsibility of each country was only the corollary to its national responsibility. That international responsibility should take the form of guidance, supervision, co-ordination and control.

15. The Economic and Social Council had already realized the need for a change in method and that was why it had drawn a distinction between the legal protection which it asked each Government to ensure and the international protection to effect which it recommended the establishment of an organization within the framework of the United Nations. It had been necessary to draw that distinction because the United Nations had not the means at its disposal to undertake the administration of services for refugees itself and to meet the cost. The draft resolution submitted by his delegation provided for close collaboration between Governments and the High Commissioner's Office and for special arrangements between the office and any Government, should that be necessary in exceptional circumstances.

16. Some representatives might doubt the effectiveness of such action. Yet, however limited the material powers of the High Commissioner might be, they were of great importance.

17. The existence of the High Commissioner's Office would be primarily and basically the living confirmation of the rights of the refugee and of the sacredness of the right of asylum. It would be the confirmation of the fact that the refugee was received and protected by the country where he went to stay or to settle, not for any political reasons, but in the name of the whole international community and of the most solemn principles it had proclaimed. That meant that the presence of a refugee in a country was not solely the concern of one Government, but represented an international situation which was recognized and approved by the community of nations.

18. The High Commissioner, therefore, would have to collaborate with the Governments in order to improve the lot of the refugees and promote either their repatriation or assimilation according to circumstances. It would be his duty to ensure that the authorities of various countries gave legal protection to those who needed it but especially to endeavour to obtain from Governments the rights the refugees needed either to live or to settle. He would also endeavour to bring about the ratification of an international convention on the protection of refugees and supervise its effective application.

19. The French delegation firmly believed that the active participation of a large number of countries in that international undertaking of direction and control would be as effective as a more administrative action, but more restricted in application. Moreover the powers of the High Commissioner would be exercised within the framework of the United Nations, in conformity with the Organization's directives and with the agreement of the Governments themselves.

20. Mr. Rochefort reserved his right to comment at some later meeting on IRO's appeal to the United Nations for assistance, and on the relief problems to be examined by the General Assembly in 1950. For the time being, he wished to emphasize that the refugee problem should be given a final solution immediately. Although IRO would remain in existence until 1 April 1951, Governments needed concrete information immediately on the international settlement to become effective after that date. The Assembly, therefore, should adopt a sufficiently detailed text on that question without further delay.

21. In conclusion, he stressed again how imperative it was that the essentially humanitarian problem of refugees should not be entrusted to an administration but to a man to whom the majority of the United Nations had given the necessary confidence and authority.

22. Mrs. LINDSTRÖM (Sweden) was in favour of the Secretary-General's proposal that a High Commissioner's Office should be set up after the

termination of IRO. She was glad to note that under that proposal the protection of refugees would come directly under the United Nations and that all Member States would thus share in that humanitarian undertaking in proportion to their contributions.

23. Her country regretted very much that it had not been able to adhere to IRO. She recalled, however, that Sweden had donated fourteen million dollars to the Inter-Governmental Committee on Refugees. After the establishment of IRO, Sweden had hoped that at least part of the donation would be regarded as a contribution to that organization. For purely administrative reasons, however, it had been impossible to carry out the transfer and that was the reason why Sweden had not adhered to IRO.

24. None the less, Sweden had continued to help refugees on a vast scale and had followed principles similar to those of IRO. It had extended its social security system to foreigners who sought shelter on its territory and had granted asylum to all refugees who had requested it. Having paid tribute to IRO for interpreting its own regulations and principles in a liberal manner, she expressed the hope that the High Commissioner's Office would display the same humanitarian approach and would follow the traditions of IRO.

25. She believed that the High Commissioner's terms of reference would depend on the interpretation of the definitions in question. For her part, she thought that his powers should not be confined to legal protection as the question of refugees also raised problems of a material and social nature. The High Commissioner's powers should therefore be sufficiently flexible to meet all requirements. The Swedish delegation would be pleased to vote for such powers.

26. Mr. ALTMAN (Poland) recalled that three different resolutions of the General Assembly had recognized the urgency and necessity of promoting the repatriation of refugees and displaced persons. The main task of IRO should have been to facilitate repatriation, yet that organization had persisted in "resettling" displaced persons in foreign countries, leaving them no choice between repatriation and resettlement.

27. The Constitution of IRO provided that refugees and displaced persons should be informed of the true situation existing in their native countries and that war criminals and those engaged in propaganda hostile to repatriation could not receive aid from that organization. In practice, however, war criminals were left completely free to carry out their propaganda while the Polish repatriation missions ran up against all sorts of obstacles.

28. The 1948-1949 budget of IRO allocated 67,988,250 dollars for resettlement and only 2,197,195 dollars for repatriation. Between 1 July 1947 and 28 February 1949, 408,067 displaced persons had been resettled in countries other than their own and only 62,621 had been repatriated.

29. It was clear, therefore, that IRO was a mere recruiting agency for cheap labour and that displaced persons were being used for real slave traffic. In that connexion, Mr. Altman quoted a statement made by Sir Arthur Rucker, Deputy Director-General of IRO, which showed that immigration countries were interested only in able-bodied workers and that elderly and infirm persons were abandoned to their fate.

30. He accused the Yugoslav Government of having adopted the same attitude as the capitalist countries towards refugees and of having brought into its territory 4,000 Polish families recruited in Germany.

31. He was opposed to the creation of an organization similar to IRO after the latter had ceased to operate. Indeed, he believed that far from promoting the repatriation of displaced persons, IRO had put obstacles in the way, although it had had no valid reason to do so; that was clear from the articles published by Mrs. Marie Dresden Lane, who had visited Poland as a representative of IRO.

32. After citing the example of one hundred young Polish women who had been brought to Canada by a certain Mr. Dionne and who had fled from the convent where they had been imprisoned, he recalled the case of the 123 Polish boys and girls who had been sent to Canada from a camp in Tanganyika. Those children had first been sent to Italy, where the Polish Embassy had been refused access to their camp, although the British authorities themselves had recognized that nineteen of those children had parents who had requested their repatriation to Poland. After those children had been transferred to Bremerhaven, the Polish Government and the Polish Red Cross had asked the United States Embassy in Warsaw and the local representatives of IRO to delay their departure and supply their names to the Polish authorities, but all such requests had been rejected.

33. Finally, on 29 August, the children had been put on board the *General Heinzelman* bound for Halifax and had been housed on 7 September in two camps supervised by nuns at Contrecoeur, near Drummondville. When the Polish Government had applied to the Canadian Government, the latter had referred it back to IRO.

34. Such kidnapping was very characteristic of the whole activity of IRO and clearly demonstrated that IRO had violated the international agreements which it had assumed.

35. In conclusion, Mr. Altman said that his delegation would oppose any proposal to extend the activities of IRO until 1 April 1951 or to replace IRO by any other permanent body.

36. On the subject of the protection to be granted to Polish nationals resident abroad, Mr. Altman said that any Polish citizen in need of protection could apply to his country's consular services. As to refugees still in camps, he repeated the view he had previously voiced at the third session of the Assembly to the effect that their repatriation should be completed before 1 July 1950.

37. Mr. FENAUX (Belgium) congratulated the representative of France on his moving speech and on the valuable draft resolution which he had submitted to the Committee (A/C.3/529).

38. Reminding the Committee that the problem of refugees had been recognized in the Economic and Social Council resolution 248 (IX) as being international in scope, he emphasized the need to reach a decision on principle forthwith. The

General Council of IRO, aware of the possibility that that agency might be terminated in the near future, was strongly urging the General Assembly to take a decision during the current session. The question had been thoroughly examined both by the Economic and Social Council and by the Secretariat.

39. The Council had settled the question of principle with regard to competence by stating that the legal protection of refugees was the direct responsibility of the Governments concerned. The fact that that responsibility had previously been laid upon a specialized agency, IRO, was justified by the exceptional circumstances in which action had had to be taken immediately after the war. There were grounds, in existing circumstances, for abandoning exceptional methods by setting up an international body simply for co-ordination, liaison and supervision, which would refrain from any interference with the prerogatives reserved to Governments.

40. With regard to the form of the proposed organization, the resolution of the Economic and Social Council contemplated two alternatives: the establishment of a High Commissioner's Office or a special service within the United Nations Secretariat. During the discussion at the ninth session of the Council, the Belgian delegation had opposed the latter alternative, arguing that prestige and independence were the qualities essential for the efficient operation of such a body.[1] The Secretary-General in his report (A/C.3/527) agreed with that view. The logical conclusion to be drawn from such reasoning was that the head of the proposed organization should be given the right to make appointments and draw up its budget without having to seek the approval of the Secretary-General but being required to submit an account of his administration directly to the General Assembly as the draft resolution of the French delegation so aptly proposed.

41. There could be no doubt that the Committee could easily reach agreement on principles and on the need for the establishment of the organization envisaged. Admittedly, it would not be so easy to define its competence and specific terms of reference. The discussion of that question should, however, be opened immediately; it should not be referred to the Economic and Social Council or to the Secretariat. Any fresh delay might entail increased suffering for the persons awaiting positive action by the United Nations, which should see that it earned the credit for such an essentially humanitarian activity as that demanded by the protection of refugees.

42. In conclusion, he urged the Committee to keep the discussion on the high level on which the representatives of France and Sweden had placed it, and not to allow itself to be led away into political controversy and slander.

43. Mr. PENTEADO (Brazil) retraced the background of the question, emphasizing that the Economic and Social Council in its resolution 248 (IX) both requested the Governments to provide, after the termination of IRO, protection for refugees and requested the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to prepare a plan for such organization within the framework of the United Nations as might be required. The Secretary-General's report had been drafted by the services of the Secretariat; only subsequently had the Secretary-General referred it to the Advisoy Committee on Administrative and Budgetary Questions. That Committee had not made any comments, but, while reserving its right to do so subsequently, had proposed that the report should be distributed.

44. In the opinion of the Brazilian delegation, the report was a valuable contribution to the study of the refugee problem. That delegation would not, however, be able to accept the conclusion drawn in the report to the effect that the General Assembly should take a decision on principle before it was acquainted with the financial implications of such a decision. How could members be asked to choose between the alternatives without knowing what expense would be entailed by the execution of one or other of the proposals?

45. The organization which it was proposed to establish would have to assume a threefold responsibility which would be to provide legal protection for refugees, to resettle them and, in the meantime, to provide for their livelihood.

46. Refugees who met the age, health and quota requirements of the countries of immigration would obviously be a charge on the proposed organization only until the time of their resettlement, but there was another class of refugees who did not meet the requirements of those countries. The need to provide them with a living would necessarily be of a semi-permanent nature. It was essential to have exact information about the extent of the financial burden which the United Nations would assume in that connexion.

47. The Secretary-General's report assessed at 750,000 dollars a year the funds which would have to be allotted merely for the legal protection of the refugees and displaced persons. It was surprising that it had not been possible to supply a figure for the expense which would be entailed by the maintenance of the refugees who would remain under the care of the proposed organization. IRO stated, however, in its *First Annual Report*,[2] which it submitted to the Economic and Social Council, that its budget for the preceding year had amounted to 150,075,770 dollars, or almost four times the budget of the United Nations. That figure showed how necessary it was to have a clear idea of the budgetary implications of the establishment of a new organization within the framework of the United Nations.

48. The representative of Brazil thought that it was premature at that stage to take a decision of principle the consequence of which might be to increase four times the budget of the United Nations. It was, of course, necessary to take preliminary steps to prepare for something to succeed IRO, but the competent services should first be requested to prepare a study of the financial implications of the alternatives between which the Assembly would have to choose. That study should be presented together with the comments of the Advisory Committee on Administrative and Budgetary Questions.

49. Only when it was fully cognizant of the facts could the Assembly take a decision which, while responding to its concern for humanitarian

[1] See document E/AC.7/SR.113.

[2] Document E/1334.

causes, would take into due account the financial capacity of many of the countries which were Members of the United Nations.

50. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) pointed out that it was the fourth time that the question of refugees and displaced persons had been included on the agenda of the General Assembly. That could not be said, however, to be due to the absence of international agreements or procrastination on the part of the United Nations.

51. At Yalta, already, the heads of the three major Powers had recognized the principle that the victims of fascist tyranny should be repatriated as rapidly as possible. The USSR had scrupulously respected that obligation and more than one million Allied citizens in Soviet territory or in the zones occupied by the Red Army had returned to their homes. That had not been the case for the hundreds of thousands of Soviet citizens detained in Western Germany and Austria by the United States, United Kingdom and French occupying authorities.

52. In the face of those circumstances the General Assembly had adopted its resolution 8 (I) on 12 February 1946 recognizing that the main task concerning displaced persons was to encourage and assist in every way possible their early return to their countries of origin. It had repeated that point of view in resolution 136 (II) of 17 November 1947 which urged Member States to implement the provisions of the 1946 resolution.

53. Finally, in April 1947, in Moscow, the Council of Foreign Ministers had again decided, on the initiative of the USSR, to expedite the repatriation of refugees and displaced persons.

54. Despite the General Assembly's resolutions and in violation of the international agreements to which they had subscribed, the United States, the United Kingdom and France had not only hindered that repatriation but had taken measures to make it quite impossible. Thus the displaced persons problem had been artificially created in the Western zones of Germany and Austria.

55. The International Refugee Organization, established for the sole purpose of solving the problem, had, on the contrary, proved to be a docile instrument in the hands of the Anglo-American authorities. Mr. Stepanenko quoted statements made by officials of the organization itself to prove that it was placing obstacles in the way of the repatriation of refugees and was one of the bodies exerting pressure on them to incite them not to return to their countries of origin. He stated that the activities of the Soviet repatriation missions had been completely paralysed, to such an extent that in February 1949 the Government of the USSR had been compelled to send a strongly worded note of protest on the matter to the Governments of the United States and the United Kingdom.

56. He repeated that the refugee problem had been artificially created by the United States, the United Kingdom, France, Canada and Belgium for the purpose of obtaining cheap labour. IRO had become, to some extent, an employment bureau working on behalf of those Powers in the displaced persons camps. It was joining in the lying propaganda by which many refugees were encouraged to go to illusory capitalist utopias where they met with bitter disappointments, as testified by those who had succeeded in escaping. He quoted statements made by some of them on the living conditions of immigrant labour in England and Belgium; he also recalled statements made by the chairman of the Lithuanian Assistance Fund on the intolerable position of the Lithuanian families who had emigrated to Louisiana.

57. Those facts proved that the so-called host countries were simply obeying selfish motives, that they were moved by the desire to procure cheap labour or to achieve specific political aims. The fate of hundreds of thousands of victims of foreign exploitation was too grave a question to be ignored. The only way to save those unfortunates was to repatriate them immediately in accordance with the principles of justice and equity by which the United Nations should be guided in all its decisions.

58. Had the Western Powers implemented the General Assembly's two resolutions and encouraged the speedy return of refugees to their countries of origin, the problem of displaced persons would not exist. As matters stood, however, the problem was becoming more acute, a fact recognized in the memorandum from the General Council of IRO, which made it clear that there were still one million refugees and displaced persons in western Europe.

59. At the instigation of the United States and the United Kingdom, IRO had failed to fulfil its task and was trying to assign the responsibility of its failure to the General Assembly. Mr. Stepanenko regretted that the Secretary-General had received that suggestion favourably. He was convinced that the establishment of a High Commissioner's Office would not solve the problem. The delegation of the Byelorussian SSR was therefore unable to approve the Secretary-General's report.

60. The same comments applied to the draft resolution submitted by France, which only reiterated the main provisions of the Secretary-General's report. He reserved the right, however, to comment on that draft resolution at greater length when he had studied it.

61. Mrs. WILSON (Canada) wished to refute absolutely and categorically the unfounded accusations which the representative of Poland had brought against her country. She was convinced that the members of the Committee would see the sources from which the Polish delegation had drawn its information in their true light.

62. Kidnapping was a serious crime; it had two components: abduction and ransom. It was absurd to make such accusations against the Canadian Government when its attitude was dictated solely by humanitarian feelings and the wish to assist certain unfortunates without any thought of advantage for itself.

63. The Polish children in question were part of a convoy of refugees who had been evacuated from the USSR, through the Middle East, following an agreement with the USSR Government. Canada had opened its doors to them on the recommendation of the International Refugee Organization after being assured that they were all orphans. If the Polish Government had any doubts on that matter, it could approach the Director-General of IRO directly.

64. She pointed out that the refugees who had been admitted to Canada enjoyed complete freedom and that they were permitted to correspond with foreign countries. If any of them wished to rejoin members of their families, the Canadian Government would certainly not put any obstacles in their way.

65. The Canadian delegation reserved the right to express its opinion on the French draft resolution at a later date.

66. Mr. DEDIJER (Yugoslavia) would restrict himself at the moment to replying to the comments of the Polish representative, who had not failed to add his voice to all those taking part in the slanderous campaign which the USSR had instituted against Yugoslavia because that country wished to defend the principle of the equality of large and small nations in the concourse of peoples' democratic republics and to safeguard its independence and sovereignty. The Polish representative should not become the blind instrument of a movement which threatened not only Yugoslavia but his own country, together with the peace of the world.

The meeting rose at 5.40 p.m.

TWO HUNDRED AND FIFTY-SEVENTH MEETING

Held at Lake Success, New York, on Tuesday, 8 November 1949, at 3 p.m.

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

Refugees and stateless persons (A/971 and A/C.3/527) *(continued)*

1. Mr. BEAUFORT (Netherlands) said that he had been somewhat disturbed to hear the representatives of Poland and of the Byelorussian SSR state that the whole refugee problem had been an artificial one. Upon reflexion, however, he had been forced to agree that it was not due to natural causes. Millions of human beings were compelled to live outside their native countries because those in power would not guarantee them their human rights and fundamental freedoms. Such a state of affairs could not be called normal.

2. In proclaiming the Universal Declaration of Human Rights as the "common standard of achievement for all peoples and all nations", the General Assembly had indicated the duty of the United Nations towards the millions of human beings whom a tragic fate had scattered throughout Europe and Asia. It was the duty of the more fortunate members of the vast human family to go to the aid of the sufferers. Religion gave believers, and particularly Christians, additional reasons to fulfil that duty.

3. Conscious of its responsibility in that matter, the United Nations had set up the International Refugee Organization, which had come into being on 20 August 1948. He paid a tribute to the unselfish and enthusiastic manner in which that organization had discharged its duties. It was regrettable that only eighteen countries had participated in that work. The time had come to make sure that, after the liquidation of IRO, the entire international community would be able to face the problem of refugees and stateless persons, which was far from being solved.

4. In submitting its draft resolution (A/C.3/529) the French delegation had made a valuable contribution to the Committee's work. He said that he would not analyse the draft in detail, but he approved the principle of universality underlying that text and the proposal to establish a High Commissioner's Office under the control of the United Nations.

5. He saw no objection to adopting, for that purpose, the same definition of the term refugee as the one used in the Constitution of the IRO. He felt, however, that the time was ripe to give some thought, as was recommended in the French delegation's draft (chapter III of the annex), to the fate of those categories of refugees which IRO had, for financial reasons, not taken under its protection.

6. In regard to credits to be placed at the disposal of the future High Commissioner, the Advisory Committee on Administrative and Budgetary Questions had stated in its fifteenth report of 1949[1] that it considered the figure of 750,000 dollars tentatively submitted by the Secretary-General too high. The Netherlands representative wondered whether that observation did not indicate a tendency to restrict unduly the activities of the new body. He thought that far from being limited to furnishing legal protection, the High Commissioner should give material aid to the displaced persons whom IRO had been unable to resettle, and to the refugees who continued to pour in from countries whose political systems they could no longer endure. While reserving the right to take part later in the discussion on concrete measures, he thought that the task of the future High Commissioner's Office should comprise much more than contacts and negotiations with interested governments.

7. Before calling on the next speaker, the CHAIRMAN welcomed Mr. Kingsley, Director-General of IRO, who was present at the Committee's discussions.

8. Mrs. KALINOWSKA (Poland) said that at the preceding meeting the Canadian representative had failed to give a satisfactory reply to the Polish delegation's statements regarding the group of Polish children forcibly sent to Canada.

9. Poland was profoundly grateful to all those who had helped it during the tragic war years and the invasion and, in particular, to those who had welcomed Polish children. But it was with indignation that Poland had learnt that, after the war, certain Governments had prevented the repatriation of a large number of children. If the Canadian Government had been prompted by purely humanitarian sentiments, as Mrs. Wilson had declared, she wondered why it had prevented the representatives of the Polish authorities from

[1] Document A/1059.

getting in touch with those children. She also wondered why girls had been secluded in the Convent of Notre Dame du Bon Conseil. The Canadian representative had said that those of the children who still had relatives in Poland were at liberty to correspond with them. That was a very small consolation, which had been granted even to prisoners in concentration camps during the war. Surely they were not trying to claim that a letter could take the place of the warmth of the home fireside.

10. While admitting that 19 of the children were not orphans, the Canadian Government had turned a deaf ear to the pleas of parents for their children's return to Poland. Recalling the case of the Morawska sisters, forcibly detained in Canada, she read a letter from the mother of a Polish boy who was a member of the same group.

11. The Canadian representative had said that the Polish delegation had not displayed a very great sense of responsibility in launching accusations so lightly. Such a reproach was all the more unjustifiable since the Canadian Government was not fulfilling its obligations towards Poland, as had been proved by the fact that it had not yet restored the Polish art treasures evacuated to Canada during the war. After giving a large number of details on that matter, she said that her country's cultural heritage was seriously impaired by Canada's failure to carry out its obligation. That had not prevented her Government from making strenuous efforts to create a spiritual atmosphere and material conditions favourable for the development of future generations. Her statement was borne out, moreover, by the testimony of Mrs. Marie Dresden Lane, a representative of IRO, which had appeared in an article in the *New York Herald Tribune* in July 1949.

12. In renewing her appeal for the repatriation of the Polish children detained in Canada, the Polish representative said that she did not wish to create misunderstanding between the two countries. She was merely presenting a fair and lawful claim.

13. The CHAIRMAN called on representatives to confine themselves to the item under discussion, and to refrain from long digressions and offensive personal allusions.

14. Mr. CONTOUMAS (Greece) said he was speaking as the representative of a country which had considerable experience in the matter since it had had to settle over a million refugees on its territory after the First World War.

15. While the draft resolution before the Committee laid emphasis on the question of the legal protection of refugees, he believed that the problem of material assistance was at least equally important.

16. In paragraph 41 of his report (A/C.3/527), the Secretary-General stated that on 30 June 1950 approximately 149,400 refugees eligible for aid under IRO's Constitution would still be receiving care and maintenance from the organization. Furthermore, assistance had had to be given to other categories than those provided for in the Constitution of IRO.

17. He believed especially that there was need to study the possibility of helping those who had been driven from their homes by the Greek civil war. The problem of legal protection did not arise in their case, for they were in their own country, but their material distress was causing grave anxiety to the Greek Government. This number was approximately 700,000, or one-tenth of the country's population. The Government and the voluntary organizations had spared no effort to come to their help, but Greece's resources were extremely limited because of the devastation caused by the war and foreign occupation. The problem could only be solved on an international basis. That had been stated by the Commission of the Churches on International Affairs and the World Council of Churches; both organizations had stressed the need to give material help to refugees even when they were in their own country.

18. Greece had been able to solve the problem of refugees after the First World War by obtaining the support of certain countries under the auspices of the League of Nations. Foreign help had not been lacking in recent years either and he wished to take that opportunity to express his country's gratitude to its friends and in particular to the United States of America, which had given most generous help.

19. The problem, however, was of great importance. If those who had been uprooted and had lost all their worldly goods were left to their wretched fate, they might fall an easy prey to the forces of anarchy which were experienced in exploiting the misfortunes of others for their own ends.

20. He asked the French representative to see whether he could complete his draft resolution so as to hasten the examination of the problem of material aid to refugees.

21. Mrs. CASTLE (United Kingdom) felt that the Committee would best display its humanitarian concern by treading resolutely the path of practical solutions outlined in the French draft resolution. It was regrettable that other delegations should have preferred to adhere to the practice of making accusations based on debatable evidence.

22. In that connexion, she recalled how such an allegation made by the Byelorussian delegation in the Economic and Social Council had been denied in the official Soviet publication *The Red Fleet.* The Byelorussian representative had told the Committee that the United Kingdom Government had prevented the repatriation of "an illiterate Byelorussian peasant woman". Even supposing that her Government indulged in kidnapping, what interest could it have in detaining forcibly an illiterate peasant woman?

23. The question before the Committee was of much greater importance. Several million people had been torn away from their homes at the end of the war. The vast majority of those refugees, including two million Poles, had returned to their countries with the help of the Allied authorities, which had been only too glad to reduce the financial and administrative burden of looking after those millions of people. It had not even been imagined at the time that some refugees might refuse to return home.

24. It was not true that IRO had later prevented displaced persons from Eastern Europe from returning home; indeed, their repatriation

had never ceased completely. Between July 1947, when IRO began its work, and February 1949, 34,000 Poles had gone back to their country. That the figure had not been higher could not be blamed on IRO; it was rather the fault of the Governments concerned, which had failed to convince the refugees that they would be able to guarantee their human rights. For instance, could anyone wonder that the Baltic refugees refused to return when they knew full well that the USSR Government had deported more than a million and a half of their compatriots to Siberia, Central Asia and the Pacific Coast?

25. Mr. PANYUSHKIN (Union of Soviet Socialist Republics), speaking on a point of order, said that the United Kingdom representative was levelling unfounded accusations against his country and digressing from the item on the agenda.

26. The CHAIRMAN said that so long as any representative described the factors which he or she believed explained the existence of the refugee problem, it could not be said that such a representative was digressing from the question under discussion. Once again, he appealed to all delegations for moderation.

27. Mrs. CASTLE (United Kingdom), resuming her speech, said that the question was whether it was right to compel refugees to be repatriated against their will. If there were objections to doing so in the case of Spanish refugees who had left their country after the civil war, would there be any more justification for bringing such pressure to bear on refugees from the Baltic States or other countries of Eastern Europe under a foreign yoke?

28. As for the accusations concerning the treatment of refugees in the United Kingdom, she said that any honest person was perfectly free to ascertain on the spot how completely unfounded they were.

29. The Polish and Byelorussian representatives had accused IRO of being dominated by a small group of Powers. It was true that the organization was composed of a small number of members. Who, however, was to blame for that? All countries, whether Members of the United Nations or not, had been invited to join IRO. It was to the credit of some countries that they had undertaken the heavy task of repatriating or resettling millions of refugees. The Committee had not been asked to pass any judgment on the activities of IRO, but rather to consider how the United Nations could ensure assistance for the refugees after that specialized agency had ceased to function.

30. The delegation of the United Kingdom agreed with those who stressed the urgency of that problem. It was imperative to reach a decision in principle on the type of machinery to be established. As the Brazilian representative had pointed out, it was obviously regrettable that there were no financial estimates regarding the two proposals before the Committee. It did not seem, however, that the expenditure entailed by the establishment of a High Commissioner's Office would be appreciably different from that entailed by the setting up of a director's office within the United Nations. The Committee, therefore, could limit its choice to those two proposals and consider them only on their administrative merits.

31. The United Kingdom delegation supported the French proposal to set up a High Commissioner's Office within the framework of the United Nations. Several other delegations and the Secretary-General also supported that proposal.

32. The appointment of a High Commissioner, however, should not lead to the creation of an elaborate administrative machinery. The High Commissioner should act as an adviser to various Governments. His task would be to supervise the application of international conventions on refugees by their signatory States and to draw the attention of Governments to any circumstances which, in his opinion, called for any definite action.

33. Chapters I *c* and IV *c* of the annex to the French draft resolution envisaged the possibility of making special arrangements in certain exceptional circumstances. She believed that such a provision might open the door to the High Commissioner's assuming functions in certain countries which should properly be carried out by the Governments themselves. The French delegation, however, could be asked for some further clarification on that point.

34. She thought it was necessary to adopt a wider definition of the term "refugee" than that contained in the Constitution of IRO. Her delegation believed that the High Commissioner should act as an adviser for questions concerning all those who might become stateless either *de jure* or *de facto*.

35. Chapters I *e* and IV *f* of the annex to the French draft resolution suggested that it would be possible to gain the support of States not Members of the United Nations by authorizing the High Commissioner to set up a consultative council on which they could be represented. While appreciating the usefulness of gaining the support of the non-member States, she felt that the decision on the machinery to be established to that effect could be postponed to a later date.

36. Furthermore, it would be wise to refer all details of an administrative nature to the following session of the General Assembly. Consequently, chapter II of the annex to the French resolution seemed superfluous for the time being. The United Kingdom delegation preferred the proposal contained in the last paragraph of the fifteenth report of 1949 of the Advisory Committee on Administrative and Budgetary Questions (A/1059) to set up a small planning office before January 1951 to study all aspects of the project in the light of the decision of principle to be taken by the General Assembly.

37. Mr. DE ALBA (Mexico) pointed out that the problem under discussion was one which called for the sympathy and the interest of all who were concerned with the welfare of mankind. The natural reaction of all truly civilized nations was to give sympathetic consideration to the lot of refugees and displaced and stateless persons. Moreover, the notion of a refugee was intimately linked with that of hospitality. The General Assembly, therefore, should approach the problem in a noble and humanitarian spirit.

38. IRO, which planned to terminate its activities in 1951, was faced with a heavy and difficult task. The United Nations would become responsible for the protection of refugees after that

organization had ceased to function. Its task was to find how to reconcile the moral and material aspects of the problem so as to establish the most suitable machinery for truly constructive work.

39. The draft resolution submitted by the French delegation to the Third Committee was based on the humanitarian feelings which had always inspired that country. He was glad to see that France, which was, pre-eminently the country of asylum, should once again have taken the initiative in strengthening international aid to refugees.

40. With reference to the appointment of a High Commissioner to deal with the problem of refugees, he felt he must recall that great figure Fridtjof Nansen, who, for nine years, had protected refugees throughout the world under the auspices of the League of Nations. Many people in Europe, Asia or elsewhere still had no other passport than the "Nansen passport", and he hoped the High Commissioner would enjoy the same authority and prestige as had Dr. Nansen, so that he might ensure the effective protection of the refugees, regularize their position and finally solve their problems on a permanent basis.

41. The French draft resolution deserved very careful study. The Committee should consider it in all its aspects, and not be guided merely by sentimental considerations. Above all, as the Brazilian representative had pointed out, it should study its financial repercussions carefully, since the economic factor would to a large extent determine the success of the proposed plan.

42. He pointed out that the whole burden of management of IRO had fallen upon the twenty-eight States which were members of that organization. Many countries, including his own, found that their economic position made it impossible for them to participate in the activities of IRO, though in principle they approved of that agency. The incorporation of IRO in the United Nations, or rather, the assumption of the activities of IRO by the United Nations, would be of considerable moral importance, for if the General Assembly were to take a decision to that effect, all the Member States would be obliged to participate in the solution of the problem of refugees throughout the world. But the General Assembly could not take such a decision without knowing, at any rate approximately, what the financial implications would be. The Secretary-General should furnish it with some information on that aspect of the matter.

43. He warned the Committee against the adoption of too ambitious a plan. If it were to decide to set up some modest form of machinery, the activities of which would be supplemented, as in the League of Nations, by those of voluntary private organizations, it would increase the chances of the success of its plan. It would compromise those chances, however, if it decided to set up an unduly complex organization, the responsibility for which many Governments might not be able to accept. The Mexican Government, for its part, would refuse to undertake an obligation if it was not sure that it could fulfil it, and would therefore abstain from taking part in the Committee's vote.

44. Although IRO had overcome many obstacles, the position with regard to refugees remained confused. It was questionable whether the large number of displaced persons who had not yet been repatriated was due to the refusal of the persons concerned to return to their countries of origin, or to the refusal of the authorities of those countries to allow them to return. In any case, the existence of that number of refugees raised a serious problem which it seemed impossible to solve except through the adoption of a general policy in which all States Members of the United Nations, without exception, would co-operate.

45. The Committee should therefore try, above all, to find a compromise solution which would be acceptable to everyone and which would ensure the moral and material support of the fifty-nine Members of the United Nations for the High Commissioner whom it was proposed to appoint.

46. Mr. DEDIJER (Yugoslavia) thought that, in order to find a lasting solution to the problem of refugees, it was essential first to study the way in which each of the Governments concerned and the competent international organizations had dealt with the problem in the past.

47. He agreed with the representative of France that the problem should be considered on a world-wide basis, but he did not think there was any need to set up an international centre for the protection of refugees. It would be better if all States agreed on certain basic principles and observed them strictly.

48. Moreover, in his opinion, there were certain points in the French draft resolution which were unacceptable. For example, the draft resolution approved of the work of IRO without any criticism and simply proposed that a new organ should be set up to continue that work. The problem was, however, far more vast in scope.

49. All Member States certainly had the moral right to participate in any humanitarian action which they considered necessary for the benefit of the refugees. It was, however, also true to state that they should at the same time adhere to certain definite rules in accordance with the provisions of international law. There were six such rules.

50. *The first rule laid down that all States should adhere to the definition of the term "refugee" provided by international law and that they should not confuse refugees and war criminals.*

51. Experience had shown, however, that many countries had misused the term "refugee" in order to protect war criminals in violation of the provisions of international law, the classical definition of the term "refugee" and resolution 62 (I) adopted by the General Assembly in 1946.

52. In that connexion, he quoted the classical definition of the term "refugee" prepared by the Institute of the Right of Asylum and said that all States should abide by that definition.

53. *The second rule laid down that a distinction should be made between refugees and displaced persons and that every displaced person who expressed the wish to be repatriated should immediately be sent back to his or her country of origin.*

54. After giving a brief summary of the problem of displaced persons during the Second World War and of the international agreements that had been signed in order to solve it, he pointed out

that the principle of repatriation had often been violated, more particularly in the case of displaced persons coming from Eastern Europe.

55. The repatriation of such persons had been delayed and even prevented. They had been placed in the same camps as quislings and war criminals and exposed to subversive propaganda.

56. In that connexion, he defined the terms "quisling" and "war criminal" and mentioned cases in which Yugoslavs who had belonged to enemy units had been granted the status of displaced persons and had benefited from the protection of the Allied authorities. That had been a first violation of international law. Another violation had been committed when it had been decided that war criminals, having received the status of "displaced persons", could not be repatriated against their will and would thus enjoy the protection of IRO.

57. Despite that policy pursued by IRO, Yugoslavia had recognized that organization *de facto* in order to assist the largest possible number of refugees to return home. Despite a number of unfortunate incidents which had occurred during that collaboration, Yugoslavia considered that the problem of its displaced persons had, in essence, been solved. Of the 680,000 Yugoslav prisoners of war and civilians sent to Germany and Austria by the Nazis, there remained only about 8,300. Furthermore, there were approximately 3,000 genuine refugees who had left Yugoslavia after the end of hostilities. All the other Yugoslavs who were in those countries, numbering approximately 21,000, should be regarded as quislings and war criminals and in accordance with the inter-Allied declarations and the resolutions of the General Assembly they should have been returned to their countries of origin. The Yugoslav Government, however, acknowledged that certain of those traitors to their country had not committed war crimes. That was why it proclaimed an amnesty in 1947.

58. *The third rule laid down that no State should make use of refugees present on its territory to promote its own political aims or to jeopardize the independence of the countries from which those refugees originated.*

59. Mr. Dedijer accused the Powers who were members of IRO of having broken that rule and of using refugees as agents for creating political disorders in their countries of origin.

60. He cited in that connexion the case of 103 former Croatian Ustachi who had filtered into Yugoslavia from a refugee camp in Austria but had all been arrested and tried at Zagreb. Furthermore, he accused the USSR of making the same sort of use of the supporters of the Cominform who had fled from Yugoslavia.

61. *The fourth rule laid down that States granting the right of asylum to refugees and displaced persons should not exploit them as cheap labour or submit them to discriminatory measures.*

62. That rule was violated only too frequently. In that connexion, Mr. Dedijer wished to emphasize that he had voted against the Polish draft resolution proposing to put an end to such discriminatory measures, not for the reasons attributed to him by the Polish representative, but because it was out of the question that trade-union rights should be granted indiscriminately to traitors and war criminals who had succeeded in infiltrating the ranks of displaced persons.

63. *The fifth rule laid down that no State should refuse repatriation to its nationals who were on the territory of a State which refused to continue to grant them hospitality.*

64. Mr. Dedijer mentioned in that connexion the case of some 6,000 Russian refugees in Yugoslavia who had regained Soviet nationality after the Second World War but whom the USSR Government had refused to repatriate. That Government had, on the contrary, sought to use those new citizens to stir up trouble in Yugoslavia.

65. When the Yugoslav authorities had taken steps against some thirty of them who had engaged in acts of sabotage and terrorism, the Government of the Soviet Union had sent Yugoslavia a virtual ultimatum demanding that the persons concerned should be set at liberty and had begun to concentrate troops on the Yugoslav frontier. It was very strange that the USSR, when demanding the release of those thirty persons, had not proposed to repatriate them and had not contemplated the repatriation of the 6,000 other Soviet ctiizens who were still in Yugoslavia.

66. *The sixth rule laid down that no State had the right to detain on its territory, in peace-time, citizens of another State when they requested to be repatriated, either in person or through their legal representatives.*

67. The Soviet Union had been guilty of violating that rule also. Mr. Dedijer mentioned in that connexion the case of 90 Yugoslav boys who had been sent to military school in the USSR.

68. When, in the summer of 1948, the Yugoslav Government had asked that those children should be repatriated, the USSR Government had failed to reply to that request. Subsequently, the Soviet authorities had forbidden the children to speak their mother tongue and to write home, except in the event of their consenting to inform their parents that they had renounced their country.

69. Mr. Dedijer thought that the position taken by the USSR Government was tantamount to a crime of genocide. The forcible denationalization of those children closely recalled the methods employed by the Ottoman Empire in training janizaries. The United Nations should therefore, in his opinion, take that new category of refugees into consideration.

70. Summarizing his views, the representative of Yugoslavia thought it would be unnecessary to set up an international organization for the protection of refugees. The Governments themselves should be responsible for dealing with that problem. The General Assembly, however, should recommend that the Governments should conclude a convention defining the exact meaning of the term "refugee" and imposing a definite line of conduct on all States.

71. If such a convention were adopted, the General Assembly might instruct the Secretariat to supervise its application, with the understanding that any dispute arising in that connexion would be submitted to the Economic and Social Council.

72. If the Committee favoured that idea, the Yugoslav delegation reserved the right to submit a formal proposal to that effect.

73. Mr. Dedijer emphasized that Yugoslavia was prepared to apply the six rules he had enunciated to the refugees then on its territory. That would concern about 35,000 Greek refugees and approximately 5,000 Bulgarian, Albanian, Romanian and Hungarian refugees who had fled their countries because they had defended the principle of equality among Socialist nations.

74. Mrs. ROOSEVELT (United States of America) thought that the time had come to bring a little clarity into the discussion. She proposed to do so in the form of replies to four questions relating to the essential points of the problem under consideration.

75. The first question was: what was the exact issue and why was it being laid before the General Assembly at that particular time? She recalled that the International Refugee Organization, a specialized agency established under the auspices of the United Nations, had four main functions: to facilitate the repatriation of refugees to their country of origin; to provide for the material needs of those who could not or did not wish to be repatriated; to attempt to resettle them in some other country, and lastly, to extend legal protection to all refugees. Since 1 July 1947, IRO had aided more han one million refugees who were eligible for assistance under its Constitution. It thought that its main task would be completed by 1 January 1951 and had so informed the General Assembly of the United Nations. At the same time, it had advised the Assembly that as far as the permanent aspect of those functions was concerned, that is, the legal protection of refugees, measures should be taken to avoid any break in continuity after 1 January 1951. Since United Nations responsibility for such protection required the prior agreement of all Member States and since it would probably need long preparation, IRO had taken care to bring the problem before the Assembly a whole year before the termination of its own existence so that all the necessary measures to guarantee refugees effective protection under the auspices of the United Nations could be taken before 1 January 1951.

76. The second question was to whom United Nations protection would extend. The Secretary-General rightly proposed in his report that it should extend to all persons regarded as refugees and displaced persons under the definitions in the IRO Constitution, which had been approved by the General Assembly in December 1946 by its resolution 62 (I). However, their numbers would not be equal to the numbers of those who had been the concern of IRO, as more than 900,000 refugees and displaced persons would have been repatriated or resettled by 1 January 1951. However, there were categories of refugees not covered by the IRO Constitution. The legal position of persons who had become refugees since the adoption of that Constitution was not clear; it had not yet been studied by authoritative international bodies. At its previous session, the Economic and Social Council had decided, by its resolution 248 B (IX), to establish an *ad hoc* committee which would meet shortly to consider the possibility of revising existing conventions providing protection and of combining them in a single convention. One of its first tasks would be to determine the categories of refugees who were to be covered by the new draft convention proposed. In the circumstances, it would seem that the *ad hoc* committee would be qualified to recommend to the General Assembly those categories of refugees which, in addition to those provided for in the IRO Constitution, should become the concern of the High Commissioner for refugees. However, only the General Assembly had the authority to take any decision in the matter.

77. The third question was the form that the proposed protection would take. In the opinion of the United States delegation, the first duty of the High Commissioner for refugees should be to see that the refugees were enabled gradually to resume a normal life. Refugees who had not yet acquired the nationality of their country of refuge were faced with many obstacles which often prevented them from leading a normal life; they must be guaranteed security and a permanent stay in the host country and they must be given opportunities of employment and of educating their children. In addition, they must be provided with the necessary legal protection, given identity documents, travel papers and so on. The High Commissioner for refugees would be responsible for those matters. He would attempt, by interceding with the Governments of host countries, to secure for the persons under his charge those basic privileges without which any return to normal living was impossible and which were exemplified by the acquisition of citizenship in a country.

78. The fourth question was how much such protection would cost. In his report, the Secretary-General proposed a budget of 750,000 dollars. That budget had been drawn up before the current discussion. The United States delegation thought that the High Commissioner's staff would be able to carry out the work proposed on a budget of one-half of that amount. However, when the Third Committee had determined what administrative organization was necessary to provide the protection in question, the budgetary estimates could be readily worked out. It was important to bear in mind that the proposal before the Committee was not to maintain the large-scale operations of IRO, but to establish a protection service which would require only a comparatively small staff. The latter would be responsible for studying the position of refugees, as groups rather than individuals, and for reporting to the General Assembly on the progress made by the persons under the care of the High Commissioner towards the resumption of a normal life.

The meeting rose at 6 p.m.

TWO HUNDRED AND FIFTY-EIGHTH MEETING

Held at Lake Success, New York, on Wednesday, 9 November 1949 at 3 p.m.

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

Refugees and stateless persons (A/971 and A/C.3/527) *(continued)*

1. Mr. VALENZUELA (Chile) congratulated the French delegation on its draft resolution (A/C.3/529). Subject to certain points of detail, already raised by the representative of Brazil, he would vote for it.

2. In his opinion, the question before the Committee should be studied in the light of historical precedent and of the international conventions on the transfer of populations concluded in the past.

3. In that matter four different periods must be distinguished. The first had begun in 1817, when England had concluded an agreement with Turkey on the population of the town of Marga, and had ended on the eve of the First World War. During that period various international conventions of the kind had affected the fate of 98,957 persons. During the second period, which had begun after the First World War and lasted until 1 December 1938, 671,028 persons had been expelled from their countries or repatriated against their will. The third period covered the Second World War; between September 1939 and December 1942 the fate of 930,000 persons had been affected. The last period, through which the world was still passing, was under study by the Committee.

4. States which carried out transfers of population were motivated either by a desire to get rid of an ethnic minority or by a desire to increase their human potential by repatriating groups which they considered to be related to their population. The expulsion of the Greek minority from Asia Minor in 1923, and the transfer of the German-speaking population of the Italian Tyrol in 1939, were illustrations of the first tendency. The convention of 4 November 1936 between Romania and Turkey, and a series of agreements between Germany and the USSR during the first phase of the last war, were examples of the second tendency.

5. The series of agreements concluded between Germany and the USSR deserved to be studied because it threw a singular light on the conception of forced repatriation current in totalitarian countries.

6. After partitioning Poland, the Third Reich and the USSR had signed an agreement on 16 November 1939 involving the transfer to Germany of the inhabitants of Volhynia, Galicia and Narew who were of German ethnic origin. The two contracting parties had undertaken to carry out the transfer "in the friendly spirit which characterizes present relations between Germany and the USSR". Under the agreement in question, any Polish citizen of German ethnic origin was to be transferred to the Reich accompanied by his wife, children, relatives and minors dependent on him as well as by any person who, without forming part of his family, lived under the same roof. Obviously, a number of persons who did not have a drop of German blood had been forced to leave the country under that agreement.

7. On 28 June 1940, Romania had been obliged to cede Bessarabia and Northern Bukovina to the USSR. On 5 September of the same year the Government of the Soviet Union had signed an agreement with Germany providing for the transfer to Germany of those inhabitants of the two provinces in question who were of German ethnic origin. That agreement had contained the following two innovations: first the lists of persons subject to transfer were no longer drawn up jointly by the representatives of the two contracting parties—as had been done in the case of the inhabitants of the Polish territories occupied by the USSR—but by the German authorities alone; secondly, in Romania any woman of German origin was liable to transfer to Germany with her husband, even when the latter was not of the same ethnic origin.

8. After the occupation of the Baltic countries, the USSR and Germany had signed an agreement on 10 June 1941 at Kaunas and another at Riga on transfers of population affecting the countries in question. Under those agreements, 50,904 Lithuanians of German origin and 16,244 inhabitants of the two other Baltic countries had been transferred to the Reich, and 12,000 Lithuanians and 9,000 Russians living in the territories of Memel and Suwalki had been transferred to the territories which had been placed under the authority of the USSR. At the same time, the German and USSR plenipotentiaries had signed an agreement on 10 January 1941 at Moscow by which the Soviet Union paid Germany a sum of 200 million Reichsmarks, representing the exchange value of the property of the persons who had left the Baltic countries, and Germany paid the USSR 50 million Reichsmarks for the property of the persons who had been evacuated to USSR territory.

9. The Soviet Union had thus complaisantly reached an understanding with the leaders of Nazi Germany in order to decide the fate of hundreds of thousands of human beings by a single stroke of the pen. In the face of the will of an all-powerful State, the rights of the individual had no longer counted for anything.

10. Mr. Valenzuela had been a member of his country's diplomatic mission in Moscow and had therefore had the opportunity to see the fate of the Spanish children detained in the USSR. General Franco was not interested in those children. Their parents, Spanish Republicans living in Latin America, had requested the USSR authorities to let the children come to them in Chile, Colombia, or the other countries which had granted them entry visas. They had not received any reply. Two Spaniards who had tried to leave the USSR secretly with the assistance of the diplomatic representatives of a Latin-American country had been caught in the act and arrested; nothing further was known of their fate.

11. The Polish children in Canada could be interviewed by any person who wished to find out their true feelings. The same could not be said of the Spanish children detained in the Soviet Union, who were deprived of all contact with their families and with Spanish culture.

12. The behaviour of the USSR towards them and towards the persons who had been forcibly transferred to Germany during the war should enlighten the Committee as to what the representatives of that country and the other countries of Eastern Europe meant when they spoke of the repatriation of displaced persons.

13. Mr. BOKHARI (Pakistan) praised the French draft resolution, and also congratulated Mrs. Roosevelt for her clear and lucid statement during the previous meeting, which had placed the problem in its proper light.

14. There were, however, a few question which should be clarified before a definitive decision was taken on the problem of refugees and stateless persons.

15. Mrs. Roosevelt had said that the task of IRO was to repatriate and resettle displaced persons, to ensure their maintenance and to give them the necessary legal protection. According to Mrs. Roosevelt, IRO had already successfully fulfilled three of those tasks; the majority of dispaced persons had been repatriated or resettled and only the question of legal protection remained to be solved. If that were so, why could IRO not complete that last task, which was relatively simple? Why should it be entrusted at that time to the United Nations? Such a change in procedure might entail supplementary expenses for the Members of the United Nations which did not belong to IRO and the Committee should decide whether or not that was justified.

16. Secondly, if it were agreed that the United Nations itself should assume the functions of IRO, the duration of that arrangement should be specified. Neither the representative of France nor Mrs. Roosevelt had indicated the duration of the new international organization for refugees. That was incompatible with the assertion that the essential part of the question of refugees had already been settled.

17. Thirdly, it was not certain that the problem of the material assistance to be given to the persons concerned had already been solved. It was apparent from the Secretary-General's report that approximately 20,000 refugees in Germany and Austria would have to be hospitalized for an indefinite length of time and it would therefore be necessary to ensure their maintenance.

18. Fourthly, if it was decided to establish an organ to ensure the maintenance of refugees, financed by the United Nations, the definition of the term "refugee" should be revised, as the French representative had suggested. As defined in the Constitution of IRO, that term only applied to victims of events which had occurred during the Second World War in Europe. After the end of hostilities, however, other events had taken place in other parts of the world. If the United Nations was to be entrusted with that problem, it should consider it on a world-wide basis. For example, a year and a half earlier, Pakistan had been compelled to receive from 6 to 7 million refugees coming from various parts of India. More recently it had had to give asylum to 500,000 or 600,000 fugitives from Kashmir.

19. In conclusion, Mr. Bokhari hoped either that representatives who proposed to offer draft resolutions on the question would take the points he had just raised into account, or that the representative of France himself would agree to amend his draft. He was not submitting a draft resolution himself because his country was not a member of IRO. But he assured the Committee that Pakistan would be happy to collaborate in any satisfactory solution of the problem.

20. Mr. KATZNELSON (Israel) said it was not surprising that France should have discovered in its humanitarian tradition the inspiration for the draft resolution it had presented to the Committee. The Israeli delegation supported the following proposals, contained in the draft in question and in the report of the Secretary-General (A/C.3/527):

21. (*a*) The creation of a High Commissioner's Office under United Nations control to deal with the problem of refugees after IRO ceased its operations should be decided upon at the current session of the General Assembly.

22. (*b*) The definition of refugees entitled to the protection and assistance of the new service shall be for the time being in accordance with the existing rules of the Constitution of the IRO.

23. (*c*) The problem of material assistance to certain categories of refugees shall be considered at the fifth session of the General Assembly in the light of the results achieved by IRO during the following operational year.

24. (*d*) In order to secure the closest co-operation with the Governments concerned and with a view to bringing non-member States interested in the refugee problem into association with the work of the United Nations for refugees and stateless persons, an inter-governmental advisory council should be attached to the High Commissioner's Office.

25. The representative of Israel pointed out that the problem of refugees was not new. History had recorded many examples of mass migrations and deportations as a result of wars, revolutions, and racial, religious or political persecutions.

26. Few generations, however, had had so many occasions as the current generation to witness so many tragic happenings of the kind, from the First World War and the civil war in Russia to the appearance of nazism, the Spanish civil war and the Second World War. All those upheavals had dispersed throughout Europe and Asia innumerable masses of human beings uprooted from their homes. For the first time in history, however, mankind had recognized the international scope of the problem of refugees, as was indicated by the creation of the High Commissioner's Office which the great explorer and philanthropist Fridtjof Nansen had directed under the auspices of the League of Nations.

27. The history of the Jewish people had been marked by a whole series of forced migrations. It had been given to the current generation to recognize that the special problem of that people without a country was also international in scope. The creation of the Jewish National Home in Palestine had been a great step towards the solution of the problem. In spite of the restrictions on immigration, Palestine had, under the Mandate, been able to absorb some 400,000 Jews fleeing the persecution or discriminatory measures imposed by many countries. After it was established, the State of Israel had opened its doors

to 310,000 new immigrants, of whom 100,000 had come from displaced persons' camps in Europe.

28. The people of Israel were grateful to IRO, which had defrayed the cost of the maintenance of those immigrants and of their transportation to Israel.

29. The refugee problem was too complex for it to be said with reason that repatriation was the only solution. There was no single solution which would fit all categories of refugees. It would be as useless as it would be unjust to attempt to repatriate European Jews to the countries where they had experienced the evils of racial and religious persecution instead of allowing them freely to go to the country on which they had fixed all their hopes and which extended to them a hearty welcome. In the circumstances it could be said that the resettlement of the Jews in Israel was the true repatriation of men who had finally found the promised land. It would not occur to anyone, moreover, to force the Armenians who had entered the USSR of their own free will to return to Turkey, whence they had fled at the time of the Ottoman persecutions. The Spanish Republicans were another example of refugees whom it would be inhuman to force to return to a country whose régime they detested.

30. The large majority of refugees in need of international protection was composed of those very persons who refused to return to their country of origin for considerations of a similar nature.

31. After the cessation of IRO's work, the experience acquired by that organization could serve as a guide to the High Commissioner. The Israeli delegation particularly hoped that assistance would be granted refugees in accordance with the rules of the Constitution of IRO, so as to avoid permitting quislings and war criminals to benefit from unmerited protection.

32. The Israeli representative drew the Committee's attention to the case of approximately 150,000 refugees whom it had been impossible to resettle because they did not fulfill the requirements of age, health or occupation laid down by countries to which they wished to emigrate. In that connexion, he quoted the example of his own country, which had recently concluded an agreement with IRO on the immigration of all Jews in that category of refugees. Under that agreement, the General Council of IRO had voted a credit of 2,500,000 dollars for the transportation of 1,600 persons with their dependants, that is to say, a total of 3,000. As Mr. Kingsley, Director-General of IRO, had said on that occasion, "No Jewish refugee ever has been found too sick, too poor or too helpless for admission and a warm welcome by Israel."

33. It was to be hoped that, with the good will of all, it would be possible to end the suffering of all refugees in that category.

34. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) recalled that the refugee problem had arisen after the Second World War, and that it was still unsolved in spite of the fact that four and a half years had passed since the cessation of hostilities. Hundreds of thousands of refugees, among them 100,000 Soviet Ukrainians, were still in displaced persons' camps in Germany and Western Austria.

35. There was no doubt that the United Kingdom, the United States and French Governments, which had violated the agreements they had concluded with the USSR on repatriation and the relevant resolutions of the General Assembly, were to blame for that abnormal situation. Far from encouraging repatriation, those countries had introduced a whole system of measures to prevent the persons concerned from returning to their countries of origin.

36. The Allied authorities had put refugee and displaced persons' camps in charge of war criminals and quislings, who carried on fanatical propaganda against repatriation. United Kingdom, United States and French representatives had not denied the facts which had been quoted on that matter.

37. Secondly, the authorities of the three countries had allowed all sorts of committees and organizations to be set up in the camps and to engage in a slanderous campaign against the countries of origin of the displaced persons. Moreover, the leaders of displaced persons' camps and organizations acted on the instructions of the three Governments.

38. Thirdly, the United Kingdom, United States and French occupation authorities did all in their power to prevent USSR repatriation officers from making contact with the refugees. On the rare occasions when such officers were given permission to enter the camps, they were allowed to speak only to groups of quislings and traitors carefully selected for that purpose, while honest refugees were absent, as if by accident.

39. Finally, pamphlets and newspapers informing refugees of the true situation in their countries were systematically destroyed by the authorities instead of being distributed to the persons concerned as required by the General Assembly resolution.

40. It was vain for the United Kingdom representative to say that his country's authorities had difficulty in persuading refugees to return to their homes; in actual fact, British military authorities were not making the slightest effort to achieve that end. In that connexion Mr. Demchenko quoted the testimony of a certain Martinenko who had escaped from the Hanover camp and who had stated that the British authorities in that camp resorted to falsification and even terror in order to prevent the repatriation of refugees in their charge. Another Ukrainian, by the name of Panchenko, camp leader at Lade, had related the following incident which had occurred in 1947: on the arrival of a USSR repatriation mission at the assembly centre in Menden, a British Major named Campbell, who was in charge of displaced persons, had called together the leaders of the six camps in the area and had instructed them to tell the USSR officers that neither they nor their men wished to return home because they disapproved of the political régime in their country. He had told them also to distribute Ukrainian newspapers to the Balts, and Baltic newspapers to the Ukrainians—unless they were able to destroy the papers as soon as they arrived in the camps—so as to prevent displaced persons finding out what the true situation was in their countries. Finally, he had instructed them to keep under observation all those who wished to speak to the USSR officers so that steps could be taken against them.

41. Mrs. Castle had accused the USSR representatives of quoting only individual cases. The last example showed that it was not a matter of isolated cases, but of a prevailing policy.

42. The countries which sabotaged repatriation had invariably opposed the USSR proposals to admit USSR officers to the camps, to forbid all propaganda against repatriation, to disband existing committees and organizations in displaced persons' camps, to stop recruiting displaced persons into military and para-military formations and, finally, freely to circulate information from the countries of origin of the refugees.

43. Why had those countries done that? It was primarily because they were preparing for war and hoped to use those refugees for their own political and military ends. Moreover, and that too was an important argument, they needed a reserve of cheap labour.

44. In support of his argument, Mr. Demchenko read a notice published on 28 August 1949 in the Ukrainian newspaper *Resurrection* in Munich inviting Polish, Ukrainian and Baltic refugees under the age of 44 to volunteer for service and transportation units of the United States Army. The notice stated that refugees might volunteer for a period of from one to six years. Mr. Demchenko also stated that, in the western zones of Germany and Austria, there were dozens of camps where quislings and war criminals were maintained at the expense of IRO. Although the existence of such camps were kept secret, it was known that those in them were given an intensive military training. Camps of the kind existed at Pforzheim, Munich, Deggendorf and Asten in the American Zones of Germany and Austria, and at Hanover, Pattern and other places, in the British Zone. The Ukrainians there were mostly ex-members of the *Galizien* SS Division, which had committed the worst atrocities in the Ukraine.

45. Mr. Demchenko further stated that many fascist agents, fugitives from justice in their own countries, had been given refuge by the Allied occupation authorities and granted the status of displaced persons. Among them, he named the Ukrainian nationalist leaders Bandura and Melnik, who had been in the service of the Nazi Government and who were currently exercising their authority over some Ukrainian camps in Germany under the auspices of the Allied intelligence services.

46. Mr. Demchenko wondered against whom all those activities were directed, and observed that the three Western Powers had created IRO in order to give the sanction of an international body to such activities.

47. That was the primary aim of the Western Powers. As already pointed out, the second was that of using refugees as cheap labour. A good deal had been said about the humanitarian character of IRO. Nevertheless, instead of helping the old and infirm as it ought to have done, that organization had made the export of strong and healthy workers its first concern. As early as May, 1948, the Director-General of IRO had himself admitted that the refugees were considered as merchandise and that immigration countries would accept only strong and healthy workers, while the sick were condemned to poverty. At the moment, there were still 150,000 whom no country would accept. All that showed that the United Kingdom, the United States and France had transformed IRO into a slave-trading agency.

48. After having withdrawn from the refugee camps all the man-power which could be of use to them, those countries were proposing to lay on the United Nations the responsibility for caring for the sick.

49. The Ukrainian SSR had refused to join IRO for the reasons stated above, and could not accept the new proposal either.

50. The French draft resolution would perpetuate the refugee problem, render the General Assembly's decisions on repatriation void, and throw the responsibilities and financial burdens assumed by IRO, the United Kingdom, the United States and France back on the United Nations. Further, it laid down at its fifth session that the Assembly should again take up the question of providing funds for the help of refugees. The implication was that the United Nations would be obliged to make itself responsible for maintaining persons who were collaborating with the intelligence services of the countries in question. That was clearly the idea behind the French proposal to apply the term "refugee" to all those who voluntarily renounced their nationality.

51. The Ukrainian delegation therefore opposed the draft resolution and maintained that the only means of settling the refugee problem was to invite all the Governments concerned to abide by resolution 8 (I) on repatriation adopted by the General Assembly in 1946.

52. In conclusion, Mr. Demchenko wished to reply briefly to the representative of Chile.

53. He was amazed to learn that a Chilean diplomat in Moscow should have had to concern himself with Spanish children, and deduced that, if Mr. Valenzuela had kept an eye on Spanish anti-fascists, he could only have done so on the instructions of the Franco Government.

54. Speaking of the repatriation agreements to which Mr. Valenzuela had referred, Mr. Demchenko stated that repatriation could only be carried out on the basis of bilateral agreements, and that the agreements in question were of just such a nature. No one had ever been repatriated against his will.

55. Referring to the attempt made by two Spaniards to escape from the USSR in the Chilean diplomatic bag, Mr. Demchenko expressed his surprise that diplomatic representatives of Chile should have lent themselves to an episode of the kind.

56. To sum up, he thought that a country such as Chile, where progressive organizations had been dissolved, where strikes were illegal, and where troops were used against the workers, was hardly in a position to take up the defence of human rights.

57. Mr. ROCHEFORT (France) reserved the right to reply later to the various delegations which had requested explanations of the precise scope of the draft resolution submitted by his delegation. Although he did not intend to begin a polemical discussion, he felt it his duty to protest very strongly against certain assertions made during the debate with regard to an alleged sabotage of the repatriation policy by the Allied Governments

and IRO, as well as with regard to the humanitarian nature of the French draft.

58. He wished to give some specific explanations of the manner in which the French occupation authorities had dealt with the problem of the repatriation of refugees. It had been alleged that France had refused repatriation missions access to displaced persons' camps. But a USSR repatriation mission had existed in the French Zone of Austria since August 1945. That mission had been headed successively by five chiefs, and had a large staff. Its officers moved about freely and had paid 147 and 137 visits respectively to the two principal camps in the French Zone. To obtain authorization to visit a camp, they merely had to give twenty-four hours' notice. A French officer accompanied members of the mission on their visits.

59. The French administration organized many cinema shows in the camps at its own expense, and newsreels and films from the USSR were shown. Similar performances were arranged for the displaced persons living in the camps. On Saturday mornings Radio Innsbruck broadcast a programme for displaced persons which contained appeals in favour of repatriation. Unfortunately, the broadcasts had often had to be cut because of the attacks against the authorities of the neighbouring occupation zones made in the appeals.

60. USSR newspapers were distributed regularly in the camps for displaced persons. Five daily newspapers and more than ten reviews were circulated. Preliminary censorship was practically impossible, owing to the large number of those publications. Nevertheless, certain remarks had had to be made, in view of the violent criticism of the French and Allied Governments in some articles.

61. Furthermore, announcements were published regularly in the newspapers of the occupation zone. All announcements made by the USSR mission were duly inserted.

62. With regard to repatriation properly so-called, all displaced persons who had expressed the wish to return to the Soviet Union had been dispatched within three days at most, after the Soviet mission had given its consent. Since August 1945, 1,278 persons had been repatriated in that manner.

63. In 1946 and 1947 all displaced persons in the French Zone, whether they were Russians, Ukrainians, Poles or Balts, had appeared before a joint French-Soviet Commission instructed to determine their precise nationality and to persuade them to return to their countries of origin. In May 1949, another commission, in which the Soviet mission had refused to participate, had reinvestigated the cases of 409 persons who had refused to leave. All, with one exception, had reiterated their refusal to be repatriated.

64. Since 1 January 1949, the USSR mission had intensified its activities, with increasingly poor results. After 130 visits had been paid to the French camps in Austria, 19 persons had agreed to return to their countries. The camps in the zone still contained 151 Soviet citizens and 53 *Volksdeutsche* from the USSR, who had submitted written refusals to return to that country. Furthermore, there were 2,460 Ukrainians and Poles and 574 Balts, whom the USSR considered as its own nationals, but who also refused to leave.

65. In view of those explanations, it was hardly possible to speak of sabotage.

66. He himself would also like to ask a few questions of those who questioned the good faith and humanitarian feelings of his country. In particular, he wished to know what principles should guide France in her treatment of the Spanish Republicans, large numbers of whom she had received and continued to receive in her territory. Was the French Government to turn back at the frontier those refugees who, nevertheless, enjoyed the protection of IRO? What political principles was France following in offering them refuge in its territory? The motive was certainly not that of training subversive reactionary brigades?

67. France had been accused of placing the problem on a non-humanitarian plane. The whole traditional policy of France towards refugees was proof to the contrary. Between 1920 and 1930, France had received 270,000 refugees, 3,000 of whom had had to be hospitalized and 10,000 to be cared for at home. Since 1933, it had opened its doors to 31,000 Israelites and political refugees from Germany and Austria, and in 1937 to 250,000 Spanish Republicans, 50,000 of whom had remained in its territory. The two-month sojourn of 200,000 Spaniards had cost the French Government 5 milliard francs. The maintenance of the sick and wounded among the 50,000 others had amounted to 45 milliard francs in the three years between 1937 and 1940. France had spent 62 milliard francs between 1920 and 1940 on the maintenance of refugees unable to work. By the end of 1944, 300,000 refugees, including 9,000 unable to work, remained in France. The maintenance of those 9,000 cost 12 milliard francs over a period of five years. Since March 1945, France had welcomed fresh contingents of refugees, the cost of whose maintenance amounted to approximately 14 milliard francs. The total expenditure on the assistance given by the French Government to refugees between 1920 and 1949 had amounted to 100 milliard francs—a great part of which was not in devalued francs—or an average of 4 milliard francs per year over a period of twenty-five years.

68. Mr. Rochefort regretted that he had been obliged to go into such grim detail. But that had been necessary in order to prove that France considered the problem of refugees only from a humanitarian point of view and would not allow itself to be guided by considerations of politics or profit. If the contrary had been the case, the French delegation would certainly not have taken the initiative in submitting a draft resolution for the establishment of a body for international control.

69. Mrs. ROOSEVELT (United States of America) recalled that she had participated in the Committee's work since its first session. She therefore felt that she could speak with authority on the problem of refugees, with which the General Assembly had been dealing for a long time, and that she was entitled to correct the interpretation that certain delegations were giving to resolution 8 (I) on the refugee question adopted by the General Assembly on 12 February 1946. Although that resolution provided that "the main

task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin", it was none the less true that the United Nations had also accepted the frequently reiterated principle that no one should be repatriated against his will; and neither Mr. Arutiunian in the Third Committee nor Mr. Vyshinsky in the General Assembly had questioned it.

70. It had been alleged during the debate that only traitors and quislings were refusing repatriation. She wished to refute that assertion. During the upheavals of the war and the post-war period, territories had changed masters and ideologies, and it was, therefore, easy to understand that certain persons might hesitate to return to a country that was no longer ruled by the Governments which they considered to be their own. That state of affairs had to be taken into consideration.

71. She regretted that the debate had assumed a tone that was not likely to create the atmosphere necessary to a fruitful discussion. In particular she deplored the Ukrainian representative's statement. He had made remarks which would justify the preparations for war he had unnecessarily denounced, but to which provocations such as his might finally give rise. She gave the Ukrainian representative formal assurance that her country was not preparing, and had no intention of preparing, for an aggressive war against any country whatsoever.

72. On behalf of her people, whom she knew thoroughly, she stated that they in no way lagged behind the people of the USSR in their wish for peace and in their desire to alleviate human suffering.

73. She considered the allegation that the United States was trying to procure slave labour to be ridiculous. In that connexion, she pointed out that the difficulties confronting the United States Government with regard to the refugee question arose out of the fact that there was no place for cheap labour in the United States. Anyone who made such fantastic accusations could only be motivated by a feeling of fear. On the other hand, those who had faith in democracy and respected its fundamental principles had no reason to fear either the impact of ideas or the power of others. As the American people were secure in that knowledge and were profoundly peace-loving, it would indeed require much provocation to lead them to force their Government to alter its policy of peace.

74. Furthermore, she did not see how it could be said that the International Refugee Organization had been established in order to promote slave traffic. Such an assertion did no credit to its author and could not fail to discourage good will.

75. She appealed to members of the Committee to refrain once and for all from stressing their political differences and to devote their efforts primarily to solving the question before them solely in the interests of the refugees. She hoped that the Committee would thenceforward conduct the debate in an atmosphere of harmonious co-operation.

The meeting rose at 5.30 p.m.

TWO HUNDRED AND FIFTY-NINTH MEETING

Held at Lake Success, New York, on Thursday, 10 November 1949, at 10.45 a.m.

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

Refugees and stateless persons (A/971 and A/C.3/527) *(continued)*

1. Mr. KINGSLEY (International Refugee Organization) said that the problem of refugees, besides being an aftermath of the war, was also a reflection of the social, economic and political insecurities of the age. The discussion so far had been concerned chiefly with the question of repatriation and the activities of IRO in that respect. As the United States representative had pointed out (258th meeting), repatriation was only one of the major functions of IRO, although it was of course an important and controversial issue. Many sweeping charges had been made against the activities of IRO. Mr. Kingsley did not claim that the organization had achieved perfection, but he pointed out that the whole question had been fraught with difficulties. It was clearly stated in the Constitution of the IRO that the main task concerning displaced persons was to encourage and assist in every way possible their early return to their countries of origin. In many cases, repatriation was obviously the ideal solution and IRO had always used all the peaceful and legitimate means at its disposal to encourage the repatriation of displaced persons. The fact remained, however, that most of those who were willing to return to their countries of origin had long since done so. More than 7 million persons had been repatriated before IRO had come into existence. In fact, 80 per cent of those who had been uprooted by the war had by that time returned to their countries of origin. It was not surprising, therefore, that when IRO had eventually been set up only a small percentage of the remaining refugees and displaced persons had wished to be repatriated. He emphasized that, while it did everything in its power to encourage repatriation, IRO would never compel people to return to their countries of origin against their will.

2. It had been alleged that IRO refused to distribute the information sent from the Governments of the countries of origin to encourage the displaced persons to return home. In the camps that he had visited, the chief complaint had been that the very countries which made that allegation had sent insufficient information. He cited figures relating to the British occupation zone of Germany, which showed, for example, that 113,807 copies of publications from Eastern Europe had been distributed in the camps in June 1949. In addition, films sent from the Polish Consulate had been shown and IRO officials had themselves

collected photographs depicting life in Poland for display in the camps.

3. The case of the Polish children who had been resettled in Canada had been mentioned during the discussion (256th and 257th meetings) and it would serve as a useful example of the difficulties encountered by IRO in its attempts to encourage repatriation. In the first place, he pointed out that the majority of those in the group had been over the age of sixteen and they could therefore no longer be considered as children under the IRO Constitution. Of the remainder, only 24 had been under the age of thirteen and all but 7 of those had been accompanied by elder brothers or sisters. Moreover, as far as could be ascertained, only 23 still had a living parent and 16 of those came in the older age group, or were accompanied by an elder brother or sister. IRO had done everything in its power to encourage the children to return to Poland and had given Polish repatriation teams every opportunity to interview the children and to persuade them to return home. At one stage, indeed, two sisters had agreed to be repatriated and about a dozen others had seemed interested in the proposal. After the questioning they had undergone at the Polish Legation in Rome, however, the two sisters had changed their minds and had refused to return to Poland. Subsequently, IRO had tried to arrange for a team from the Polish Red Cross to interview the children and to make one last attempt to persuade them to return home. The Polish Government had, however, insisted on seeing the nominal rolls of all the children before accepting the invitation. The possibility of making the IRO nominal rolls available to Governments had often been discussed and it had again been decided by the Economic and Social Council at its ninth session[1] that no such requests should be granted. The Polish team had refused to interview the children on being denied access to their nominal rolls and the IRO had finally accepted the generous offer of the Catholic hierarchy of Canada to find homes for the children in Canada. Nevertheless, he assured the Polish representative that IRO would still be willing to assist in the repatriation of the few children who were under the age of sixteen, who were not accompanied by an elder brother or sister and who had a living parent in Poland.

4. Despite the difficulties it had encountered, IRO had succeeded in repatriating 66,000 displaced persons, more than half of whom had been of Polish origin. The organization had nearly completed a great humanitarian task unlike anything that had ever been achieved before by the world community. It was unfortunate that so few of the Members of the United Nations had shared in that task, but the fact remained that the achievement was unparalleled in human history. Besides those who had been repatriated, 600,000 displaced persons and refugees had been resettled in other countries. The activity of IRO had reached a peak level and persons were being repatriated and resettled at the rate of 1,000 a day. In fact, more than 7,000 persons had left the camps since the Third Committee had started discussing the problem. It was hoped that by the time IRO ceased its activities, it would have dealt with nearly one million persons. Less than 300,000 persons would then remain in the camps. It was against that background that the General Council of IRO had decided to recommend that the organization should continue its operations for an additional period of nine months. The Council had further recommended that some machinery should be established not later than 1 January 1951 in order to continue the work of protecting the refugees. It was hoped that, in the additional nine months, IRO would be able to reduce the so-called hard core to the absolute minimum. The most difficult problem was presented by the 150,000 persons whose opportunities for resettlement were limited. Some of those were disabled and IRO was providing vocational rehabilitation services for them. Others were trained in certain professions and found it difficult to adapt themselves to the requirements of foreign countries. For them IRO was trying to find homes on a strictly individual basis. In some cases immigration laws proved an obstacle to resettlement and IRO was doing its utmost to encourage Governments to make their immigration laws more flexible. Finally, there were 20,000 people requiring permanent medical care and they, with their 30,0000 dependents, presented the most difficult problem of all. Generous offers had already been made by the Governments of Israel, Norway, Sweden and the United Kingdom to receive and care for some of them.

5. He hoped that by 31 March 1951 provision would have been made for all the refugees and displaced persons who had been uprooted by the war. Then there would still remain the continuing problem of providing legal protection for the stateless. As a temporary organization, IRO could not solve the whole problem finally and some international action would be required for many years to come. The problem was a difficult one but its solution was a worthwhile objective and it could not be ignored by those who wished to build a peaceful world.

6. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) said that the measures envisaged in the Secretary-General's report (A/C.3/527) or in the French draft resolution (A/C.3/529) would not solve the problem of refugees and displaced persons. Neither of the two proposals provided for repatriation, which was the only adequate solution. The gist of the French proposal, for instance, was merely to refer the problem to the United Nations and to set up a High Commissioner's Office.

7. In his opinion, the key to the problem lay in the return of displaced persons to their native lands and homes. He was not referring to those who had left their country years ago, but only to the victims of the Second World War who had been forcibly deported for slave labour in Germany.

8. The obvious course after the war would have been to assist in their repatriation to enable them to rejoin their families and take part in the reconstruction of their country. That, however, had not been done because various Governments, particularly those of the United Kingdom, the United States and France, had done their utmost, by means of threats and hostile propaganda, to hinder and delay the repatriation of Soviet citizens.

9. Instead of encouraging repatriation, IRO had concentrated its activities on resettling refugees and displaced persons in far away countries, mostly overseas, where they found themselves

[1] See *Official Records of the Economic and Social Council*, Fourth Year, Ninth Session, 325th meeting.

defenceless against shameless exploitation. The representative of IRO had just said that his organization would never agree to forcible repatriation. The Byelorussion delegation had never suggested that people should be repatriated by force; all it asked was that they should be given the opportunity to return when they wanted to do so. On the other hand, it was clear that IRO was carrying out a policy of forcible deportation and resettlement overseas. In September 1948, for instance, twelve Soviet citizens in a displaced persons camp in the British zone of Germany had been told by an IRO official that unless they volunteered for mining work in the United Kingdom they would be deprived of their rations and of any further assistance. Similar cases could be cited *ad infinitum*.

10. Emphasizing once again that the key to the problem of refugees lay in their repatriation, he formally submitted a draft resolution to that effect (A/C.3/L/25).

11. In her speech at the 257th meeting of the Committee, the representative of the United Kingdom had been unable to deny any of the facts cited by his delegation regarding the United Kingdom policy on refugees and the wretched lot of the displaced persons in the United Kingdom. She had merely alleged that those facts were unfounded because the Byelorussian representative had once spoken in the Economic and Social Council of the captivity of a young Russian boy who, it had so happened, had already been repatriated by then. He wished to make it quite clear that he had never mentioned any such case, that his statements were always based on incontrovertible evidence and he deprecated the tactics of making wild accusations when one was short of arguments. He was prepared to quote many more examples which would show quite clearly that far from enjoying all modern amenities and the luxury of private baths—as had been alleged by some—displaced persons in the United Kingdom had to eke out a miserable existence in filthy barracks, doing heavy work and being grossly underpaid. Furthermore, British officials were not averse to using displaced persons for their own personal service; indeed, one such official in Austria had dispatched several displaced persons to Australia to work on a farm on which he intended to settle after retirement.

12. The representative of the United Kingdom had also been unable to deny any of the facts cited by the Ukrainian representative who had described how her country was violating its international commitments and pursuing a hostile policy towards the USSR. She had merely accused him of warmongering and had then declared that her people did not want war. That undoubtedly was true—it would have been better, however, if she had been able to state that her Government did not want war either, as all evidence pointed to the contrary.

13. In conclusion, he wished to state that his country was anxious to heal the wounds of war, to create better living conditions for its people and to oppose any warmongering manœuvres.

14. Mr. CORLEY SMITH (United Kingdom) wished to apologize to the Byelorussian representative for the regrettable misunderstanding which had arisen through a misuse of the word "Russian". Many people were apt to say "Russia" instead of USSR" in the same way as they might speak of "England" instead of the "United Kingdom". The responsibility for originating the story about the repatriated Russian boy, related in the Economic and Social Council, rested with the USSR representative, and he wished, therefor, to tender his apologies to the Byelorussian representative for having credited him with that masterpiece of fiction.

15. He was not going to reply again to the wild and slanderous charges which had once more been hurled at his country. He had already said that anyone was free to come and see for himself how displaced persons lived and worked in the United Kingdom. He was, however, becoming extremely weary of those ever-recurring and tedious accusations and if provoked once more he would not hesitate to take up some of the Committee's time with a most detailed statement on the subject.

16. Mr. JOCKEL (Australia) referred to the specific proposals that had been submitted and expressed general support for the ideas set forth in the French draft resolution. He agreed that a High Commissioner's Office should be established and that the administrative expenses should be borne by the United Nations. He also agreed that the High Commissioner should have a considerable degree of autonomy and that he should be responsible for programme decisions and actions within broad directives received from the General Assembly and from the Economic and Social Council. Finally, like the representative of France, he felt it was essential for the Assembly to reach a decision on the question during its current session.

17. He agreed that it should be open to the High Commissioner to organize material assistance including maintenance, repatriation and resettlement projects, but that would naturally have to depend on the willingness of Governments to agree to special budgets when particular situations occurred. He felt that the annex to the French draft resolution should be drafted in less general terms if it were to constitute the terms of reference for the High Commissioner or to be used as a basis for those terms of reference. For example, the point made in paragraph (*c*) of chapter I, entitled "General principles", was a useful way of expressing an idea, but he could not accept it as an operating principle since the concepts were too broad and he would not know exactly to what he was committing himself.

18. Finally, it appeared from the French proposal that the High Commissioner himself was to draft the final statute of his organization while the Economic and Social Council was to plan the administrative and budgetary arrangements. In his opinion, those two aspects were so closely related to one another that they should be discussed and settled by the same people.

19. Mr. ROCHEFORT (France) said that, since the general debate had taken up more time than had originally been envisaged, it might be advisable to postpone the time-limit that had been set for the submission of amendments. He proposed that Friday, 11 November, at 6 p.m. should be set as the time limit for the submission of new resolutions and Monday, 14 November, for the submission of amendments.

20. The CHAIRMAN said that a two-thirds majority vote would be required to reverse the

Committee's previous decision concerning the time-limit. He put the French proposal to the vote.

The result of the vote was 41 in favour, none against, and 7 abstentions. The proposal was adopted, having obtained the required two-thirds majority.

21. Mr. MUJEEB (India) emphasized that political digressions should not make the Committee lose sight of the essentially humanitarian nature of the problem of refugees and displaced persons. IRO would cease to function very shortly and many human beings would be left without any assistance or legal protection. The main task before the Committee was to assist them.

22. Although India was not a member of IRO, it had done its utmost to aid both UNRRA and IRO and had helped 6,000 European refugees to settle in its territory after the war. India, however, had to cope with its own refugee problem—indeed, there were 6 million Indian refugees who had to be looked after and resettled. He hoped the United Nations would acknowledge that India was performing an international as well as a national duty by helping those people, and that it would not be asked to shoulder any further responsibility regarding European refugees.

23. In conclusion, he expressed the hope that the Committee would adopt the Pakistan representative's suggestion that IRO should be maintained in existence, and would then address itself to the drafting of a convention on the legal protection of refugees.

24. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) wished to correct certain statements made by the representative of Yugoslavia at the 257th meeting. With regard to the persons of Soviet nationality arrested and imprisoned in Yugoslavia, the Yugoslav Government had disregarded the request made by the USSR Government in its note of 25 June 1949 that such practices should cease and that the persons concerned must be released, but had proposed that they should be handed over to the USSR Government. That would have been tantamount to their illegal deportation. Moreover, it was not a fact that the USSR Government had forbidden those of its nationals who wished to do so to leave Yugoslavia. The statement that USSR troops had been concentrated on the Yugoslav frontier at the time of that incident was completely unfounded and might, in his opinion, have been made with ulterior motives which would not conduce to the maintenance of international peace and security. With regard to the Yugoslav boys kept in USSR military schools, none of them, as the Yugoslav representative himself had admitted, had expressed any desire to be repatriated to Yugoslavia so long as the existing political conditions continued to prevail there.

25. Turning to the problem of refugees and displaced persons, the USSR representative said that General Assembly resolution 8 (I) of 12 February 1946 had expressly stated in sub-paragraph *c* (iii), that the main task concerning displaced persons was to encourage and assist in every way possible their early return to their countries of origin. The four years which had elapsed since the adoption of that resolution ought to have been ample for the completion of repatriation. According to information supplied by IRO, however, only some 65,000 persons had been repatriated since operations had begun, whereas nearly 600,000 had been resettled. Such figures showed that the principal countries in IRO, particularly the United States, the United Kingdom and France, had failed to implement that resolution. They had also failed to fulfil their repatriation agreements with the USSR, whereas the latter had some time previously completely fulfilled its commmitments with regard to the treatment of their nationals liberated by its forces. Hundreds of thousands of displaced persons of Soviet nationality remained in camps in the occupation zones of Germany and Austria, and almost as many had been transported to the United States, Canada, Australia, Belgium and South America.

26. Furthermore, whereas it had been decided under the repatriation agreements that the displaced persons camps and repatriation centres should be administered by officials in accordance with the regulations prevailing locally, heads and guards of camps administered by the IRO had been found to be war criminals or former members of the Nazi armed forces, as the Byelorussian and Ukrainian representatives had, in his opinion, conclusively demonstrated. The representatives of the United States, the United Kingdom and France had failed to meet that charge because they had been unable to produce any documentary evidence in refutation.

27. Under the repatriation agreements it had been stipulated that the distribution, in the camps, of propaganda hostile to any Member of the United Nations should be strictly prohibited; yet such propaganda was being openly circulated by officials in the service of IRO. Furthermore, the reports of repatriated Soviet nationals allowed it to be clearly inferred that actual physical force was exerted on displaced persons to extort from them sworn statements of their unwillingness to be repatriated, as the Byelorussian representative had shown.

28. There were definite reasons for that policy. They had been disclosed by Emmanuel Celler, a member of the United States House of Representatives, who had stated, according to a United Press dispatch published in *The New York Times* of 26 August 1949, that United States military intelligence officers had requested the inclusion in a law affecting the entry of displaced persons of a provision permitting the immigration of 15,000 displaced persons from Eastern Europe, as they were needed by the intelligence agencies for the information they could give about their countries of origin. That statement might be regarded as confirmation of the charge that displaced persons were being used by intelligence services for the purpose of espionage.

29. The displaced persons camps were also being used as a source of cheap labour. A very large number of recruiting agents from France, Canada and the Netherlands had visited the camps early in 1949 and had selected only the persons best suited for heavy labour. That was a flagrant violation of the General Assembly's resolution.

30. Such failures to heed the obligations incumbent on the Governments were the reason for the continued existence of the problem and for the view—erroneous, in his opinion—that futher international action would be needed.

31. The situation had actually deteriorated. IRO hoped to resettle 367,500 displaced persons be-

fore 1 July 1950, but 292,000 would remain, including the so-called hard core of 150,000 persons, who could not be resettled for reasons of age, health or failure to meet professional requirements. In other words, the principal countries in IRO, having selected only those persons qualified for heavy labour or the intelligence services, were intending to refuse further responsibility for a situation which they themselves had created. Such was the real objective of the proposals for the establishment of a High Commissioner's Office.

32. The displaced persons had, however, been the victims of involuntary deportation by the Nazis. They were nationals of certain countries and they had never been deprived of their nationality. Obviously, therefore, it was the duty of their Governments, not of a High Commissioner, to bear the responsibility for their protection; it was, moreover, to their own interest to do so. The creation of a High Commissioner's Office would violate both the right of States to protect their own nationals and Article 2, paragraph 7, of the Charter, as well as previous resolutions of the General Assembly. Furthermore, the adoption of the French resolution might well lay an additional burden on the United Nations budget, as some delegations had feared.

33. The sole valid solution to that, as to so many problems examined by the United Nations, would be for Member States to fulfil their obligations. The USSR delegation would therefore vote against the French draft resolution and in favour of that submitted by the Byelorussian SSR.

34. With regard to the observations made by the Chilean representative at the previous meeting, about the children of Spanish Republicans living in the USSR, the fact that they were not suffering or living in wretched circumstances was shown by a letter from a large group of them published by *Pravda* on 16 August 1949 and by an illustrated article published by *Ogonek* in September 1949. In the letter to *Pravda,* a group of 114 young Spanish Republicans who had just graduated from technical colleges expressed the warmest appreciation of the opportunities afforded to them in the Soviet Union to obtain advanced professional and technical training unavailable to the children of workers in capitalist countries, especially in Franco Spain. More than 300 Spanish Republican youths had received such training. The letter showed clearly, in his opinion, that the Chilean representative's charges were unfounded.

35. Mr. DEDIJER (Yugoslavia) deprecated the tone of the USSR representative's comments and reserved his right to reply in detail to their substance.

36. Mr. VALENZUELA (Chile) explained that he had not advocated the repatriation of the Spanish youths from the Soviet Union to Franco Spain, but to their parents currently living in Latin America. He was unable to square his personal observations in Moscow with the letter published in *Pravda,* and therefore suggested that the USSR Government might imitate the Governments of France and the United Kingdom in inviting ocular investigation, under the auspices of the United Nations, of the living conditions of the displaced persons in their countries.

37. With regard to the body of international law relating to repatriation, the only agreement on such forcible repatriation as that of the inhabitants of Memel and of parts of Poland from 1939 to 1941 was, to the best of his knowledge, the agreement concluded between Germany and the Soviet Union for that particular case. That had not been fully explained by the USSR representative, whose method of argument, furthermore, was not, in his opinion, wholly appropriate to the high level at which a discussion of great humanitarian import should be conducted.

The meeting rose at 1.10 p.m.

TWO HUNDRED AND SIXTIETH MEETING

Held at Lake Success, New York, on Friday, 11 November 1949, at 10.45 a.m.

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

Refugees and stateless persons (A/971 and A/C.3/527) *(continued)*

1. Mrs. ROOSEVELT (United States of America) said she wished to reply to four questions raised by the representative of Pakistan at the 258th meeting.

2. First, he had asked why protection should not be continued under the International Refugee Organization. She wished to point out that only eighteen Governments had become members of that organization, while the great majority of Governments had not felt able to join, primarily for financial reasons. The provision of protection should be the concern of all Members of the United Nations. Indeed, that protection could only gain substance if it were given by all the Members of the United Nations. Its cost was not great and, if shared by all Member States in the regular budget of the United Nations, it would not fall as a heavy burden upon any one Government. Furthermore, the eighteen Government Members of IRO, which had joined an admittedly temporary organization, had decided that they were not prepared to continue IRO for the sole purpose of providing protection which would need to be extended for a continuing period of time to be determined by the General Assembly.

3. Secondly, the representative of Pakistan had asked for what period it was proposed to provide protection under the auspices of the United Nations. No categorical answer could be given to that question. The time required would depend on the rate of progress made by the refugees in achieving a normal life, exemplified by the acquisition of citizenship in a country of final residence. For the immediate purposes of the United Nations, it would be desirable to establish the office of High Commissioner for a period of three years in order to provide the possibility of reviewing, at a later stage, the need for con-

tinuing the service of protection under the United Nations.

4. Thirdly, the Pakistan representative had pointed out that paragraph 41 of the Secretary-General's report referred to a statement by IRO that 20,000 refugees would require institutional care of an indefinite duration, and had said that such a statement was inconsistent with that made by the United States representative that the period of mass care and maintenance of refugees would come to an end upon the termination of IRO on 1 January 1951. She wished to emphasize that IRO had attempted to make provision for the continuing care of cases requiring institutional treatment; 10 million dollars had been allocated for that purpose in the budget for 1949, and a further 12 million dollars for the period after 30 June 1950. It was hoped that before ceasing to function, IRO would be able to allocate additional residual funds for the 20,000 refugees mentioned in the Secretary-General's report. No appeal to the General Assembly for funds for the continuing maintenance of dependent refugees was envisaged in the proposal under discussion by the Committee.

5. Lastly, the Pakistan representative had expressed the view that if the General Assembly was to assume responsibility for refugees, it should do so on a global basis, and he had in that connexion mentioned the 6 or 7 million refugees in his own country. That raised a very great problem indeed. The Pakistan representative had in fact suggested that the General Assembly accept responsibility for all categories of refugees existing in any part of the world, and also for such other categories as might develop in the future. The matter required very careful consideration, and she wondered whether the General Assembly would be prepared at that juncture to assume responsibility for other groups of refugees than those defined in the IRO Constitution. It should be borne in mind, however, that at its ninth session the Economic and Social Council had set up an *Ad Hoc* Committee to review existing conventions providing protection for refugees and to consider the desirability of drafting a single convention to be submitted to the General Assembly for approval. In accomplishing that task, the *Ad Hoc* Committee would have to deal first with the categories of refugees who were to be covered by the draft convention. Thus, the question raised by the Pakistan representative would in any case be examined, objectively and judiciously, by a formal body of the United Nations. She thought that was the best procedure for determining what responsibilities with respect to what groups of refugees the General Assembly should undertake.

6. At the previous meeting of the Committee, the Byelorussian representative had agreed with her statement that the people of the United States did not want war, but had then gone on to allege that the Government of the United States, on the other hand, was bent on a war policy. She wished to emphasize that in a democracy the Government was controlled by the people, to whom it was responsible.

7. Regarding the Byelorussian representative's assertions that displaced camps were controlled by fascists and war criminals, she wanted to remind him that under the Yalta Agreement USSR nationals had been put in charge of the administration of camps containing Soviet citizens. That provision of the Yalta Agreement had been carried out throughout 1945, with the result that many people had been forcibly repatriated to the USSR, and that riots had broken out in various camps against such forcible repatriation. After 2 million people had been so repatriated, UNRRA had taken over the administration of the camps in question, and in December 1945 the United States Government had advised the Soviet Union that it would repatriate by force only former war criminals or deserters. The United States regretted that it had to some extent abetted the forcible repatriation which had been carried out by USSR officials before that date.

8. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) said he was not surprised that his statements should prove so unpalatable to the representatives of the United Kingdom and of the United States. Indeed, they contained facts which could not be and, indeed, had never been denied—not even partially. The United States representative had recently accused him of making statements which could only cause friction and misunderstanding. In his opinion, friction and misunderstanding were not caused by speeches made in the Committee, but rather by the activities of the United States occupation authorities in Germany and Austria, which refused to hand over Ukrainian war criminals, formed military organizations from among displaced persons and gave them military training, or else simply expelled USSR repatriation missions, as had been the case in Austria. Indeed, there would have been no need for any speeches had there been no such activities.

9. Secondly, the United States representative had accused him of having said that the people of the United States were preparing for war. He had always been most careful to draw a clear-cut distinction between the people of the United States and their Government. The people undoubtedly did not want war. The same, however, could not be said of the monopolists, who, having derived huge profits from the human misery and world tragedy of the late war, were bent on unleashing a third world war. Of course, the people of the United States were not interested in keeping Ukrainian war criminals, or giving military training to displaced persons, or, indeed, hindering repatriation. Yet that was being done by their authorities in Germany. Like all other nations, the people of the United States wanted peace. Yet their Government was increasing its military budget from year to year, acquiring strategic bases thousands of miles away from its own territory and encircling the USSR, while the Press of the United States was brazenly brandishing the threat of the atom bomb and gloating in anticipation over the devastation and casualties it would wreak in Kiev or Leningrad. Nor could the people of the United States be blamed for the creation of aggressive blocs, such as the Western European bloc and the Atlantic bloc.

10. The United States representative had also said (258th meeting) that some people were motivated by a feeling of fear. He could assure her that the people of his country were not frightened in any way, and that they would continue to fight for peace as they had done in the past, in the knowledge that right and justice were on their side.

11. At the previous meeting, Mr. Corley Smith, the representative of the United Kingdom, had complained that he was weary. At one of the preceding meetings he had said that he was bored. Indeed, he always seemed to be either weary or bored whenever the question of refugees came up for discussion and he was unable to deny the accusations made against his country.

12. Mr. Demchenko had always said that repatriation was the only possible solution to the problem of refugees and stateless persons. He had, however, never advocated repatriation by force. Indeed, the main mass of refugees and displaced persons had been forcibly deported from their countries for slave labour in Germany, and he was sure that, given the opportunity, they would be only too happy to return home and be reunited with the families they had been forced to leave behind. Only a small minority of criminals would not wish to return.

13. In conclusion, he expressed full support for the Byelorussian draft resolution (A/C.3/L. 25), which appealed to all Governments to implement General Assembly resolution 8 (I) of 12 February 1946 concerning repatriation, and also to supply full information on the numbers and living conditions of the displaced persons under their jurisdiction.

14. Mr. CONTOUMAS (Greece) said that the United States representative had mentioned in her speech that an *ad hoc* committee of the Economic and Social Council might possibly add other categories of refugees to those which were to come under the protection of the United Nations. In that connexion she had specifically referred to the 7 million refugees mentioned by the representative of Pakistan at the 258th meeting. He hoped that, if the Committee in question examined the possible extension of protection to other categories of refugees, it would also consider the case of the 700,000 Greek refugees who had lost their homes in the civil war. That was the formal desire of his Government.

15. Mr. DEDIJER (Yugoslavia) believed that his delegation's action in pointing out that certain States were making use of refugees in order to promote their own political aims had called attention to a new category of refugees, who should enjoy the same treatment as those defined in IRO's Constitution. The only sound basis for dealing with the problems of both categories would be the adoption and application by the General Assembly—the only body competent to make them internationally mandatory—of the six rules which he had stated at the 257th meeting. All Members of the United Nations should assume the obligations deriving from a convention based upon such rules and strictly adhere to them.

16. The USSR Government had contributed to the problem by its breach of the rule which laid down that no State should refuse repatriation to its nationals who were on the territory of a State which refused to continue to grant them hospitality. On 4 June 1946, that Government had granted citizenship to former White Russians, of whom approximately 6,000 were at that time resident in Yugoslavia. Despite a proposal by the Yugoslav Government that they should be repatriated by bilateral agreement and on the most favourable terms, the Soviet Union Government had, however, refused to accept them. At the previous meeting, the USSR representative had reiterated that refusal.

17. Those persons had emigrated owing to their political views in 1920 and 1921 and had apparently continued to hold views hostile to the Soviet régime. They had been living in Yugoslavia either as *émigrés* or as Yugoslav citizens and had not been molested on account of their political beliefs. Nevertheless, in 1946 the Yugoslav Government had welcomed the opportunity to repatriate them.

18. The Government of the Soviet Union had acknowledged that those persons had become USSR citizens and had sent a large repatriation commission to Yugoslavia, which had established intimate contact with them and had explained to them personally the error of their ways. After three years of such activity, however, only three persons had been repatriated. All the remainder —even including some who had collaborated with the Nazi occupation forces—had received USSR passports after signing a declaration of their loyalty to the Soviet Union. They had not, however, been repatriated but had been assigned special tasks inside Yugoslavia. The situation had been complicated by the fact that some 3,000 of them were working in the Yugoslav civil service.

19. When the USSR had opened its campaign against the Yugoslav Government, the Soviet citizens had been organized in groups, some of which had been instructed to carry on subversive and even criminal activities. The Yugoslav delegation had in its possession documents which it regarded as conclusive proof of that charge.

20. No sovereign State could have remained indifferent to such activities. Thirty former White Russians had been arrested and had been tried on criminal charges. A widespread network of subversive activity had been uncovered. Thereupon, the USSR Government had sent a threatening note to the Yugoslav Government, which had replied with a proposal to set the conspirators free, provided that the USSR Government agreed to repatriate them or that they left the country in some other manner. No reply to that proposal had been received. At the previous meeting, however, the representative of the Soviet Union had demanded that the prisoners should be freed immediately, but should be permitted to remain in Yugoslavia. That demand implied juridically that the USSR Government did not recognize the territorial jurisdiction of the Yugoslav Government over Yugoslav territory and, in fact, that it regarded any arrest of any USSR citizen as illegal. The Yugoslav offer had been stigmatized as an attempt at illegal deportation, which implied that a sovereign State had no right to withdraw its hospitality from undesirable foreigners.

21. It was true that such stipulations had been imposed by the Powers under international law in the past under the name of "Capitulations". The last remaining example of such Capitulations had disappeared in 1943, when the Allies had renounced their extra-territorial rights in China. That the USSR itself had always been hostile to such provisions as the exemption of foreigners from the jurisdiction of local courts by Capitulations was shown by the relevant passages in the article on Capitulations in the second edition of the Soviet Encyclopedia. Yugoslavia itself had never been subject to Capitulations.

22. The USSR demand, moreover, was akin to the imperialist policy known as that of the "open door", which provided exceptional privileges for certain foreigners. Such a policy was not applied in Yugoslavia. Foreigners might settle freely in Yugoslavia, but the Government reserved its sovereign right to exclude or expel undesirables. From the political point of view, the attitude of the USSR Government in that connexion showed, in his opinion, that it did not recognize equality of rights among socialist States.

23. The attitude of the Soviet Union Government was inconsistent with its own statements at all international conferences on the refugee problem in the preceding four years. The USSR delegation had always advocated that the problem should be solved by the Governments concerned by a policy of unhampered repatriation, particularly with regard to their own nationals. Yet, in an instance in which such repatriation would have been particularly easy, it had flatly refused to consider it. The Yugoslav delegation felt that the United Nations was particularly qualified to examine that dispute because the creation of a new category of refugees might be likely to endanger international peace and security.

24. In its note of 18 August 1949, the Government of the Soviet Union had asserted that the White Russians concerned had been ill-treated in prison, and had gone on to impugn the character of the Yugloslav Government. Statements by the prisoners themselves and a subsequent medical examination had shown that that charge was not true. But the strongest proof of its untruth had been the readiness of the Yugoslav Government to hand them over to the USSR Government immediately.

25. In the case of the Yugoslav children at USSR military schools, the USSR Government had violated another rule, which was stated at the 257th meeting, to the effect that no State had the right to detain citizens of another State on its territory when they requested to be repatriated. The representative of Poland, the Byelorussian SSR and the Ukrainian SSR had stated correctly with regard to Polish children in Canada that children were not competent to decide their own status or choose their domicile. The USSR representative's statement that the children should not be repatriated, simply because they had not formally requested repatriation, appeared to conflict with the view expressed by those representatives. Moreover, both in USSR and in Yugoslav law the parents not only decided the domicile of their children, but also had the right to demand their return if they were in the hands of others. Furthermore, the First Committee had set a precedent by deciding that the Greek refugee children should be returned to their parents.[1] The USSR Government was, therefore, disregarding both its own and international basic legal principles.

26. When the representative of the Soviet Union had referred with approval to a letter written by one of the children to his mother stating that he would not return home so long as existing political conditions continued, he appeared to be associating himself with the approval of subversive activities.

27. The artificial creation of a new category of refugees by such hampering of repatriation was peculiarly a problem for international action by the United Nations. The solution could only be international in scope and must embrace both voluntary refugees and those who had become refugees under duress.

28. Mr. AZKOUL (Lebanon) said that, although IRO had made a great and historical achievement, it had also made one very serious error. At a time when it should have been concentrating on repatriation, it had sent countless refugees to resettle in Palestine, thereby contravening some of the general principles set forth in its Constitution. It was indeed specified in annex I to the Constitution that the organization should make sure that its assistance was not exploited in order to encourage subversive or hostile activities directed against the government of any State Member of the United Nations. It was also laid down that the organization should avoid disturbing friendly relations between nations and that special care should be exercised when the resettlement of refugees in non-self-governing countries was contemplated. In such cases, it was stated, due weight should be given to any evidence of genuine apprehension felt in regard to such plans by the indigenous population of the non-self-governing country in question.

29. In its policy of resettling refugees in Palestine, IRO had consistently violated both those provisions. It could not even be argued that the organization had acted unwittingly. Ever since 1923, the Arab countries had made their position quite clear with regard to immigration into Palestine, and the inhabitants of that non-self-governing country had shown their apprehension not only by words but by deeds. Some might say that IRO had allowed humanitarian ideals to outweigh the strict provisions of its Constitution. It was sufficient to consider the results of the immigration into Palestine to see that humanitarian ideals would have militated against it. For each refugee sent to Palestine ten new ones had been created, and IRO was directly responsible for the tragic plight of a million Arab refugees.

30. Turning to the other aspects of the work of IRO, he noted that, by the time it ceased its activities, it hoped to have provided for the repatriation or resettlement of the vast majority of refugees and displaced persons who still remained in the camps. The chief problem would then be to provide legal protection for the stateless. That was a very important problem, for the development of the modern sovereign State had brought most of man's activities and needs under the direct authority of the State. Thus the position of the stateless in the modern world was extremely difficult. Fortunately, the recognition of the need for closer international relations had increased at the same time; international action could therefore be taken to protect the rights of those who did not come under the special protection of any State. IRO had already concluded agreements with certain Governments for the legal protection of stateless persons and some new organization would have to be established, when IRO ceased its activities, in order to assume the responsibilities under those agreements as well as to conclude further agreements where desirable.

[1] *See Official Records of the fourth session of the General Assembly,* First Committee, 310th meeting.

31. The new organization would concentrate on providing legal protection for the stateless. Its structure could therefore be very simple and it should have the minimum staff. The future would show whether any other work should be required of the organization and arrangements could be made if and when the need arose.

32. It had been suggested that either a special section within the United Nations Secretariat, or a High Commissioner's Office, should be established to deal with the problem. He preferred the latter alternative because the protection of refugees might well involve bitter political controversies in which the United Nations Secretariat should not become implicated. Moreover, a High Commissioner would have a greater degree of autonomy and would thus be able to take action more speedily than the Secretariat. He would have more authority to conclude agreements with Governments and it would be easier for him to enter into negotiations with non-member States. The High Commissioner's Office would have to continue work for as long as the necessity for legal protection of refugees continued and a tentative initial period of four or five years could be tentatively fixed. He fully agreed with the remarks made by the United States representative in so far as the refugees who had come under the Constitution of IRO were concerned.

33. In the French draft resolution, however, the problem was treated on a more general basis. Conditions had indeed altered in the two years since the establishment of IRO. There were new categories of refugees who did not come under the protection of IRO; for example those in Greece, Pakistan, India and China. The refugees in Palestine were a distinct category on their own, for their plight was the direct responsibility of the United Nations. Assistance to refugees was, moreover, no longer simply a humanitarian ideal; it had become a definite duty of the United Nations since the adoption of the Universal Declaration of Human Rights. Article 15, paragraph 1 of that declaration—a paragraph that had been inserted at the instigation of his delegation—stated: "Everyone has the right to a nationality". Until a formula was found for eliminating statelessness, the United Nations should afford legal protection aimed at removing the disabilities arising therefrom. He felt that any resolution the Committee adopted should establish the High Commissioner as the protector of all refugees. For the first few years he could be asked to concentrate on providing legal protection for the special class of refugees covered by IRO, but it should be possible for the United Nations to extend his services to cover all refugees at a later stage.

34. Mr. BOKHARI (Pakistan) thanked the United States representative for replying to the questions he had raised.

35. He had intended to concentrate on the task to be done in the future rather than dwell on any of the mistakes made by IRO in the past. Many complaints had, however, been made about the activities of IRO and he could not but support all that had been said by the representative of Lebanon on the subject of the refugees resettled in Palestine. That action had led to untold misery for countless human beings and had created the very problems which IRO had set out to solve.

36. With regard to the work of the proposed new organization, it had been stated that it would provide for the legal protection of an unspecified number of stateless persons. It had been suggested that a tentative period of three years should at first be fixed for the duration of the organization, but that in all probability a much longer period of time would be required. The process of obtaining naturalization was often extremely lengthy and consequently the work of the new organization might well continue indefinitely. It was unfortunate that IRO had decided to conclude its activities before completing the task it had set out to accomplish, all the more as the most expensive part of the work had already been done and what remained would only require a small staff and a far lower level of expenditure. IRO had already done some work towards providing legal protection for the stateless and the only argument against its continuing that work appeared to be that the co-operation of all the States Members of the United Nations was needed.

37. There was of course no serious objection to the proposal that the United Nations should take over the work hitherto accomplished by IRO. All Member States would naturally approve of the humanitarian task envisaged. His country was, however, faced with a far larger refugee problem of its own. There were between 6 and 7 million refugees in Pakistan in a far worse plight than those covered by IRO. Although statelessness was a great privation, it was after all the least of the misfortunes to deal with which the IRO had been set up. If the proposal before the Committee were adopted, Pakistan would have to share in financing the legal protection of an undefined number of refugees in Europe, while obtaining no benefits for the millions of refugees in its own country. He was glad to hear from the United States representative that an *ad hoc* committee of the Economic and Social Council was to consider the various categories of refugees to be covered by a new draft convention. It would, however, take some time to prepare that draft convention and those suffering from disease and starvation might not live to see its completion.

38. There was no mention in any formal proposal to extend the protection of the new organization to all categories of refugees and he hoped that some concrete amendments would be submitted in order to allay his anxiety.

39. Mr. ROCHEFORT (France) thought that the comments of the Ukrainian representative had shown the need for the widest possible legal protection of the refugees, administered in accordance with the impartial standards characteristic of IRO. It had been argued that nothing more than consular protection would be required. While that was normally true, there had been cases in which no consulates existed, as, for example, for future Israel citizens before the creation of the State of Israel.

40. The example of Israel threw light on another aspect of the problem—that raised by the Lebanese representative. He must assure that representative that it had never been the intention of France or of the United Nations to take any action prejudicial to the interests or sentiments of the Arab States. The urgent problem of the plight of the future Israel citizens, however, had aroused such profound humanitarian feelings

that it had been permitted to take precedence over all political considerations. That the United Nations had had only humanitarian intentions had been demonstrated by its subsequent anxiety to assume responsibility for the care of the Arab refugees.

41. It was unthinkable that an organization which had demonstrated such a depth of humanitarian sentiment could possibly have committed the callousness implicit in placing refugee camps under nazi or fascist administrators, as some representatives had asserted.

42. Moreover, in the case of certain categories of refugees, such as the Spanish Republicans, the representative of the Ukrainian SSR would surely not advise approaching the consuls of their countries.

The meeting rose at 1.20 p.m.

TWO HUNDRED AND SIXTY-FIRST MEETING

Held at Lake Success, New York, on Saturday, 12 November 1949, at 10.45 a.m.

Chairman: Mrs. Ulla LINDSTRÖM (Sweden).

Refugees and stateless persons (A/971 and A/C.3/527) *(continued)*

1. The CHAIRMAN drew attention to the fact that the French delegation had withdrawn its original draft resolution (A/C.3/529) and had submitted two resolutions in substitution for it (A/C.3/L.26, A/C.3/L.27). Also before the Committee were draft resolutions submitted by the Byelorussian delegation (A/C.3/L.25) and by the United States delegation (A/C.3/L.28).

2. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) felt it unnecessary to reply to the observations made by the representative of Yugoslavia at the previous meeting, since they had, in his opinion, been intended only to provoke a political controversy into which he refused to be drawn.

3. Mr. VRBA (Czechoslovakia) was surprised that representatives who had had considerable experience of the problem of refugees and stateless persons should quite uncritically propose the continuance of the International Refugee Organization in some form or other. That implied that IRO had satisfactorily implemented all the provisions of General Assembly resolution 8 (I) of 12 February 1946, or was on the point of doing so. The statements of the representatives of the USSR, the Ukrainian SSR, the Byelorussian SSR and Poland had demonstrated that IRO had not fulfilled its obligations. The Ukrainian representative had shown that the repatriation of hundreds of thousands of displaced persons had been hampered rather than encouraged, in direct contravention of annex I, paragraph 1, sub-paragraph (*b*) of the IRO Constitution. The fact that many displaced persons had been repatriated, in no way altered the fact that a great many had not been so treated. Furthermore, IRO had failed to implement fully the stipulations of annex I, paragraph 1, sub-paragraphs (*c*), (*d*) and (*g*) of its Constitution. Traitors, quislings and war criminals had not been surrendered, but had actually been placed in charge of camps and had terrorized genuine displaced persons. Such persons had secretly entered Czechoslovakia after having been incited in the camps to commit murder and sabotage. The very numerous examples which had been cited made it seem incredible that representatives should have failed to realize what undesirable practices were being carried on under the guise of humanitarian activities. A High Commissioner would merely continue the undesirable activities initiated by officials of IRO. His delegation would therefore oppose the French draft resolution or any similar proposal. It would vote for the Byelorussian draft resolution, because it emphasized the need for the implementation of the General Assembly resolution of 12 February 1946 and for the submission of the relevant information by the countries concerned.

4. At the 257th meeting, the representative of the existing Yugoslav Government had laid down as one of the rules which should govern the international treatment of refugees the stipulation that no State should make use of refugees present on its territory in order to jeopardize the independence of the countries from which those refugees originated. He had adduced the example of Mr. Lazar Brankov, a former Counsellor of the Yugoslav Embassy in Budapest, who had recently been sentenced by the Hungarian People's Court in connexion with a conspiracy headed by Mr. Laszlo Rajk and aimed at the overthrowing of the people's democratic Government in Hungary. Mr. Brankov had remained in Hungary after the open breach between Yugoslavia and the peoples' democracies, posing as a political refugee on instructions from the existing Yugoslav Government. That fact had been brought out in Mr. Brankov's own confession in open court, at a trial watched by representatives of the world Press.

5. The representative of Yugoslavia argued that Mr. Brankov had acted out of fear, although the other Yugoslav diplomats had left Hungary unhampered. That was tantamount to saying that Mr. Brankov had co-operated with the Hungarian court in order to incur a heavy sentence merely out of fear—a patent absurdity. Thus mentioning the Rajk trial in Budapest, the representative of the current Yugoslav Government acted like a thief trying to confuse his pursuers by crying, "Stop thief!"

6. Furthermore, the Yugoslav representative had deemed fit to attack a Polish draft resolution on discriminations practised by certain States against labour recruited from the ranks of refugees (A/C.3/524), which had been discussed by the Third Committee. He had attempted to create the impression that that draft resolution could be used to provide protection for war criminals and quislings. Paragraph 2, sub-paragraph (*d*), of that resolution, however, had stated explicitly that immigrant labour should be recruited exclusively on the basis of bilateral conventions concluded

between the emigration and immigration countries and negotiated with the participation of the trade unions of the countries concerned. It was hardly conceivable that, for instance, the Czechoslovak Government, whose representative voted for the Polish draft, or the Czechoslovak trade unions would protect traitors or quislings. If the representative of the Yugoslav Government felt any apprehensions about such protection in his own country, that could hardly be considered an argument against the Polish draft.

7. In illustration of the way in which the Yugoslav Government was treating political refugees in violation of the rules which it had itself laid down, attention should be drawn to the case of the 35,000 Greek refugees in Yugoslavia who, as the Yugoslav representative had stated, had been obliged to leave their country because of their fight for democratic principles and the terror prevailing in Greece. He had omitted to mention that many of those refugees had for some time been trying to obtain their transfer to Czechoslovakia. The Yugoslav Government had not heeded their requests, until, at the end of August 1949, thousands of them were bluntly given the choice of either leaving Yugoslav territory immediately or being handed over to the existing Government in Greece. In the latter case, their fate would undoubtedly have been sealed.

8. At the beginning of September, the Czechoslovak *chargé d'affaires* at Belgrade, as a representative of a country prepared to offer asylum to the Greek refugees, had requested permission to visit their camp and to discuss the question of their departure from Yugoslavia. Yugoslav police had prevented him from entering the camp and he had consequently been unable to obtain the requisite information.

9. The Yugoslav authorities had then transferred several thousand Greek refugees to the Hungarian frontier without giving the Czechoslovak Government the opportunity to make any preparations for their reception. The Hungarian Government had been compelled to grant them hospitality, for otherwise they would surely have been delivered to the Greek authorities. Finally, however, the refugees had reached Czechoslovakia, where they were currently receiving asylum. The lives of the Greek refugees had been saved; he could not say the same about the good name of Yugoslavia.

10. Mr. DEDIJER (Yugoslavia) wished to emphasize, first, that the representative of the USSR in the Third Committee had, on two occasions, failed to state whether the USSR Government accepted the Yugoslav Government's proposal that USSR citizens living on the territory of Yugoslavia should be repatriated; and, secondly, that that representative had failed to state that the Yugoslav children who had been sent to USSR military schools would be repatriated from the Soviet Union to Yugoslavia. The Yugoslav delegation reserved its right to use those observations in any way it deemed fit. The failure of the USSR representative to reply to those questions showed the discrepancy between that country's words and its deeds. As a peace-loving country, Yugoslavia was interested in the attitude of the Soviet Union Government towards the sovereign independence of Yugoslavia, towards the free organization of international society and towards the need for goodwill between neighbouring countries.

11. Replying to the Czechoslovak representative, he asserted that the trial of Mr. Rajk had been organized in order to stigmatize Yugoslavia as fascist, and therefore ripe for liquidation, after all other means of pressure had been exhausted.

12. With regard to the Greek refugees, it was true that 35,000 had been in Yugoslavia. A group of approximately 3,000 had wished to quit that country and had been permitted to do so immediately. The Czechoslovak Embassy and the Hungarian Legation at Belgrade had been notified on 27 August 1949 that the Greek refugees would be permitted to go wherever they wished. Any delay that had occurred had been the fault of the Czechoslovak and Hungarian diplomatic representatives concerned.

13. Mr. DE ALBA (Mexico) found it intelligible that the approach of countries which had been invaded and occupied to the question of refugees and stateless persons should be different from that of countries which had not so suffered. The problem, however, was international in scope and interest. The Pakistan and Lebanese representatives had drawn the Committee's attention to a new category of refugees which had not been envisaged when the definition in the IRO Constitution was drafted. Any organ which succeeded IRO should be given a scope broad enough to include the new categories rather than simply perpetuate the structure and nature of IRO, with both its virtues and its defects.

14. The French draft resolution (A/C.3/L.26) was preferable to that submitted by the United States delegation, because the latter, although perhaps more practical, excluded the new categories of refugees by stating that the persons falling under the competence of the High Commissioner for Refugees should be those defined in annex I of the IRO Constitution. The French draft resolution was more general in character.

15. The French and United States draft resolutions were not, however, incompatible. It would greatly expedite the work of the Committee if the two delegations concerned could meet to work out a compromise joint draft resolution to be submitted to the Committee at a subsequent meeting.

16. Even the Byelorussian draft resolution was not wholly incompatible with the other two. Its differences were mainly technical, and not so great in substance as the debate suggested. It laid particular emphasis on one of the principal original ideas of the IRO Constitution—that the main task concerning displaced persons was their repatriation. A clause laying special emphasis on that obligation and recommending the conclusion of bilateral agreements between the Governments concerned might well be written into the proposed joint draft resolution. Moreover, it should be emphasized that such repatriation must be voluntary and that the High Commissioner would be instructed to provide full legal protection.

17. The proposed joint draft resolution should further provide for the moral and legal protection of categories of refugees not covered by the IRO definition. Moreover, it was most important, if non-member States were to be permitted to use the good offices of the High Commissioner, that there should be a most explicit stipulation under which the non-member States concerned would undertake to comply with the spirit of the IRO

Constitution, because otherwise certain of them might conceivably exercise reprisals against repatriated political refugees.

18. Finally, the Mexican delegation felt strongly that the High Commissioner ought to be appointed on the proposal of the General Assembly or the Economic and Social Council, so that he would have an independent status and would not be regarded simply as an official of the Secretariat.

19. Mr. CONTOUMAS (Greece) said that he had refrained from analysing the underlying reasons for the existence of 700,000 Greek refugees because he had felt that the Third Committee should confine itself exclusively to social and humanitarian questions. He had thus refrained from speaking when the Yugoslav representative, alluding to the interesting figure of 35,000 Greek refugees on Yugoslav territory, had asserted that they had fled because of the terror prevailing in Greece. He could no longer contain himself, however, when that assertion was repeated by the representative of Czechoslovakia. The fact of the matter was that those refugees had not fled from any sort of terror; they had deliberately risen against the laws of their own country and had voluntarily gone elsewhere. The refugees in Yugoslavia were probably composed of partisans, children abducted from their homes, as had been discovered in the First Committee, and sympathizers. They had voluntarily emigrated in order to be among persons of their own sort who were no doubt supporting them for reasons which it would be better to suppose than to express at that stage.

20. Mr. FENAUX (Belgium) said that the discussion would lead to better results if representatives would refrain from political acrimony. The fate of countless refugees depended upon the Committee's decisions and a practical solution to the problem was urgently needed. Some representatives appeared to think that the only problem was to remove the obstacles which IRO was alleged to have placed in the way of repatriation. The problem of repatriation had, however, been largely solved already, as the representative of IRO had pointed out (259th meeting), and the chief problem for the future was to provide legal protection and material assistance where necessary.

21. The representative of Pakistan had asked why IRO should not continue with that work. The Organization had clearly completed the specific task it had been set up to accomplish and it was no longer necessary to provide for such a large and costly international service with the power to act directly inside States. Moreover, the problem of refugees could no longer be confined within the strict definitions laid down in the IRO Constitution. He was therefore pleased to note that the idea of establishing a High Commissioner's Office had gained general support.

22. Turning to the various draft resolutions, he said that, although the wording submitted by the Byelorussian SSR seemed inoffensive, the spirit of that draft resolution had been brought out very clearly by the speeches of those who supported it. When viewed in that light it became quite unacceptable.

23. He agreed with the representative of Mexico that, in order to avoid any confusion owing to the existence of two parallel proposals, the representatives of the United States and France should be asked to try to prepare a combined draft resolution.

24. Mr. ROCHEFORT (France) said that the representative of Mexico had touched on the core of the problem when he had stated, quite rightly, that the problem of refugees could no longer be confined within the strict limits of the IRO Constitution.

25. He understood that the existence of two parallel draft resolutions might cause some difficulties and he was fully prepared to accept the Mexican representative's suggestion, provided that the Committee would waive the time-limit for the purposes of the submission of a new draft resolution.

26. Mrs. CASTLE (United Kingdom) thanked the representative of France for the alterations he had already made to his original proposal in response to various suggestions. It would greatly facilitate matters if the representatives of the United States and France could agree on a joint draft resolution or if, failing that, they could propose alternative texts for the points on which they could not agree and a joint text for the remainder of the proposal. Representatives would then find it easier to formulate any amendments they might wish to make.

27. Mrs. WILSON (Canada) said that her country had, from the outset, been a strong and consistent supporter of IRO and was very anxious that some arrangement should be made to handle the continuing problem of refugees following the termination of IRO activities.

28. She supported the proposal that a High Commissioner should be appointed, who would report to the General Assembly through the Economic and Social Council, and would see that constant attention was given to the importance of the problem. If the Secretariat were to handle the problem it might tend to treat it as being purely administrative. The close relationship contemplated between the High Commissioner's Office and the Secretariat would make it easy to refer the work to the Secretariat at a later stage if that proved advisable.

29. She agreed with the French representative that the Assembly should not only decide on the establishment of a High Commissioner's Office at its current session, but should also lay down the general principles to govern the activities of the High Commissioner. It was first essential to reach a proper definition of the categories of refugees which should come under the mandate of the High Commissioner's Office. She was glad that the phrase "The powers of the High Commissioner shall extend to all refugees" used in the original French draft resolution (A/C. 3/529) no longer appeared in the new version (A/C.3/L.26). She understood the difficulties raised by the representative of Pakistan at the previous meeting, but it would be unrealistic to extend the responsibility of the High Commissioner to cover every possible category of refugee. She felt, therefore, that the High Commissioner's responsibilities should extend to all refugees as defined in the IRO Constitution as well as to any other category which the General Assembly or the Economic and Social Council might expressly designate in the future.

30. Although the primary function of the High Commissioner's Office would be to provide legal

protection for the refugees, it was also quite probable that a certain amount of material assistance would still have to be provided. There should, therefore, be some provision enabling the High Commissioner to recommend, either to the Assembly or to the Economic and Social Council, the granting of material assistance for specific categories of refugees. Some representatives seemed reluctant to envisage the need for material assistance, but that problem would continue to exist and there was no escaping from it. It should therefore be stated that material assistance would be covered by a separate budget collected on a voluntary basis and that it would be granted only with the approval of the General Assembly or the Economic and Social Council. Since the problem of refugees was international in scope, all responsible Governments should contribute to the funds for material assistance.

31. Her delegation considered that the High Commissioner should not concern himself with any problem apart from legal assistance or with any groups of refugees apart from those included in the IRO Constitution, unless he was authorized by the General Assembly or the Economic and Social Council to do so. She agreed, therefore, with chapter III, paragraph (*b*) of the annex to the French draft resolution (A/C.3/L.26), although it seemed unnecessary to specify that the United Nations could refer any other refugee problem to the High Commissioner, for that was quite obvious. The final words of paragraph (*d*) of that same Chapter, "and to improve the condition of refugees" seemed somewhat ambiguous. They might refer either to the legal status or to the economic and social conditions of refugees. She therefore thought it would be better to replace them by a statement to the effect that the High Commissioner could recommend to the General Assembly or to the Economic and Social Council the granting of material assistance for specific categories of refugees.

32. She assumed that the Secretary-General would cover all the administrative details in his report to the Economic and Social Council. Her delegation's main concern in that respect was that an efficient and economical organization should be established and that the administrative expenditure should be covered by the regular United Nations budget.

33. She did not agree with the proposal in the French draft resolution that the High Commissioner should be elected by the General Assembly. In her opinion, it would be more suitable for the Secretary-General to appoint the High Commissioner subject to approval by the Economic and Social Council. She supported the suggestion made by the representative of Mexico that an attempt should be made to combine the French and United States draft resolutions.

34. She had intended to reply to the allegations made against her Government concerning the Polish children who had been resettled in Canada but, in view of the convincing statement made by the Director-General of IRO, that was no longer necessary. As for the question of the Polish art treasures evacuated to Canada during the war, she wished to abide by the Chairman's ruling that any discussion on that subject was out of order. The Polish Government could use the normal diplomatic channel if it wished to communicate with her Government on the subject.

35. Mrs. ROOSEVELT (United States of America) said that her delegation was of course quite willing to try once more to combine its draft resolution with that submitted by the French delegation. In the meantime, it might be useful if she were to clarify some of the main points of difference between the two texts.

36. In the first place, her draft resolution proposed that the Assembly should decide on the principles during its current session. Therafter, the Secretary-General and the Economic and Social Council would draft a final resolution to be adopted at the Assembly's fifth session, and still be in time for the establishment of the new organization in 1951. In that way, a careful and considered decision would be achieved, which would provide the maximum satisfaction for all the Governments concerned. The French draft resolution, on the other hand, proposed that final decisions should be taken immediately on all the aspects except the administrative and financial arrangements.

37. In the second place, her text proposed that the High Commissioner's Office should be established for three years, whereas the French text did not propose any fixed period. In her opinion, it would be better to fix a definite period so as to enable the Assembly to review the situation and to decide whether the Office should be continued and whether any changes were needed in its activities.

38. In the third place, the United States text proposed that the persons coming within the scope of the High Commissioner's Office should be those defined in the IRO Constitution. The Assembly could add further categories at any time and her draft resolution requested the Economic and Social Council to consider the recommendation of such additional categories. There was ample time, before the High Commissioner's Office was established, for the Assembly to receive advice concerning the inclusion of additional categories of refugees. The definition of different categories of refugees required study and careful drafting and the Committee would not have sufficient time to do the work justice during the current session. Although the definitions in the IRO Constitution were precise, they were also broad. They had been adopted by the Assembly after a whole year of drafting debate and they had worked well in practice. Before the United Nations could assume responsibility for any given group of refugees, it was essential to study the circumstances in which the persons had become refugees. Such circumstances varied greatly and if the United Nations were to assume responsibilities too readily, it might raise false hopes in the minds of refugees or potential refugees, which it would afterwards be unable to fulfil.

39. The item had been placed on the Assembly's agenda in order to provide for a certain very definite category of refugees, namely, those who required legal protection. The refugees who were inside their own countries and still enjoyed the protection of their own Governments did not come within the scope of the discussion, although they might be in great need of material assistance. Even the refugees requiring legal assistance had to be carefully defined before the United Nations could assume responsibility for them.

40. The French draft resolution provided that the High Commissioner should also accept re-

sponsibility for refugees covered by the international convention to be drafted by the Economic and Social Council, even before that convention had been adopted by the General Assembly. According to the United States text such responsibility could be accepted only upon the decision of the General Assembly.

41. In the fourth place, her delegation considered that the High Commissioner should be appointed by the Secretary-General, whereas the French delegation favoured his election by the General Assembly. If the High Commissioner were elected by the General Assembly, he would be set apart from the Secretary-General, who was the chief administrative officer of the United Nations. The Secretary-General's sense of responsibility for the work of the High Commissioner would inevitably tend to be weakened and the High Commissioner in his turn might fail to integrate his work with the other services of the United Nations.

42. Lastly, the French draft resolution provided that the High Commissioner should receive and administer relief funds, a subject which her delegation would prefer to discuss at a later stage.

43. Mr. KATZNELSON (Israel) said that at the previous meeting the Lebanese representative had protested against the assistance which the IRO had given to Jewish displaced persons by contributing towards the cost of their transportation to Israel. By so doing, however, the IRO had avoided the heavy burden of maintaining those displaced persons in camps for an indefinite period. Furthermore, it had always been clear to all those familiar with that problem that the only possible solution was to transfer Jewish displaced persons to Palestine.

44. According to the Lebanese representative, IRO had violated paragraph 1 (*d*) of annex 1 to its Constitution which stated that "it should be the concern of the Organization to ensure that its assistance is not exploited in order to encourage subversive or hostile activities directed against the Government of any of the United Nations". The Jewish refugees assisted by IRO had gone to Palestine to lead a productive and peaceful life while the subversive and hostile activities, not against one Member of the United Nations but against the United Nations as a whole, had been carried on by the Arabs who had attacked the Jews and invaded Palestine.

45. The Lebanese representative had also referred to an alleged violation of paragraph 1 (*g*) in the same annex, which stated that "the Organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations . . . The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans . . . by the indigenous population of the non-self-governing country in question.

46. Regarding the first part of the paragraph, it was common knowledge that peaceful relations in the Middle East had not been disturbed by IRO but by those who had launched an unprovoked attack without any relation to the resettlement of refugees. Regarding the second part, it should be remembered that there had been no alternative at the time, and that the choice had lain between resettling refugees in Israel or leaving them in camps for an indefinite period. Furthermore, the paragraph did not apply to the case under discussion, for Palestine had not been a Non-Self-Governing Territory even before the establishment of the State of Israel. It had been mandated territory under an international covenant which included specific provisions to facilitate Jewish immigration into Palestine.

47. The representative of Lebanon had then charged IRO with having created the Arab refugee problem and had said that for every 100,000 persons resettled in Palestine, one million new refugees had been created. The Government of Israel did not minimize the humanitarian aspect of the Arab refugee problem, even if the number of refugees was actually much smaller than that mentioned. He wished, however, to deny most categorically the fantastic allegation that the resettlement of Jewish refugees had created the Arab refugee problem. He had previously told the Committee that during the period of the Mandate, prior to the establishment of the State of Israel, Palestine had absorbed almost 400,000 Jewish immigrants. According to the Lebanese representative, that immigration should have led to the displacement of the entire Arab population which had numbered some 550,000 persons at the beginning of the Mandate. Instead, however, the Arab population had increased by 600,000—more than 100 per cent—during that period, and it had become more prosperous than it had ever been before. The problem of Arab refugees was a direct consequence of the war forced upon Israel by the Arab States contrary to the express will of the United Nations. It was also the result of a policy of voluntary evacuation adopted by the Arab leaders at the time. That problem, however, had been referred to another Committee by the General Assembly and would be examined shortly.

48. Mr. RAMADAN (Egypt) pointed out that the representative of Israel had dealt with a question which was not on the Committee's agenda. The Lebanese representative had only referred to violations of the IRO Constitution, and the representative of Israel should have confined himself to that subject.

49. Mr. BAROODY (Saudi Arabia) emphasized that there was little connexion between the provisions of the IRO Constitution and the Palestine problem. The Lebanese representative had pointed out that by violating its own Constitution, namely by transporting Jewish displaced persons to Palestine, IRO had created conditions which had led to the conflict in Palestine. The main responsibility for that conflict rested with various Powers which, for reasons of their own, had not hesitated to sell Arab interests down the Potomac, Moskva and Thames rivers. It might be asked by what right the President of the United States had demanded the admission of 100,000 Jewish refugees into Palestine. The President's jurisdiction extended only over the United States of America and he should have asked his own Congress to amend United States immigration laws so as to admit those refugees into his own country. The Arab States had merely risen to the defence of their Moslem brethren in Palestine against unwelcome intruders from overseas. To maintain that the Arabs had been exterminating the Jews when 800,000 Arabs, namely 80 per cent of the Arab population of Palestine, had been driven from their homeland was a blatant inconsistency. The representatives of Israel were prone to refer

to and make great play of what they described as international decisions. The fact that a decision was taken on an international level did not mean that it was necessarily just and right. Indeed, such decisions were taken by men who, although they might possess international standing, were yet subject to all human frailties and hence not infallible. The United Nations decision on Palestine was a striking illustration of that fact.

50. Mr. ROCHEFORT (France) hoped that the statement made by the United States representative did not represent the final and irrevocable position of her delegation. Indeed, the French draft resolution was already the outcome of a compromise and although his delegation would be prepared to make further concessions, he felt that other delegations should do likewise.

51. It was the belief of the French delegation that protection and assistance constituted one whole. Legal protection, in the guise of a passport, for instance, would be of little use to people who were blind, tubercular or starving. He hoped, therefore, that the problem of material assistance would not be overlooked and he had submitted another draft resolution (A/C.3/L.27) on that subject to the Committee. It was true that his delegation was anxious for some concrete decisions. The problem had been thoroughly examined, both by the Secretariat and by the Economic and Social Council, and he feared that any further postponement of final decisions might result in much delay, the matter being passed back and forth between various organs of the United Nations. That would greatly embarrass countries which, like his own, were grappling with the problem of refugees and had to take urgent measures.

52. When suggesting that the High Commissioner should be elected for a term of five years, the French delegation had merely been guided by precedents in similar cases, hence he did not think it would be difficult to reach an agreement with the United States delegation on the exact term of office.

53. A more serious difficulty, however, was raised by the question of the persons who should come under the jurisdiction of the Office of the High Commissioner. The United States wanted those persons to be "those defined in annex 1 of the Constitution of the International Refugee Organization". The adoption of that provision would seal the matter permanently and it would then be very difficult indeed to provide for the addition of further categories of persons. Furthermore, the definitions contained in the IRO Constitution were somewhat out of date. Also, their enforcement required a large staff of "eligibility officers" whose only concern was to determine whether a person was eligible to be regarded as a refugee, and who often had to make unjust decisions because of some trifling administrative or other regulation. Hence the French draft resolution proposed that the High Commissioner would be competent to deal "as a provisional measure" with refugees as defined in the Constitution of IRO to emphasize that the definitions in question needed revision. In so doing, the French delegation was interpreting the views of many other delegations which felt the difficulty of embarking on a wider course of action on the basis of a very narrow text without saying at least that that text was only provisional.

54. The provision authorizing the High Commissioner to administer any relief funds which might be placed at his disposal was also based on a precedent established under the League of Nations. Governments could not be deprived of the right to show concern for problems of assistance and to provide assistance through the High Commissioner.

55. The French proposal that the High Commissioner should be elected by the General Assembly, instead of being appointed by the Secretary-General as proposed by the United States, was also based on various precedents. Dr. Nansen, Sir Herbert Emerson and the two Directors-General of IRO had been elected and not appointed. There was nothing in the Charter to prevent the adoption of that method of nomination for a post which had been inexistent when the Charter had been drawn up. He did not wish the High Commissioner to have any precedence over the Secretary-General of the United Nations; on the other hand, he did not want him to be a mere subordinate of the Secretary-General; election by the General Assembly would only enhance his international status as adviser to Governments on matters of refugees.

56. His country had gained world-wide renown for the manner in which it had always granted asylum to those seeking shelter within its frontiers. It had acquired first-hand knowledge and experience of problems connected with refugees and was at that very moment grappling with many more. He felt, therefore, that France was entitled to have its views on that matter taken into consideration.

57. Mr. GEORGE (Liberia) wished to associate himself with those who had supported the Mexican suggestion that the French and United States representatives should submit a joint draft resolution and hoped that considerations of procedure would not thwart that effort at a compromise.

58. The French draft resolution proposed that the High Commissioner should be elected for a term of five years by the General Assembly on the recommendation of the Economic and Social Council and that he should be assisted by a Deputy Commissioner appointed by him. The Liberian delegation believed it would be better if the High Commissioner were appointed by the Secretary-General on the recommendation of the Economic and Social Council for a period of five years. The Deputy High Commissioner should also be appointed by the Secretary-General on the recommendation of the High Commissioner, for a similar term of office.

59. Chapter II (*e*) of the annex to the French draft resolution proposed that the High Commissioner should appoint liaison officers with the agreement of the Governments concerned. In his opinion such appointments should also have the approval of the Secretary-General. Regarding chapter III (*c*), he wished to suggest the addition of the following words:

"He shall make and sign in the name of the United Nations such agreements as may ensure the healthful conditions incident to their repatriation".

60. Turning to paragraph 5 (*c*) of the United States draft resolution, he suggested that the words "requiring protection" should be amended to read "requiring legal, social, religious and

political protection". He hoped that his suggestions would be taken into consideration and added that he would support any move to enable the French and United States delegations to submit a joint draft resolution.

61. The CHAIRMAN proposed that the Committee should reverse its previous decision on the time-limit for the submission of new draft resolutions and amendments and should fix 3 p.m. on 14 November 1949 as the time-limit for the submission of new draft resolutions, and 3 p.m. on 15 November 1949 as the time-limit for the submission of new amendments.

It was so agreed.

The meeting rose at 1.50 p. m.

TWO HUNDRED AND SIXTY-SECOND MEETING

Held at Lake Success, New York, on Monday, 14 November 1949, at 3 p.m.

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

Refugees and stateless persons (A/971 and A/C.3/527) *(continued)*

1. The CHAIRMAN called attention to the new joint draft resolution submitted by France and the United States (A/C.3/L.29).

2. Mrs. ROOSEVELT (United States of America) said that the French and United States delegations had submitted a joint text on all points on which agreement had been achieved. The points of disagreement, however, remained as she had outlined them at the previous meeting. They concerned the refugees who were to fall under the competence of the High Commissioner, the question whether the High Commissioner should be appointed by the Secretary-General or elected by the Economic and Social Council on nomination by the Secretary-General, and the High Commissioner's authority to allocate funds.

3. Regarding the first point, the French delegation favoured the broadest possible definition of refugees, both existing and future. It believed that all refugees, who were to fall under the competence of the High Commissioner's Office, could be described in a single definition to be developed in the first instance by the Economic and Social Council and adopted later by the General Assembly. The United States delegation, on the other hand, believed that the General Assembly should decide specifically for what particular groups of refugees it was willing to accept responsibility. Such groups should be carefully identified after full consideration of the circumstances which had brought them into existence. That conviction was based on past experience. The League of Nations had found it necessary to identify specific groups of refugees falling within its competence. The IRO Constitution also covered specific and identified categories of refugees. In that connexion, she wished to point out that the High Commissioner would not be limited in the application of IRO definitions by any restrictions which IRO had had to adopt for administrative or financial reasons. Regarding additional categories of refugees not covered by the IRO Constitution, she pointed out that the Economic and Social Council would have ample opportunity to make recommendations to the General Assembly, which could consider them before the protection service was initiated by the High Commissioner on 1 January 1951.

4. The French delegation argued that the High Commissioner should be free to intervene in any emergency which might arise before action had been taken by the General Assembly. She believed that the acceptance of responsibility for refugees by the United Nations was a serious matter on which only the General Assembly should decide. A High Commissioner with such broad authority might easily involve the United Nations in responsibilities which the General Assembly would not desire to assume. The High Commissioner, however, would always be free to bring any developments to the attention of the Economic and Social Council or the General Assembly.

5. Regarding the alternative clauses in paragraph 7 of the annex to the joint draft resolution, she was of the opinion that the High Commissioner should be appointed by the Secretary-General. That belief was based mainly on administrative considerations. Article 97 of the Charter stated that the Secretary-General was the chief administrative officer of the United Nations. He should not, therefore, be cut off in any way from any of the administrative undertakings of the United Nations. Yet that would be the case if the High Commissioner were elected by the General Assembly. On the other hand, to provide that the Economic and Social Council should elect an official who was to receive policy guidance from the General Assembly appeared impracticable.

6. It had been impossible to reach agreement on the question of material assistance to refugees. The French delegation believed that the High Commissioner should be given the authority to allocate such funds as he might receive from Governments or private sources to Governments or private organizations for the direct administration of relief to refugees. The High Commissioner of the League of Nations, who had had such authority, had not in fact received funds from Governments or voluntary organizations, while the allocation and administration of the funds accruing from the sale of Nansen stamps had raised difficulties out of all proportion to their amount. Furthermore, voluntary agencies were in no position to grant funds to the High Commissioner, and such limited funds as they had could best be administered directly.

7. She wished to emphasize the need to preserve the essentially deliberative character of the United Nations because there was an increasing tendency to drive the United Nations into the field of international relief and to use its organs as the source and centre of expanding appeals for relief funds. The organization of such relief funds in the past had generally grown out of the actual

situation that arose; and that method of organizing relief for each situation on an *ad hoc* basis was the one which should be followed. To adopt the French proposal on assistance would be to invite the use of the High Commissioner's Office for an endless succession of appeals which would divert the attention of even the High Commissioner himself from his main task of protection, and would only foster the tendency to increase the numbers of the staff required for the purpose of assistance.

8. Mr. ROCHEFORT (France) said that his delegation and that of the United States agreed on many aspects of the question and had therefore been able to submit a joint draft resolution, although the basic points of divergence remained the same.

9. Both delegations desired the establishment of a High Commissioner's Office, but the type of High Commissioner they envisaged, though similar in appearance, differed basically in his approach to the problem to be entrusted to his care. The United States delegation seemed to envisage a man who would optimistically say that there would be no further need for relief work and that, since he would in any event be unable to do much in that direction, it would be better not to receive any funds for assistance. The High Commissioner pictured by the French delegation, on the other hand, would be at the same time idealistic and realistic. He would see clearly that, in many cases, legal protection without material assistance would be useless and he would prefer to do even a little relief work rather than none at all. Those two pictures were in a way characteristic of the two different worlds from which the authors of the draft resolution came: the old world with all its bitter experience of ever-recurring hardships and the new world with its youthful optimism. In his opinion, the problem should be viewed from the point of view of suffering individuals rather than from the narrow outlook of specifically defined categories of refugees and strict administrative regulations.

10. He emphasized that his delegation had considerably altered its original proposal concerning funds for material assistance in the hope of achieving a compromise. He was not asking the Assembly to provide funds for relief work; he simply wished to include provisions for the administration of such funds in the hope that they might possibly become available from some outside sources. Even though such a provision had not proved of much help to the High Commissioners appointed under the League of Nations, that was no reason for abandoning the idea of granting material assistance completely.

11. A further difference of opinion on which it had been impossible to find a compromise had arisen out of the question of the refugees who were to come under the competence of the High Commissioner's Office. The two alternative texts submitted on that point seemed somewhat similar but there was a basic difference. The United States text spoke of "categories of refugees"—a term that had never been used in the IRO Constitution—and its adoption would in effect mean that the High Commissioner's field of action would be restricted indefinitely to the refugees who fulfilled the requirements of the IRO definitions. The French text, on the other hand, made it clear that the application of those definitions would only be provisional, pending the adoption by the General Assembly of new definitions for the term "refugee". His text made no mention of "categories", because he did not think that refugees should be divided strictly into categories. All those who came under the new definitions should automatically be eligible for any protection and assistance provided by the High Commissioner. An *Ad Hoc* Committee set up under resolution 248 B (IX) of the Economic and Social Council was studying the question of new definitions and no final decision on that question should be taken until the Assembly had received the report of that Committee.

12. The IRO definitions were extremely complicated and a vast legal machinery had been necessary in order to apply them. Moreover, unjust decisions had sometimes been made for administrative or financial reasons. He reminded the Committee that the High Commissioner's main task would be to negotiate with Governments in order to persuade them to grant legal protection to the refugees on their territories. He could not himself provide that protection and he would need a just text, international in its scope, as a basis for his appeals to Governments. He would not be likely to meet with much success if he were to base his appeals on the IRO Constitution, a document which was already out of date and had not entirely satisfactorily served the cause of even the limited group of refugees it had set out to help.

13. The final point of difference between his delegation and that of the United States concerned the question whether the High Commissioner should be elected or appointed. Mr. Rochefort emphasized that, in his original text (A/C.3/L.26), he had recommended the election of the High Commissioner by the General Assembly. He had gone half-way to meet the views of the United States representative since then and was proposing that the High Commissioner should be elected by the Economic and Social Council on the nomination of the Secretary-General. That was as far as his delegation was prepared to go in order to reach a compromise, and he hoped that other delegations would, in their turn, make some concessions. In his opinion, it was only by election that the High Commissioner could obtain the necessary prestige and authority to carry out his duties. His election by the General Assembly would show that the United Nations had full confidence in him and would be of immeasurable value to him in his negotiations with Governments. There was nothing in the Charter which would make his appointment by the Secretary-General essential and, as he was to receive instructions from the General Assembly it seemed only logical that he should also be elected by that body. If he were appointed by the Secretary-General he would simply be an ordinary official of the Secretariat, although his work demanded a somewhat different status. The French delegation preferred the method of election just as it had supported the establishment of a High Commissioner's Office rather than a special section within the Secretariat, for if the High Commissioner were appointed by the Secretary-General, his Office would in actual fact be nothing other than a special section of the Secretariat. He cited the precedents of the High Commissioners under the League of Nations who had all beeen elected and expressed the hope that the members of the Committee would share his

views and adopt the variants proposed by his delegation.

14. Mr. PENTEADO (Brazil) reminded the Committee that his delegation had already expressed its perturbation at the Secretary-General's failure to include in his report on refugees and stateless persons (A/C.3/527) any estimate of the cost to Member States in the form of increased contributions to the United Nations budget involved in implementing the principles so persuasively set out therein. Members might well hesitate to adopt those principles because the financial implications might entail dollar commitments which they would be unable to meet.

15. The Secretary-General's estimate of 750,000 dollars as the cost of giving merely legal protection to the refugees and displaced persons in the first year of the operation of the new machinery had been described during the debate as far too low, whereas the Advisory Committee on Administrative and Budgetary Questions had stated in its fifteenth report of 1949[1] that the requisite amount would probably be much smaller than the figure of 750,000 dollars tentatively submitted by the Secretary-General. It was essential that the Secretariat should account for such a discrepancy, even if it was unable to supply the detailed study of financial implications which the Brazilian delegation had requested at the 256th meeting.

16. The question of the financial implications must be fully and frankly faced at the current session before any decision was taken on the problem as a whole. The Committee must have full information on the Secretariat's view of the probable total of the refugees likely to be still under the care of IRO at the termination of its activities, the number of refugees classified respectively as immigrant labour and as the so-called hard core, the probable cost of the care, maintenance and resettlement of the former and the annual cost of the care and maintenance of the latter, including that of medical assistance and hospitalization, and of the financial difficulties of many Member States which might preclude them from accepting any substantial increase in their contribution to the regular United Nations budget.

17. The joint draft resolution submitted by the French and United States delegations appeared to reflect the reluctance already shown in the Secretary-General's report to come to grips with the financial implications. The Brazilian delegation would obviously not be prepared to impute any ulterior motive to that reluctance, such as that of an attempt to place Member States before a *fait accompli*. Nevertheless, it was surprising that the issue was being shirked, when it was obvious that any decision on principle might well mean a threefold or fourfold increase of the United Nations budget and, consequently, a proportionate increase of the Members' individual contributions.

18. The new joint draft resolution appeared at first sight to deal only with the narrow question of the appointment of a High Commissioner. If that was all that was involved, the Brazilian delegation would be delighted to co-operate. Behind the appearance of the laudable principle recommended in both the resolution and the Secretary-General's report, however, lay the profound, but unstated, implication that the United Nations would have to take upon itself the entire refugee problem after the termination of IRO. It had not been denied that a very large number of refugees would remain in need of protection at that time. To state that a decision should be taken immediately only on their legal protection and that the question of their resettlement and maintenance should be settled when the occasion arose was simply to evade the problem as a whole. By officially taking cognizance of the termination of IRO and by taking over one of its functions, the United Nations was, at least morally, committing itself to assuming the other two functions eventually, because it would be unthinkable to tell the refugees that the organization would provide them with papers but not with food.

19. Furthermore, several representatives, the representative of Pakistan in particular (260th meeting), had drawn the Committee's attention to new categories of refugees, who were not covered by the definition in the IRO Constitution. IRO, having been created to take care of a specific category of refugees and displaced persons, had had the right, even the duty, to discriminate between various categories; the United Nations, however, could hardly exercise such a right if it employed funds derived from its regular budget, to which all Members were contributors. That problem was by no means insoluble; but it could not and should not be evaded.

20. Mrs. KALINOWSKA (Poland) said that her delegation would oppose the joint French and United States draft resolution and support that submitted by the Byelorussian SSR (A/C.3/L.25) because no representative had been able to refute the contention that the problem of refugees and stateless persons would have been solved long ago, had not their repatriation been hampered by certain countries and by IRO. The Polish Government had always been prepared to accept the repatriation of its nationals, whether healthy or disabled. It must be clear, however, that the Polish delegation had never recommended the repatriation of the Spanish Republican refugees to Franco Spain; any misunderstanding which had arisen on that score might perhaps have been created with ulterior motives.

21. Those representatives who had based their arguments upon allegedly humanitarian and practical considerations had deprecated the production of facts about the real living conditions of the refugees as not conducive to peaceful discussion. The peaceful return of forcibly displaced persons to their homes was, in her opinion, rather more important than peaceful debates in the Third Committee.

22. The representatives of the United Kingdom and the United States had repeatedly stated that repatriation had long been completed and that the remaining refugees did not wish to return to their homes; yet, on each occasion, the problem had again become urgent. At the 259th meeting a United Kingdom representative had confessed his weariness at the presentation of naked facts about the refugees; the Polish delegation was no less weary of the sanctimonious statements of representatives of countries which, while they laid wearisome stress upon their advocacy of respect for human rights, forced refugees to live in primitive barracks, or expelled foreign miners. The Polish delegation was equally weary of attempts

[1] Document A/1059.

to persuade the Committee that working and living conditions in Poland were wrapped in mystery, whereas the United Kingdom, for example, had invited representatives to investigate the living conditions of Polish refugees on the spot. The Polish Government had no need to accept that invitation; it had sufficient evidence from the Polish-language Press published in the United Kingdom—a Press which showed open hostility to contemporary Poland. Furthermore, the achievements of Polish reconstruction—aided by the import of capital goods from the Soviet Union —had become so familiar to the representatives of the United Kingdom information agencies that they had complained of their lack of novelty.

23. Similarly, there was no mystery about the repatriation of Polish and USSR citizens after the war, by bilateral agreement; it had been voluntary and complete. It must be understood that no Polish nationals had been forcibly repatriated to Germany from the territories east of the Bug River in 1939; precisely the reverse had occurred. The United Kingdom and the United States Governments had acknowledged that the overwhelming majority of the inhabitants of the territories east of the so-called Curzon Line had always been Byelorussians and Ukrainians, as the name itself showed. After the war, the USSR Government had repatriated to Poland not only its nationals but also collections and monuments of great sentimental value to that country, which had remained in the western Ukraine.

24. The representative of IRO had attempted to throw mystery on the fact that Polish representatives in Italy had questioned a group of Polish children and he had even asserted that they had tried to prevent their repatriation to Poland (259th meeting). There had been no such mystery and no such attempt. According to the Montreal newspaper *La Presse* of 10 September 1949, IRO had decided that the children should be transported to Canada through Germany without telling them whither they were bound; its representative had for three weeks exerted every effort to hamper a Polish repatriation commission. A Polish reporter who had talked to the children had confirmed that account.

25. The Polish Government was in possession of the names of those children. The proportion of the group eligible for treatment as children was much higher than had been asserted; there were seventy-two children between ten and sixteen years of age. They had, however, been kept for four years after the end of the war in a camp in Tanganyika, to which Polish representatives had only recently obtained access. If they were kept in Canada for a similar period, they would lose their status as children. UNRRA had assumed responsibility for them only under a war-time emergency programme. The full responsibility for abducting them, therefore, fell upon IRO. The Polish Government reserved its right to take appropriate action in that matter.

26. The Canadian representative had contributed little by referring the Polish delegation to the proposed High Commissioner's Office; it did not yet exist. That offer was, however, a slight advance, because the Polish Government had previously been referred only to the Canadian courts. With regard to the Canadian representative's observation that diplomatic channels were open, the Polish delegation wished to observe that those channels had been employed for four years without the least result. It would, however, take due note of the Canadian representative's statement that the matter was still within the scope of diplomatic negotiations, as previously the Polish Government had been referred to the Canadian internal courts.

27. The case of the children in Canada was only one of many examples of the way in which the problem of refugees and displaced persons was being treated. The Polish Government would not relinquish its protection of the thousands of Polish adults and children remaining in the camps or living in the countries of immigration. It therefore strongly opposed the continuance of resettlement plans in any form, including that of a High Commissioner's Office, and believed that the principles embodied in the Byelorussian draft resolution provided the only just and genuinely humanitarian solution to the problem.

28. Mr. AZKOUL (Lebanon) pointed out that, while the first paragraph of the preamble to the joint French and United States draft resolution rightly stated that the final solution to the problem of refugees could only be provided by their voluntary repatriation or their assimilation within new national communities, the draft resolution itself contained no provision to that effect. In his opinion, that was somewhat inconsistent. He would not, however, object to the adoption of that first paragraph as he believed that no harm could come of stating once more that only repatriation and assimilation could truly solve the problem under discussion.

29. Referring to paragraph 4 of the draft resolution, he asked why it had suddenly been decided that the eighth regular session of the General Assembly should determine whether the Office of High Commissioner should be continued beyond 31 December 1953. That was the first time such a date had been mentioned.

30. In his opinion, it was essential that a resolution of so general a nature as that before the Committee should reflect the principles of the right to a nationality and the right of asylum which were embodied in the Universal Declaration of Human Rights. It would be remembered that the only reason why the Commission on Human Rights had not also stated that it was the duty of the United Nations to ensure those two rights was that the declaration was one of rights and not of duties. It had been generally agreed, however, that the right to a nationality and the right of asylum should be ensured by the United Nations.

31. For that reason, he proposed the insertion of the following paragraph between the first and second paragraphs of the preamble:

"*Recognizing* the responsibility of the United Nations for the international protection of refugees".

32. Both the United States and the French delegations recognized that the competence of the High Commissioner would extend over categories of refugees other than those specified in the Constitution of IRO. Indeed, his competence might extend to all refugees. It was essential, therefore, that the High Commissioner should enjoy all the necessary authority and prestige, and those he could derive only from election by the General Assembly. Neither election by the Economic and Social Council nor appointment by

the Secretary-General would confer the same authority and prestige as election by the General Assembly itself.

33. For that reason, he proposed that the French variant of paragraph 7 of the annex to the joint draft resolution should be amended to read: "elected by the General Assembly on the nomination of the Secretary-General".

34. He was not quite clear as to the exact difference between the French and United States proposals regarding the definition of the refugees who were to fall under the competence of the High Commissioner's Office. It seemed that while the French delegation wanted a broad definition of the term "refugee", the United States delegation advocated the addition of other categories to those already defined in the IRO Constitution. The practical results of both courses of action might in fact prove to be identical. For his part, he preferred to speak of various categories of refugees rather than of refugees in general because problems varied widely from one group of refugees to another. For some, the main problem might be one of repatriation or resettlement, while others might be in urgent need of assistance. He pointed out that under the United States variant of paragraph 3 of the annex to the draft resolution the competence of the High Commissioner would extend to all refugees defined in the IRO Constitution and to such others as the General Assembly might "from time to time" determine. At the same time, the United States variant to paragraph 3 (*b*) of the draft resolution itself requested the Economic and Social Council to submit to the General Assembly recommendations on the categories of refugees not defined in the Constitution of IRO which should become the concern of the Office of High Commissioner.

35. He thought that the true meaning of that latter paragraph would be made clearer by the addition of the words "from the moment of its establishment" at the end of the paragraph.

36. Thus it would be quite clear that, while the Economic and Social Council would suggest the categories to be taken over by the High Commissioner's Office as from the moment of its establishment, the General Assembly might from time to time determine other additional categories in the future.

37. Mr. FEARNLEY (United Kingdom) felt that the submission of the compromise joint draft amendment by the United States and French delegations would expedite the work of the Committee, but that certain of its provisions were still open to objection. The United Kingdom delegation would submit amendments at a later stage.

38. The United Kingdom delegation at a previous meeting had emphasized its view that the Committee was not being called upon to set up a body to succeed the IRO. In suggesting that the definition of the term "refugee" should be broadened to cover all persons who were stateless *de jure* or *de facto,* it had made it clear that it did not seek a continuance of IRO in some other form. That principle should be recognized by the General Assembly immediately.

39. The adoption of a broad definition would not preclude the subsequent adoption of a narrower definition to meet particular situations which might arise. Experience, however, showed that the existing narrow definitions were appropriate solely to the specific problems with which IRO had been dealing; they had been designed for particular circumstances and particular conditions, which were rapidly disappearing. Any other than a broad definition would seriously impede the High Commissioner's freedom to advise on general refugee problems.

40. The practical objection to any such definition as that given in the long and complex provisions of the IRO Constitution was that it would necessitate the establishment in the High Commissioner's Office of elaborate and expensive administrative or even semi-judicial machinery to supervise its application. That would be inconsistent with the view expressed in paragraphs 6 and 8 of the annex to the joint draft resolution that the High Commissioner's functions should be advisory and that he should carry out his work with a small staff.

41. The General Assembly could not give the High Commissioner such terms of reference as would be exactly adapted to all existing refugee problems and particularly to future problems the nature of which was necessarily still unknown. The adoption of the IRO definition alone would preclude the High Commissioner even from dealing with a number of existing refugee problems.

42. Both the United States and the French alternative proposals in paragraph 3, sub-paragraph (*b*) of the resolution and paragraph 3 of the annex recognized that principle. The French alternative was preferable to that of the United States delegation because it made it clear that the IRO definition should be accepted only provisionally, subject to a subsequent decision by the General Assembly on the desirability of broadening the definition whereas the United States text merely left the door open for the General Assembly to determine at any time new *categories* of refugees. The United Kingdom delegation's view went even further; it would welcome discussion of it. Some delegations might find themselves unable to accept that view at that juncture; if so, the United Kingdom would not press it at the current session. In that case, the United Kingdom delegation would strongly support the French draft, which came closer to its own views than the United States alternative.

43. With regard to paragraph 1, sub-paragraph (*c*) and paragraph 5 of the annex, a decision on the High Commissioner's channel of responsibility to the United Nations could very well be postponed until the fifth session of the General Assembly after examination by the Economic and Social Council, because it did not involve such immediate questions as those of principle or of financial implications. If that suggestion did not meet with approval, the United Kingdom delegation would regretfully feel obliged, at the current stage of its thinking and in view of the prestige and importance of the post of High Commissioner, to move that the High Commissioner should be directly responsible to the General Assembly.

44. Paragraph 9 of the annex appeared unnecessary and should be deleted. Nothing in the terms of reference of the High Commissioner precluded him from appointing representatives to the Governments of the countries of residence of refugees. It would be neither desirable nor essential to prejudge in that particular the method of work which the High Commissioner might adopt in order to fulfil his responsibilities.

The meeting rose at 5 p.m.

TWO HUNDRED AND SIXTY-THIRD MEETING

Held at Lake Success, New York, on Tuesday, 15 November 1949, at 10.45 a.m.

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

Refugees and stateless persons (A/971 and A/C.3/527) *(continued)*

1. Mr. ROCHEFORT (France) asked for the floor to answer the questions put to him at the previous meeting by several representatives, in particular by Mr. Penteado and Mr. Azkoul.

2. The financial considerations referred to by Mr. Penteado had been a matter of concern to the French delegation also. The protective machinery outlined in the joint draft resolution proposed by France and the United States (A/C.3/L.29) was of such a nature that it would be easily adapted to whatever budget the Assembly might vote; there was little difference between the proposal to allocate 500,000 dollars or 750,000 dollars for the work of the High Commissioner's Office and the proposal to introduce a certain number of essential provisions which would have to be adapted to the budget.

3. Mr. Rochefort next referred to Mr. Azkoul's remarks concerning first, the divergences of view between the United States and French representatives in connexion with definitions; and secondly, the right to nationality to which reference should be made in the draft resolution.

4. With regard to the first question, the French variant was in accordance with the wording of annex I of the Constitution of IRO, which mentioned "refugees" and "displaced persons", but not categories of such persons.

5. If the word "categories" were used, the IRO definitions would be accepted as final, whereas if a revision of those definitions were proposed it would be possible to introduce new ones. Neither of the proposed texts would prevent the *Ad Hoc* Committee from submitting its own proposals to the General Assembly, which would adopt the definition it considered the most rational. He preferred his own text, however, to that of the United States, in view of the fact that the definitions drawn up by IRO were for the use of an organization which was only temporary.

6. He failed to understand the caution displayed by the United States representative, since in any event the High Commissioner would receive his directives from the General Assembly. There was nothing to prevent the Assembly from adding to the definitions it adopted a clause defining the circumstances in which they should be applied. Moreover, a problem concerning refugees would not automatically become a matter for the High Commissioner, nor would he be empowered to submit it to Governments. He could act only within the limits of his functions, which were not very broad.

7. A further argument for a revision of the IRO definitions was the fact that they applied only in special circumstances and to a wealthy organization. The High Commissioner's Office, which was merely a supervisory body, would find it difficult to apply those definitions. Furthermore, in accordance with the terms of the draft resolution before the Committee, the Governments themselves would actually furnish assistance to the refugees. That situation did not fit in with the IRO provisions under which refugees who refused to be repatriated or resettled, or who did not make an honest effort to earn a living, would cease to be regarded as refugees. It would be impossible for Governments to adopt such criteria.

8. Summing up that part of his statement, Mr. Rochefort said that the IRO definitions were hardly applicable to the new situation and that they had frequently been the cause of unjust decisions. Hence they should only be retained until the proposed reforms had been carried out.

9. He then turned to the question of the functioning of the international organization to be set up after the reform. He recalled that in the declaration of human rights the United Nations had proclaimed the universal right to a nationality and the right of asylum. If it was desired that the High Commissioner should be guided by that principle of universality, the General Assembly, when adopting the new definitions, should instruct him accordingly.

10. The man to be appointed to the post must obviously possess a high degree of judgment and be capable of dealing with very delicate questions. For example, when considering the problem of the Arab refugees, he should bear in mind the special measures which had already been taken on their behalf and the fact that the Arab countries might not wish his Office to interfere with what had already been done.

11. He suggested two hypothetical cases to illustrate the working of the new system. First, assuming that a Government had more refugees than it could cope with, and wished to obtain international assistance in dealing with them, it would not be able to apply directly to the High Commissioner. Nor could the High Commissioner *ex officio* take over the problem. The correct procedure would be to refer the question to the General Assembly, which would give the necessary directives. Secondly, if a Government ill-treated the refugees whom it was supposed to protect, the High Commissioner would not be empowered to take action himself. His duty would be to investigate the situation and to recall the Government concerned to a sense of its international responsibility. Should that Government accept his suggestions, it would have to sign a clause in an international convention pledging itself to give the refugees more liberal treatment. If it did not accept them, the General Assembly, after considering the case, might invite that Government to do its duty.

12. He concluded that the draft resolution submitted to the Committee contained all necessary precautions with regard to the working of the High Commissioner's Office.

13. He thought that the High Commissioner might be appointed either by the General Assembly, the Economic and Social Council or the Secretary-General. He did not consider it advisable, however, that the appointment should be made by the Secretary-General.

14. The Lebanese representative had referred to article 15 of the Universal Declaration of Human

Rights and to the article relating to the right of asylum. Mr. Rochefort wished to reply, because the question had often been distorted by the Press, which had misinterpreted the claim that the protection of refugees was an international problem. According to certain newspapers, that proposition would be hypocritically argued by a country which was guilty of perpetuating the refugee problem and anxious to obtain financial assistance from the United Nations in order to solve it.

15. His country approached the problem with a clear conscience. He wished to describe the situation which existed in the various countries of Europe, in order to dispel any misunderstanding. In that way he would show that the French proposal was designed to help the refugees themselves, and not the receiving countries.

16. Declaration of "right to a nationality" did not mean that the receiving countries were to be required to grant their nationality to the refugees. It was rather directed against those States which deprived their subjects of their nationality, or placed them in such a difficult situation that they were obliged to leave their country of origin.

17. The receiving countries could not be required automatically to extend citizenship to those enjoying their hospitality. Indeed, many refugees did not desire to be naturalized. Such, for example, was the case of the 70,000 Spanish Republicans currently in France, who hoped one day to return to Spain. Moreover, such a provision would terminate the right of asylum. It should be remembered that the host countries extended their hospitality to all who needed it without taking any special precautions. They admitted not only those who applied in the regular manner but even those who arrived clandestinely. Their attitude differed greatly from that of countries of immigration which before extending a visa adopted all manner of precautions concerning the age, origin, mentality, political opinions, physical condition and number of dependants of the prospective immigrants.

18. The inference was that not the host countries but the countries of immigration had created the problem before the Committee. He recalled that when France had, in Geneva, brought up the question of the help to be extended, it had not been thinking of the refugees it had admitted but rather of the "hard core" still living in Germany.

19. Turning to the question of naturalization, he thought refugees could not be required to become citizens of the host countries. Any solution to the problem of refugees would therefore have to take into consideration the right of asylum as well as the right to nationality. The stand taken by France showed that it did not fear criticism in the matter of refugees generally.

20. Mr. BEAUFORT (Netherlands) thanked the representatives of the United States and France for having worked on Saturday and Sunday on the joint draft resolution before the Committee.

21. He proceeded to comment on the points on which the two representatives still differed.

22. Regarding the definition of the term "refugee", he preferred the formula submitted by Mr. Rochefort since it offered a more flexible method and enabled the Economic and Social Council to seek its own definition.

23. With regard to paragraph 4, sub-paragraph (*e*) of the annex, any decision on the matter would depend on how the future was viewed. Some optimists—and he was surprised to see the Director-General of IRO among them—estimated that the problem of refugees would be solved by 1951. But such optimism was not in line with the IRO's memorandum (A/C.3/528) which stated that even after that date a number of refugees would require assistance. It was not, therefore, certain that after the dissolution of IRO the problem of refugees could be reduced to one of mere legal protection. For that reason he was in favour of paragraph 4, sub-paragraph (*e*) of the annex.

24. With regard to the manner of appointment of the High Commissioner, he thought election by an organ of the United Nations was preferable to mere appointment by the Secretary-General. He preferred election because it would give the High Commissioner greater independence.

25. Mr. FENAUX (Belgium) congratulated the representatives of the United States and France on their joint draft resolution. All that remained to be done was to choose two types of High Commissioner: that proposed by France and that envisaged by the United States.

26. In the circumstances he thought the situation was clear and that the Committee could come quickly to the voting stage.

27. Mrs. LIONAES (Norway) commended the IRO staff for the work it had accomplished. Her delegation had always maintained that the problem of refugees was international in character and for that reason her Government had joined IRO. Thanks to the efforts of that organization, the scope of the problem had been reduced.

28. With regard to the future, she preferred a High Commissioner appointed by the Secretary-General. She considered also that the Office of the High Commissioner should be organized to care for the material needs of the refugees since the Director-General of IRO had stated (259th meeting) that the "hard core" problem would not be solved even by 1951.

29. As to the financing of that assistance, she felt that the members of IRO should not be the only ones to bear the cost and that the United Nations as a whole should defray the expenses of the Office of the High Commissioner. She thought that the joint resolution was not sufficiently clear on that point as paragraph 4, sub-paragraph (*e*) did not specify the source of funds.

30. Mr. JOCKEL (Australia) submitted two amendments (A/C.3/L.31) to the joint draft resolution.

31. He said the discussion had revealed the complex character of the problem of refugees and it was evident that new questions would arise in the future. The representative of France had raised the question of the aged and the infirm, and had submitted a draft resolution on the assistance to be given to those categories of refugees (A/C.3/L.27). His delegation would support that draft resolution. The Greek representatives had spoken of the children of his country, while other representatives had raised the question of the Middle-East refugees. All those questions could be discussed in the future.

32. The United States representative had foreseen that possibility when she had said that new problems might be referred to the General Assembly. That; however; might necessitate the extension of the High Commissioner's powers. For that purpose he was proposing to add to the end of the first paragraph of the operative part of the draft resolution the following phrase:

"To discharge the functions contained therein and such other functions as the General Assembly may from time to time confer upon it".

33. He proposed also to add, at the end of paragraph 4 of the annex, a new sub-paragraph (*f*), worded as follows:

"(*f*) Engaging in such additional activities, including repatriation and resettlement activities, as the General Assembly may determine."

34. He pointed out that he was not proposing anything new but he felt the General Assembly ought to be free at any time to extend the High Commissioner's powers; that would be entirely in conformity with the French draft resolution.

35. That solution would enable the General Assembly to take new decisions without touching the basic resolution. For example, the question of financing would be a matter for the General Assembly.

36. With regard to the terms of reference to be given to the Office of the High Commissioner, he considered that for the time being the High Commissioner should be granted limited powers, subject to later extension.

37. In conclusion he said that he would support the new definition of the term "refugee" suggested by the United Kingdom representative.

38. Mrs. CASTLE (United Kingdom) thanked the Australian representative for his support and added that, after further consideration, her delegation had decided not to press for a broader definition at the current session. That being so, she definitely preferred the French formula to the United States text, which might be prejudicial to refugees who, while fulfilling the same conditions as other refugees, might not fall into any particular category which the General Assembly might at any time select for protection.

39. She also supported the French proposal contained in paragraph 4, sub-paragraph (*e*) of the annex. Her Government would not commit itself to any contribution and the French proposal did not constitute an obligation either for individual Governments or for the General Assembly. She saw no reason why the High Commissioner should not be responsible for the distribution of any relief funds he might be given.

40. Finally, with regard to the appointment of the High Commissioner, she agreed with the Lebanese representative that he should be elected not by the Economic and Social Council but by the General Assembly on the nomination of the Secretary-General. His election by the supreme organ of the United Nations would invest him with the highest authority.

41. Mr. KATZNELSON (Israel) was glad to note that the representatives of France and the United States of America had succeeded in drawing up a joint draft resolution. He was confident that they would also be able to resolve the minor differences which still divided them on three points. As a contribution towards such agreement, his delegation wished to suggest a compromise text for the alternative versions of paragraph 3(*b*), which might be acceptable to both delegations. Paragraph 3 (*b*) might be worded as follows (A/C.3/L.33):

"(*b*) To transmit to the General Assembly at its fifth regular session such recommendations as the Council may deem appropriate regarding the extension of categories of refugees entitled to protection to persons not covered by the Constitution of IRO."

42. Should his amendment be adopted, then the Committee should also adopt the United States version of paragraph 3 of the annex, which in the circumstances would be in complete correspondence with the facts.

43. His delegation also proposed (A/C.3/L.33) that in paragraph 3 (*a*), the word "establishment" should be replaced by the word "functioning," since, if a decision to establish a High Commissioner's Office was taken by the General Assembly in the current session, the Council would be required only to consider the measures necessary for the operation of the new agency.

44. He added that, since the problem of aid would not arise until IRO came to an end in 1951, the Economic and Social Council might still be requested to study the problem more thoroughly and to submit its recommendations to the General Assembly concerning the continuance of material assistance to certain categories of refugees. He therefore proposed the addition to the following new paragraph (*c*) after paragraph 3 (*b*) (A/C.3/L.33):

"(*c*) "To transmit to the General Assembly at its fifth session such recommendations as the Council may deem appropriate regarding the problem of extending material assistance to certain categories of refugees."

45. If its proposals were not accepted by the representatives of France and the United States, the delegation of Israel would vote for the alternative texts submitted by the French delegation, which it considered preferable to those submitted by the United States It would also vote for the Australian amendment (A/C.3/L. 31), which it regarded as sound.

46. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) recalled that his delegation had explained before why the original French proposal was unacceptable to it. The joint draft resolution contained no new features and differed from the first text submitted to the Committee only in points of detail. The position of his delegation therefore remained unchanged.

47. The first paragraph of the preamble of the joint draft resolution stated a principle which his delegation had always upheld and would continue to uphold, that a final solution of the problem of refugees could "be provided only by the voluntary repatriation of the refugees". But regardless of that pious declaration, the operative part of the draft resolution contained no provision likely to encourage and bring about repatriation.

48. The draft resolution on the contrary made express provision for the resettlement of refugees and for their assimiliation within new national

communities. His delegation had opposed such a solution in the past. Like the delegations of the Soviet Union and of the peoples' democracies, it had brought evidence to show that the fate of displaced persons was anything but enviable, when attempts had been made to resettle them in other countries. After a year or two of the hard work which they were usually compelled to do, their one desire was to return home and the few who had succeeded in doing so had an illuminating story to tell. In such circumstances it was clear that his delegation must categorically reject a formula, which, in its view, could only spell poverty and death for the unfortunate refugee.

49. He went on to paint a contrasting picture of the life of the displaced persons who had returned to the Soviet Union and to the peoples' democracies. He cited actual cases of refugees from Germany who were earning a good living in factories or collective farms. Despite the post-war difficulties, the national authorities had done everything possible to provide them with a livelihood and satisfactory housing and to ensure them a life free from uncertainty and exploitation.

50. The draft resolution submitted by his delegation (A/C.3/L.25) had been inspired by those facts. It was based on the principle that repatriation provided the only satisfactory solution of the problem of refugees, contrary to the view which those who were waging a campaign of lies and slander in the displaced persons camps, were attempting to spread for their own nefarious purposes.

51. The draft resolution submitted by the Byelorussian SSR also required the Governments concerned and IRO to furnish full particulars regarding the refugees and displaced persons in their territories and camps as well as information regarding their living conditions. Such information was essential if a correct idea of the number of refugees and their precise fate was to be obtained.

52. Finally, the draft resolution submitted by his delegation had the further advantage of avoiding additional expenditure by the United Nations. The same could not be said of the joint draft resolution, which carried heavy financial implications, although attempts were being made to minimize them with a view to making the proposal more acceptable.

53. There was no reason for rejecting his delegation's draft resolution; the discreet silence maintained by its opponents, who were unable to criticize it, bore out that view.

54. For its part, the Byelorussian delegation would vote against the joint draft resolution submitted by the delegations of France and the United States.

55. Mrs. KRIPALANI (India) said that she had followed the debate on the subject of refugees and stateless persons with great interest and attention. The debate had made it clear that the proposed High Commissioner's Office would have the functions, first, of giving material and legal assistance to the remaining refugees under the care of IRO; and secondly, of giving legal protection to all refugees in the categories defined in the Constitution of IRO. The speeches of several representatives, and in particular the United States representative's reply to the representative of Pakistan, had made it abundantly clear that the new international organization would not be in a position to undertake any greater responsibility. If that conclusion was correct, it was difficult to understand the reasons for setting up a High Commissioner's Office at that stage.

56. The Secretary-General's report (A/C.3/527) indicated, in paragraph 41, that by 30 June 1950, 149,400 refugees would still be eligible for aid in accordance with the IRO Constitution. Of that number, about 20,000 would require institutional care for a long period. Mrs. Roosevelt had said in her reply to the representative of Pakistan at the 260th meeting that IRO had allocated 10 million dollars for those 20,000 refugees up to June 1950 and a further 12 million dollars for the period thereafter. The United Nations would therefore no longer be responsible for their care. A total of 129,400 persons would thus remain. The Secretary-General had also indicated that the life of IRO would probably be prolonged for another nine months, until March 1951. During those nine months it might be hoped that IRO would succeed in settling the majority of the refugees still under its care and that the number of refugees for which the United Nations would then be responsible would be quite insignificant.

57. Hence it would be logical to extend the functions of IRO to enable it to complete the task for which it had been created instead of transferring its responsibilities to a new organization. IRO had been created at a time of emergency to meet a particular need. It had fulfilled its obligation with efficiency. The emergency period being over, it seemed hardly necessary to create a new international body, which, it was to be feared, would in all probability become a permanent, or at least, a semi-permanent organization.

58. The basic duty of the organization would be the legal protection of stateless persons. Mrs. Kripalani wished to recall in that connexion that at its ninth session the Economic and Social Council had set up an *Ad Hoc* Committee to draft a convention for the protection of stateless persons. Under the convention, the signatory States would be bound to protect persons who had taken refuge in their territory. Furthermore, the Secretariat of the United Nations was responsible for supervising the implementation of any convention of that kind. That solution appeared satisfactory and, moreover, would not in any way prejudice the interests of the refugees, as it would be understood that IRO would remain in operation until the proposed convention was concluded.

59. The Indian delegation was grateful to the Brazilian representative for having raised the important question of the financial implications of the proposal under consideration, and fully agreed with his remarks. Merely to establish the administrative machinery necessary to a proper functioning of the High Commissioner's Office would require 750,000 dollars, according to the Secretary-General's estimate. Poor countries, such as India, realized that that was a considerable sum. It would be difficult for India to contribute to a budget to be used only for the legal protection of certain refugees when there were millions of refugees in dire need on its own territory.

60. It was true that those refugees were not stateless: the State ensured their protection. But statelessness was often a lesser hardship than lack of food, clothing, shelter and work. In order to

deal with the tremendous problem before it, the Indian Government had had to create a central ministry for refugees as well as seven refugee ministries in the provinces or states. At the time of partition, the Government had had to provide special camps sheltering as many as 100,000 people, real townships where hospitals, schools, work centres etc. had had to be organized. The first phase of the work having been completed, the Government had to begin the still more difficult task of resettling more than 7 million refugees. To that end it had begun construction of six townships and thousands of houses all over the country. In addition, it was making loans to the refugees to help them to learn or practice a trade. All that was a very heavy burden on national resources.

61. The Indian representative made a moving reference to the innumerable refugees on the roads in all the towns of her country. She was particularly qualified to do so because she had devoted her whole time to them for three years, living and working among them in order to organize the largest non-governmental organization in India. She was afraid that the adoption of a proposal such as that before the Committee might make an unfortunate impression among those homeless people.

62. The Indian Government did not want to shirk any of its international responsibilities, and it wished to take part in any humanitarian work undertaken by the United Nations. In spite of its own difficulties, it would have voted for the establishment of a High Commissioner's Office if it had been convinced that the need for it was imperative. It did not think, however—and the discussion had confirmed that opinion—that there was any great need to set up an elaborate international organization whose sole responsibility would be to give refugees legal protection. At a time when its own refugees were dying of starvation, it would be obliged to vote against all the resolutions submitted, and hoped that the stand it had taken would not be misinterpreted.

63. Mr. LAUGIER (Assistant Secretary-General in charge of the Department of Social Affairs) clarified the budgetary aspect of the question. The Secretary-General's report (A/C.3/527) had given details only with regard to the administrative expenditure entailed by the creation of a High Commissioner's Office. The expenditure required for material assistance to refugees was quite another question, to which no satisfactory reply could be given before the General Assembly's decisions on certain fundamental points were known. It was essential first of all to know whether the Assembly intended to make the new organ responsible for supplying such material assistance. If that were so, it would have to be made clear whether the High Commissioner would distribute the aid directly or whether relief would be distributed through Governments. Furthermore, it was necessary to know whether the funds for such assistance were to be provided by voluntary contributions or taken from the regular budget of the United Nations. Finally, there would have to be agreement on a definition of refugees qualified to receive the assistance in question so that an approximate estimate of their number could be made. Unless those details were known, it would be useless to attempt to make any budget estimate. In so far as the General Assembly defined the scope of the High Commissioner's work, the relevant services of the Secretariat would be able to give a detailed opinion on the consequences of such a decision.

64. Replying to a question from the Lebanese representative, Mr. Laugier said that the structure of the High Commissioner's Office, as contemplated in the joint French and United States draft resolution, (A/C.3/L.29), was not such as to entail expenditure above that foreseen in the Secretary-General's report. In the event of the General Assembly adopting the French delegation's proposal in item 4, sub-paragraph (*e*) of the annex to the joint draft resolution, the High Commissioner would be called upon to distribute among private and, as appropriate, official agencies which he deemed best qualified to administer such assistance, any funds, public or private, which he might receive for that purpose. Such operations would not imply the creation of large services which would strain the budget of the new organization. On the whole, there was no reason to foresee any expenditure in addition to that indicated by the Secretary-General in his report. It might even be that actual expenditure would be somewhat less.

65. Mr. CONTOUMAS (Greece) found some difficulty in understanding the extent of the differences between the French and the United States proposals. Some of the distinctions it was proposed to make might be justified if material assistance to the refugees was being contemplated. But both the French and the United States delegations had agreed to limit the High Commissioner's competence to the legal protection of refugees. It was therefore difficult to see why such protection should be restricted to certain categories of refugees.

66. In reply to the Greek representative, Mr. ROCHEFORT (France) observed that the expression "legal protection" did not appear in the operative part of the joint draft resolution. The need to ensure such protection was, moreover, only one of the aspects of the refugee problem.

67. In 1933, there had been an international convention for the protection of stateless persons, under which persons deprived of nationality enjoyed the most extensive rights and the most formal guarantees. There had, however, been only eight signatories of that convention. Some of the signatory States had adhered to it with such considerable reservations that the convention had been practically nullified. Every effort should be made to prevent the recurrence of such a situation. The High Commissioner should be the bearer of the United Nations message to the various Governments; he should be the guardian of international morality in the matter.

68. The French delegation believed that anyone who had been deprived of his nationality and who did not intend to request nationality from another State had the right to international protection. France desired the adoption of a broader definition not in order to make the Governments' task easier, but in the interest of stateless persons. It was not demanding any privilege when it proposed to set up international supervision.

69. There was no question of approving a cancellation of the definition adopted by IRO. That organization had a provisional character. It had been created in 1946 to meet the demands of the moment. The definition of the term refugees in its Constitution also corresponded to the cir-

cumstances of the moment when the organization was set up. The definition of the term refugees in its Constitution also corresponded to the circumstances of the moment when the organization was set up. The definition would cease to be valid at the same time as the IRO Constitution, that is, at the moment when that body's competence ended. Even if the General Assembly decided to adopt the same definition for the High Commissioner's use, it would be a text independent of that incorporated in the IRO Constitution, which would automatically have ceased to be part of positive law. It would, however, be only logical to take advantage of the opportunity to adopt a fairer definition and one better adapted to the permanent realities of the problem of statelessness.

The meeting rose at 12.55 a.m.

TWO HUNDRED AND SIXTY-FOURTH MEETING

Held at Lake Success, New York, on Tuesday, 15 November 1949, at 3 p.m.

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

Refugees and stateless persons (A/971 and A/C.3/527) *(continued)*

1. The CHAIRMAN called attention to the amendments submitted by Lebanon (A/C.3/L.30), Australia (A/C.3/L.31), the United Kingdom (A/C.3/L.32) and Israel (A/C.3/L.33), to the joint French and United States draft resolution (A/C.3/L.29).

2. Mr. JOCKEL (Australia) suggested that the French-sponsored paragraph 4 (*e*) of the annex to the joint draft resolution should be made a separate paragraph 5, beginning with the words "The High Commissioner should distribute . . ."

3. If that suggestion were adopted, the text he had suggested as a further sub-paragraph (263rd meeting, paragraph 33) would become paragraph 6, beginning with the words "The High Commissioner should engage in . . ."

4. Mr. ROCHEFORT (France) agreed to the Australian representative's suggestion.

5. Mr. BOKHARI (Pakistan) said that the debate so far could be divided into two clearly distinct parts. The first had taken a very long time and had mainly consisted of charges and replies regarding the conduct of IRO and even of its constituent members. For his part, he had nothing to say on that subject because he did not have all the necessary information and also because his Government had not been a member of the organization. From that part of the debate, however, he had gathered the unfortunate impression that some delegations entertained serious doubts as to the purely humanitarian aspect of the problem of refugees and also that politics had perhaps made an unwelcome intrusion into the question. Furthermore, he deplored a situation in which refugees might find themselves mere pawns on the international chess-board. Such considerations could not fail to influence the approach of some delegations to the problem under discussion.

6. The second part of the debate had finally found its concrete expression in the joint French and United States draft resolution before the Commitee. Not unnaturally that part of the debate had been taken up mainly by the statements of the French and the United States representatives. No vigorous support had been expressed for the joint proposal which seemed to have met with lukewarm acquiescence only because of the humanitarian considerations which it involved. The only firm stands taken had been those of the Indian delegation, which had opposed the draft resolution, and the Mexican and Brazilian delegations, which had expressed grave misgivings about its ultimate implications. Although many had asked very pertinent and relevant questions, no definite answer had been received and the situation was extremely confused. Indeed, never before had the Committee been faced with a proposal which was so vague both in its text and in its implications.

7. It had been asked during the debate whether the future definition of refugees would include people whose plight was much worse than that of the refugees defined in the IRO Constitution. The answer had been both "yes" and "no". It had been said that the High Commissioner would first be concerned with the refugees covered by the IRO Constitution, but that other categories might be added at some later stage. What the other categories were, or when and how they might so be added had never been made clear. Statements as to whether IRO had completed its task had also been contradictory in the extreme. Nor had it ever been clearly stated whether IRO could continue; apparently it could, although it required a higher international status than that conferred by a membership of only eighteen States. It had also been asked whether the High Commissioner would be concerned with legal protection only or whether he might also provide some form of material assistance to refugees. Again the answer had been both "yes" and "no". He would at first provide only legal protection, but that would not exclude material assistance in the future. As to the financial implications of the proposal, the Secretariat itself had been unable to provide estimates for the whole scheme. The general impression was one of utter confusion.

8. The position, as he saw it, was that the United Nations had received a memorandum from (A/C.3/528) which made it clear that IRO proposed to bring its operations to an end on 30 June 1950. The same paragraph of the memorandum, however, also stated that the problem facing the organization "may never be completely resolved". Indeed, it was stated that about 292,000 refugees would still be in need of assistance after IRO had ceased operation and that, in addition, there would be a very large number of refugees requiring legal protection. Clearly, the proposal under discussion would saddle the United Nations with all the unfinished tasks of IRO because the organization had apparently come to the conclusion that it was time its work was taken over by another body. Yet, although paragraph 8

of the memorandum had itself stressed "the need to avoid any break in continuity" in that field, it was alleged that the problem was not one of continuing the work of IRO. If that was not the problem, what was it?

9. As far as he could see, the tasks which had confronted IRO in the past could only increase in the future, for paragraph 13 of the memorandum clearly stated that allowance should be made for a "continuous flow of refugees". At the same time, however, it was proposed that the High Commissioner should be concerned only with the refugees covered by the IRO Constitution, namely, the statutory refugees dating from the First World War and those who had been brought into existence by the fascist and nazi aggression in the Second World War. As far as he knew, the fascist and nazi régimes no longer existed, and he was somewhat at a loss, therefore, to grasp the full purport of the mysterious reference to a "continuous flow of refugees". The only other refugees in the world were the Asian refugees. Yet it was not proposed to bring them under the competence of the High Commissioner. Who then were the unknown refugees for whom the Committee was being asked to make provision without even knowing whether they would require legal protection or material assistance or both?

10. The draft resolution contained a very large number of hopes, aspirations and theoretical possibilities which might or might not materialize; if they did materialize, they might do so in some totally unexpected form. Only three clear results would be achieved by the adoption of the draft resolution; a High Commissioner's Office would be established, its main task would be to provide legal protection to refugees, and, at the beginning, it would abide by the definitions of the IRO Constitution. Its competence might extend to some other categories of refugees, but no one knew which. Indeed, the Committee was being asked to make provisions for an unknown number of refugees, over an unknown period of time and at an unknown cost to the United Nations.

11. It was clear from the third paragraph of the preamble to the draft resolution that the main function of the High Commissioner would be to provide the necessary legal protection for refugees. It was true that as a result of certain political upheavals various categories of people had become either refugees or exiles and had thus lost their nationality *de facto* or *de jure*. The disabilities by statelessness could only be removed if the people in question acquired a new nationality in their country of residence; until that time their situation obviously raised certain legal problems. In his opinion, it was for the countries in which the refugees and exiles resided to grant them naturalization and in the meantime to provide the necessary protection. Yet the Governments concerned seemed to imply that the protection of refugees was the responsibility of the United Nations as a whole, and apparently suggested the appointment of the High Commissioner for the mere purpose of being reminded themselves of their own duty to grant protection and eventually naturalization. That was an utterly unnecessary expense, especially when it was remembered that other countries had much graver problems of their own to consider. As the countries involved were all members of IRO, he did not see why the organization should not continue as in the past.

12. Regarding the definition of the term "refugee", it was proposed that the matter should be left to the discretion of the General Assembly, which might make appropriate decisions from time to time. It was difficult to vote for hypothetical possibilities. It was true that the General Assembly might one day decide to include the 7 million refugees in Pakistan within the High Commissioner's terms of reference. But Mr. Bokhari could not, on that mere assumption, ask the refugees in his own country, who sadly lacked food and shelter though not legal protection, to forego part of the already inadequate help they received, for unspecified categories of refugees, over an unspecified period, to be administered by a High Commissioner whose relationship with them also remained unspecified. When he asked that IRO should continue looking after its own refugees and not burden the whole of the United Nations with that task, he was doing no more than the member States of IRO themselves when they told Pakistan to look after its own refugees without any help from the United Nations in the guise of a High Commissioner.

13. In view of the above considerations, his delegation would vote against the joint draft resolution before the Committee.

14. Mrs. AFNAN (Iraq) expressed full support for the views outlnied by the representative of Pakistan. In her opinion, the Australian amendments carried dangerous political implications and she would have to vote against them. She could only partially support the Byelorussian draft resolution (A/C.3/L.25).

15. Mr. AZKOUL (Lebanon) said that, small though his country was, it could not overlook the fact that a certain number of refugees would require legal protection, even if the provision of such protection entailed additional financial burdens. In his opinion, there was nothing vague about the draft resolution; indeed, the duties of the High Commissioner were clearly outlined in paragraph 4 of the annex. As to material assistance, that problem arose for particular categories in particular circumstances and for particular reasons. It could not be dealt with in a resolution of a general character and should be left to the discretion of the General Assembly whenever the need arose. That consideration determined his attitude to the amendment which suggested that the Economic and Social Council should at that stage make recommendations to the General Assembly regarding the problem of material assistance.

16. He agreed with the amendments proposed by the United Kingdom delegation. Indeed, he did not feel that the Economic and Social Council should have the authority to give directives to the High Commissioner on questions which might have political implications.

17. The Australian amendments introduced an element of great uncertainty regarding the functions and activities of the High Commissioner. He was not prepared to grant him such wide and undefined powers and would, therefore, vote against the amendments.

18. In his opinion, there was no real incompatibility between the joint draft resolution and

the Byelorussian draft. He was in full agreement with the preamble to the Byelorussian proposal and would vote in its favour, while abstaining on the operative part, which he felt concerned other countries than his own.

19. Mr. ROCHEFORT (France) would not vote for the Byelorussian draft resolution, because, by laying stress exclusively on repatriation, it failed to cover all aspects of the problem: that of the Spanish refugees, for example, in the case of whom repatriation was not a solution at the moment. Moreover, provision for repatriation was included not only in the recital introducing the joint French and United States draft resolution but also in the annex to it.

20. Replying to the representative of Pakistan, he regretted that a confusion between refugees and stateless persons continued, despite the exhaustive discussions on that point in the Economic and Social Council. Stateless persons would not be entitled to the benefit of the protection of the High Commissioner except in so far as they were themselves refugees: the same was true of IRO. The French variants in the joint draft resolution went further than resolution 248A (IX) of the Economic and Social Council, because it made the legal protection of the refugees an international concern, instead of leaving it to the Governments to deliver the requisite documents through their courts.

21. The French delegation could not acquiesce in the proposal that no provision should be made for material assistance. The Norwegian representative had inquired (263rd meeting) what funds would be forthcoming for that purpose. The General Assembly was not apparently intending to grant any. Nevertheless, there were the best possible grounds for assuming that the European Governments—and perhaps some others—would respond generously to any appeals the High Commissioner might make on behalf of the aged, infirm and sick, victims of Germany, who would presumably be left in Germany after the termination of IRO. France bordered on Germany and was, understandably enough, concerned about their future fate. In anticipation of such a problem, the French delegation had submitted a second draft resolution (A/C.3/L.27).

22. It was not a matter of finding a successor for IRO. The situation demanded a new organization corresponding to the facts. That was why the French delegation had proposed that the High Commissioner should only retain the IRO definitions provisionally and the General Assembly should review them.

23. The Pakistan representative had objected to the resolution on the grounds that it gave no decisive answer to the questions posed by the refugee problem. It was obvious, however, that the Committee was divided about the possible solutions; the joint draft resolution had provided for that by including variants, affecting a number of particulars, so as to enable the Committee members to express their opinions.

24. The problem had not been caused or kept alive by the European receiving countries. They had applied as broad a policy of assimilation and naturalization as had been possible. France in 1947, for example, had granted 100,000 naturalizations. But still, even if everybody were received without discrimination, not everybody could be naturalized; France was making naturalization dependent on the same conditions which immigration countries imposed for entry to their territory. Moreover, not all refugees wished to be, and not all should be, naturalized.

25. France was not seeking the creation of a High Commissioner's Office for selfish reasons, but because it was, as always, deeply concerned with the problem as one international in character, and had therefore taken the lead in proposing a solution.

26. Of the amendments to the joint draft resolution he could accept the Australian, and would accept the Lebanese amendment to the effect that the High Commissioner should be elected by the General Assembly rather than by the Economic and Social Council. He could also accept the United Kingdom amendments. He could not, however, accept the first Israeli amendment (263rd meeting, paragraph 41), because it was obviously merely the United States variant of paragraph 3 (*b*) in another guise.

27. Mrs. ROOSEVELT (United States of America) said that the proposal that a High Commissioner's Office should be set up had been made a full year before the date when IRO was to terminate its operations because it was essential that there should be no transition period during which a certain number of refugees would be without protection. IRO did not expect to leave any substantial problems behind it. Its achievements would have been considerable; it would have spent 400 million dollars and resettled or repatriated nearly one million persons. In addition, it was attempting to resettle or repatriate all those eligible for such treatment and had allocated 22 million dollars for the care of the so-called hard core. The gloomy prospect depicted by the French representative might never become a reality. It was agreed, however, that a number of refugees and stateless persons would remain; such persons had always been a problem, ever since the end of the First World War. Such cases would have to be continually reviewed by the General Assembly.

28. The United States delegation had been unable to reach a compromise with the French delegation on three principal issues—the question of definitions, that of the method of the High Commissioner's appointment and that of the problem of material assistance.

29. She felt very strongly that the definitions in the IRO Constitution should be retained, because they had been carefully thought out, because experience had shown their practical effectiveness and because they had been accepted by the General Assembly. Further consideration might be given to other categories of refugees at a later stage; but they must be accepted by the General Assembly. The number of persons who might be affected was irrelevant; the essential point was that the General Assembly must be fully cognizant of the situation in which such new categories should be accepted. The decision on the situation should remain in the hands of the General Assembly.

30. The election of a High Commissioner would be an innovation and might set an undesirable precedent. Admittedly, it had very recently been decided[1] that the proposed High Commissioner

[1] See *Official Records of the fourth session of the General Assembly*, 250th plenary meeting.

for Libya should be elected; that was the first instance in the history of the United Nations. The procedure of setting up small High Commissioner's Offices outside the framework of the United Nations administration might, however, be most unwise, because it would increase administrative difficulties. The High Commissioner must, of course, enjoy a certain freedom of action —which was accorded him, indeed, in the joint draft resolution—but it was even more important that he should be intimately linked with the overriding authority of the Secretary-General.

31. Furthermore, legal protection might be of far greater value to the refugee than material assistance. He might not need such assistance if his papers were in order, so that he could obtain the requisite work or travel permits. Any situation in which a refugee had his papers in order but was faced with starvation would be most painful. An even more distressing situation, however, would be one in which the refugee was faced with inevitable starvation owing to his lack of proper papers.

32. The granting of legal protection had the additional advantage that it would require only a small administrative staff. The Secretary-General had made an estimate; the United States delegation believed that even less would be needed. It would, in any case, add little to the general budget of the United Nations, so that the considerable results obtained would more than justify the expense involved. Legal protection, therefore, should be the first consideration. The refugee should feel that he had in the High Commissioner a friend in need and in his office a place to which he could apply for the kind of assistance which would enable him to support himself. She felt most strongly that whenever, as might occasionally happen, the High Commissioner found it necessary to raise the question of material assistance, the General Assembly should approve such requests. The Assembly should not assume obligations without being fully aware what those obligations involved. Even requests for material aid for the "hard core" should be presented to the General Assembly by the High Commissioner only as occasion arose.

33. It had been suggested that IRO might continue its operations. That would involve the granting of further material assistance on a large scale. The eighteen countries which comprised IRO might be unwilling to remain the only countries to bear such a burden and therefore any such proposal would have to be very carefully considered. The advisability of such a suggestion at that juncture was open to the gravest doubt. She had, however, every sympathy with the situation in which the Indian and Pakistan representatives found themselves.

34. Turning to the amendments to the joint draft resolution, she could not accept those submitted by the Australian delegation; the General Assembly could always authorize the High Commissioner to discharge additional functions, but it would be inopportune to provide for that at that stage. She could not accept the United Kingdom amendments, because it would be more in accordance with regular procedure to continue to employ the channels of the Economic and Social Council. She would accept the first and second Israeli amendments (263rd meeting, paragraphs 41 and 43), but not the third (263rd meeting, paragraph 44), and the first and third Lebanese amendments (262nd meeting, paragraphs 31 and 35), but not the second (262nd meeting, paragraph 33). As for the Byelorussian draft resolution, it was merely a cloak for the same proposal which had been presented over and over again. It disregarded the facts that a large number of refugees did not wish to be repatriated and that the number of those who were going to be repatriated was becoming smaller and smaller. She would therefore vote against it.

35. Mr. AQUINO (Philippines) said that he would have been prepared to support the original United States draft resolution (A/C.3/L.28), but thought the new joint draft resolution had some undesirable features. In some respects it was too broad and in others too narrow. He supported the view held by the United States delegation that, for the time being, the activities of the High Commissioner should be restricted to providing legal protection and that the question of granting material assistance should be left to future decisions of the General Assembly. As the representative of a country which had not belonged to IRO, he thought it would be unwise for the United Nations to assume responsibility for all the tasks which that organization might leave unfinished when it terminated its activities. The financial implications should be given due consideration before any decision was taken regarding material assistance.

36. Referring to the French representative's remarks concerning statelessness, he said that the question was extremely delicate. Persons who were not actually refugees might still wish to leave their country because its political atmosphere was uncongenial, and they would need legal protection in the same way as actual refugees. He emphasized that the whole question was fraught with difficulties and stated that his country would not accept any interference in its domestic laws governing naturalization.

37. Mrs. CASTLE (United Kingdom) explained that her amendments were intended to postpone any final decision on the question whether the High Commissioner should hold his authority direct from the General Assembly or through the intermediary of the Economic and Social Council. That was a question of detail which did not affect the fundamental issues, so there was no need to settle it immediately. She hoped, therefore, that her amendments under the letter A would be adopted. In case they should be rejected, she had submitted further amendments under the letter B providing that the High Commissioner should be directly responsible to the General Assembly. It was her delegation's opinion, at that stage of the discussion, that the High Commissioner should be directly responsible to the highest organ of the United Nations in order to maintain the high personal prestige and authority necessary for the exercise of his functions. Thus, if the amendments under the letter A were rejected, she would be obliged to press for the adoption of those under the letter B.

38. Finally, she reiterated her delegation's firm support of the French variant of paragraph 3 of the annex to the joint draft resolution, regarding the definition of the refugees who were to come under the competence of the High Commissioner. The French variant provided that a single definition of the term "refugee" should be adopted, and

all persons who fulfilled the requirements of that definition would automatically be eligible to receive the services provided by the High Commissioner's Office. The United States variant on that point provided that the Assembly should decide in each specific case whether or not it wished to accept responsibility for a certain category of refugees and the adoption of that text might well lead to unjust discrimination.

39. The CHAIRMAN announced the closure of the discussion and proceeded to put the various draft resolutions to the vote. He first called for a vote on the draft resolution submitted by the Byelorussian SSR (A/C.3/L.25).

40. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) requested that his draft resolution should be put to the vote paragraph by paragraph.

The first paragraph of the draft resolution was rejected by 21 votes to 9, with 15 abstentions.

The second paragraph was rejected by 20 votes to 9, with 16 abstentions.

The third paragraph was rejected by 16 votes to 7, with 22 abstentions.

The fourth paragraph was rejected by 15 votes to 7, with 22 abstentions.

41. Mr. DEDIJER (Yugoslavia) explained that he had voted in favour of the Byelorussian draft resolution, which laid special emphasis on repatriation, in the hope that the USSR would repatriate its citizens who had lost the right to hospitality in Yugoslavia.

42. The CHAIRMAN opened the voting on the joint French and United States draft resolution (A/C.3/L.29), together with the variants and amendments.

43. Mr. KATZNELSON (Israel) said that, as his third amendment (263rd meeting, paragraph 44) had not proved a successful compromise solution, he would withdraw it in favour of the French variant for paragraph 3(*b*) of the joint draft resolution.

44. The CHAIRMAN put to the vote the first Lebanese amendment (262nd meeting, paragraph 31) for the insertion of a new paragraph between the first and second paragraphs of the preamble, reading as follows:

"*Recognizing* the responsibility of the United Nations for the international protection of refugees".

That amendment was adopted by 18 votes to 8, with 16 abstentions.

45. The CHAIRMAN put to the vote the first Australian amendment (263rd meeting, paragraph 32) for the addition of the following words at the end of the first paragraph:

"to discharge the functions contained therein and such other functions as the General Assembly may from time to time confer upon it".

That amendment was adopted by 18 votes to 9, with 19 abstentions.

46. The CHAIRMAN put to the vote the Israeli amendment (263rd meeting, paragraph 43) proposing that the word "establishment" should be replaced by the word "functioning" in paragraph 3(*a*) of the draft resolution.

That amendment was adopted by 17 votes to 1, with 26 abstentions.

47. The CHAIRMAN put to the vote the Israeli amendment (263rd meeting, paragraph 41) proposing that the final part of the French variant for paragraph 3 (*b*), after the word "regarding", should be altered to read:

"the extension of categories of refugees entitled to protection to persons not covered by the Constitution of IRO".

That amendment was rejected by 22 votes to 4, with 17 abstentions.

48. The CHAIRMAN put to the vote the French variant for paragraph 3 (*b*) (A/C.3/L.29).

That text was adopted by 19 votes to 10, with 15 abstentions.

49. The CHAIRMAN put to the vote the first United Kingdom amendment (A/C.3/L.32) which proposed that paragraph 1 (*c*) of the annex to the joint draft resolution should be replaced by the following text:

"(*c*) Receive policy directions from the United Nations according to methods to be determined by the General Assembly."

That amendment was adopted by 22 votes to 6, with 18 abstentions.

50. The CHAIRMAN put to the vote the French variant for paragraph 3 of the annex.

That text was adopted by 18 votes to 14, with 11 abstentions.

51. The CHAIRMAN put to the vote the additional paragraph 5 submitted by the French delegation (A/C.3/L.29), as amended by the Australian suggestion (paragraph 2). The text read as follows:

"The High Commissioner should distribute among private and, as appropriate, official agencies which he deems best qualified to administer such assistance any funds, public or private, which he may receive for this purpose. The accounts relating to these funds should be periodically verified by the auditors of the United Nations. For the information of the General Assembly, the High Commissioner should include in his annual report a statement of his activities in this field."

52. Mrs. ROOSEVELT (United States) requested that the vote be taken by roll-call.

The vote was taken by roll-call, as follows:

Syria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Canada, China, Colombia, Cuba, Denmark, France, Greece, Guatemala, Israel, Lebanon, Netherlands, New Zealand, Norway, Sweden.

Against: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Brazil, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, Dominican Republic, India, Iraq, Liberia, Philippines, Poland.

Abstaining: Syria, Thailand, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Burma, Ecuador, Egypt, Ethiopia, Iran, Mexico, Pakistan, Saudi Arabia.

That text was adopted by 17 votes to 14, with 16 abstentions.

53. The CHAIRMAN put to the vote the new paragraph 6 submitted by the Australian delegation (A/C.3/L.31):

"The High Commissioner should engage in such additional activities, including repatriation and resettlement activities, as the General Assembly may determine."

That text was adopted by 14 votes to 6, with 26 abstentions.

54. The CHAIRMAN put to the vote the second United Kingdom amendment (A/C.3/L.32), which proposed that paragraph 7 of the annex (formerly paragraph 5) should be replaced by the following text:

"7. The High Commissioner should report to the United Nations periodically as determined by the General Assembly."

That amendment was adopted by 18 votes to 5, with 22 abstentions.

55. The CHAIRMAN put to the vote the French variant for paragraph 9 (formerly paragraph 7) of the annex (A/C.3/L.29), as amended by the representative of Lebanon (262nd meeting, paragraph 33). The text read:

"9. The High Commissioner should be elected by the General Assembly on the nomination of the Secretary-General . . ."

That text was adopted by 19 votes to 6, with 21 abstentions.

56. The CHAIRMAN put the whole of paragraph 9 (formerly paragraph 7), as amended, to the vote.

Paragraph 9, as amended, was adopted by 19 votes to 10, with 15 abstentions.

57. The CHAIRMAN called for a vote on the joint draft resolution as a whole, as amended by the preceding votes.

58. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) explained that he would vote against the joint draft resolution because, in his opinion, it had been expressly prepared by the representatives of France, the United States and the United Kingdom in order to carry out their policy of undermining repatriation and recruiting cheap labour from among the refugees. He reiterated his opinion that the only proper solution to the problem would be to create favourable conditions for repatriation and said it was for that reason that he had supported the Byelorussian draft resolution.

59. Mr. BOKHARI (Pakistan) said that he would be obliged to vote against the joint draft resolution for the simple reason that his country, faced as it was with a vast refugee problem of its own, could ill afford to contribute towards an organization from which it seemed unlikely to benefit.

60. Mr. PENTEADO (Brazil), Mr. DEDIJER (Yugoslavia) and Mrs. KRIPALANI (India) said that they would vote against the joint draft resolution for the reasons they had given in earlier statements.

61. Mrs. AFNAN (Iraq) explained that she would vote against the joint draft resolution because its provisions were not wide enough to include all refugees and because she thought that the definition of the term "refugee" should be settled before the Assembly decided on the principle of establishing a High Commissioner's Office.

62. Mr. ALAMAHEYOU (Ethiopia) said that, although his country wished to co-operate in assistance to refugees, he would be obliged to abstain from voting on the joint draft resolution because it did not explain the financial implications or give a clear definition of the field of action of the High Commissioner.

63. Mr. BOKHARI (Pakistan) requested that the vote be taken by roll-call.

A vote was taken by roll-call.

Lebanon, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Lebanon, Liberia, Mexico, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Australia, Belgium, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, France, Greece, Guatemala, Israel.

Against: Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Yugoslavia, Argentina, Brazil, Byelorussian Soviet Socialist Republic, Czechoslovakia, India, Iraq.

Abstaining: Philippines, Saudi Arabia, Syria, Thailand, Yemen, Afghanistan, Burma, Egypt, Ethiopia, Iran.

The joint draft resolution, as amended, was adopted by 24 votes to 12, with 10 abstentions.

64. The CHAIRMAN called for a vote on the additional draft resolution submitted by the French delegation (A/C.3/L.27).

The draft resolution was adopted by 18 votes to 8, with 18 abstentions.

The meeting rose at 6.15 p.m.

TWO HUNDRED AND SIXTY-FIFTH MEETING

Held at Lake Success, New York, on Friday, 18 November 1949, at 11 a.m.

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

United Nations International Children's Emergency Fund: (*a*) report of the United Nations International Children's Emergency Fund—(*b*) United Nations Appeal for Children (A/1006 and E/1406[1])

1. The CHAIRMAN invited the members of the Committee to begin the discussion of item 31 of the agenda of the General Assembly regarding the United Nations International Children's Emergency Fund and the United Nations Appeal for Children (A/1006 and E/1406).

2. Mr. RAJCHMAN (Chairman of the Executive Board of the United Nations International Children's Emergency Fund) introduced two reports on the work carried out by the Fund from the time it was set up. The first, which was submitted to the ninth session of the Economic and Social Council, referred to the period from 11 December 1946 to 1 July 1949 (E/1046); the

[1] See *Official Records of the Economic and Social Council*, Fourth Year, Ninth Session, *Supplement No. 16.*

second report covered the Fund's activities from the latter date until the beginning of November 1949 and stated the decisions reached by the Executive Board at its meetings at Lake Success on 2, 4 and 5 November 1949.[1]

3. Three years previously, the Third Committee had elected twenty-five States from among its members to participate with the Executive Director of UNICEF in the administration of the Fund which had just been organized to help needy children. Switzerland was later invited to take part in that work. Mr. Rajchman was happy to be able to give an account of the work which had been accomplished.

4. Funds collected up to date amounted to 141,500,000 dollars. Contributions amounting to 98,250,000 dollars had been received from thirty-six Governments. The residual assets of UNRRA, which had been transferred to UNICEF, amounted to 31,500,000 dollars. Public donations, collected mainly through the United Nations Appeal for Children, amounted to 11,750,000 dollars.

5. Various Governments had contributed sums ranging from a few thousand to over 71 million dollars; twenty-three Governments had each contributed more than 100,000 dollars. The United States of America and Australia had contributed the largest shares in absolute figures, but if public collections were also taken into account, Iceland headed the list as it had contributed more than 4 dollars *per capita*. By geographical area the division was as follows: North America, 78,700,000 dollars; Oceania (Australia and New Zealand), 14,500,000 dollars; Europe, 11,500,000 dollars; Africa, 1,900,000 dollars; Latin America, 1,500,000 dollars; the Far East, 280,000 dollars; the Middle East, 25,000 dollars. The countries receiving aid from the Fund contributed over 6 million dollars.

6. He pointed out that the sums collected were not endowments, they were spent as soon as they were received, so that the net reserve of the Fund was currently only 400,000 dollars. Nevertheless, it was possible for the Executive Board to make new allocations each time it met.

7. The sums at the disposal of the Fund were allocated in accordance with a priority system adopted three years previously by the General Assembly on the unanimous recommendation of the Third Committee.[2] Children of countries which were victims of aggression were the first to benefit; secondly, the children of countries which were receiving help from UNRRA in 1946; thirdly, funds were set aside for health programmes implemented according to priority for children of countries which had been victims of aggression.

8. In acordance with the recommendations of the Third Committee, which the General Assembly had unanimously approved three years previously, those sums were used, in the following order, for the purchase of food, for medical supplies, therapeutic equipment and various materials, and for the training of the necessary staff to enable the programme to be put into operation. Of the 141,500,000 dollars received about 77,000,000 dollars had been spent for the purchase of food, 45 million for the purchase of equipment and various supplies, 1,800,000 on training, 11,000,000 on freight, 5,600,000 on administration. Those figures represented the following percentages: 54.6 per cent for food, 32.2 per cent for various supplies and equipment, 1.2 per cent for training, 8 per cent for freight and 4 per cent for administration. Mr. Rajchman stressed the fact that administrative expenses were small.

9. When it was considered that the Fund had in three years purchased supplies amounting to 123 million dollars, that it had already despatched 160,000 tons of food and supplies, and had 120,000 tons still to send, it might be thought that such figures were very large. It should not be forgotten, however, that all the Fund had been able to do in three years was to load fifty-five ships of 5,000 tons, on the average, or three ships every two months for fifty-three countries in Europe, the Middle East, North Africa, Asia and Latin America. Means and consequently results were not commensurate with the needs.

10. Mr. Rajchman then analysed the principles followed in the work carried out by the Fund. The first and absolute principle was that of non-discrimination. The Fund then endeavoured to obtain supplies which were not available locally for the implementation of their programmes of child welfare. It acted as trustee on behalf of both donor and recipient. The carrying out of the operations was entrusted, however, to the Governments of the countries receiving assistance, which in turn acted as trustees for the distribution of the supplies and had to account for the goods and the services placed at their disposal. Such a method helped to ensure a rapid and economical handling of the questions dealt with by the Fund, while it strengthened at the same time the child health services in the country receiving assistance. The importance of the latter principle would be more easily understood when it was realized that merely for European countries helped by the Fund, the distribution of food was carried out through 52,400 centres. Help was supplied by the Fund as much as possible with a view to producing lasting results, that was to say, that the Fund endeavoured to make a long-term contribution to child welfare. The degree of urgency was the predominant factor of the programme, but the help supplied by the Fund was used as much as possible to meet immediate needs in such a way that programmes in which it was currently participating could in time effectively be taken over by the countries assisted, and extended to a larger number of children. Finally, the Fund relied as far as possible on the United Nations Secretariat and the appropriate specialized agencies for any technical assistance and advice which should come from international sources.

11. The report was a faithful indication of the range of the work undertaken. Of 62 million European children, about 5 million belonging to 14 countries were receiving and would continue to receive once a day until 15 May 1950, a meagre supplementary meal of skimmed milk, fat, cod-liver oil and, in some countries, a little fish and meat, equivalent to 200 or 300 calories altogether. That daily ration was intended to complete the meals supplied to children in the schools and other institutions under national feeding programmes. He stressed the supplementary nature

[1] See Document E/ICEF/136.

[2] See *Resolution adopted by the General Assembly during the second part of its first session*, No. 57 (I).

of the assistance given by UNICEF. Only a very small proportion of the children aided directly by Governments received that assistance. The same remark applied to all the other aspects of the programme of material and child welfare. The expenses of the Fund could not be compared with the expenses incurred by Governments. The Fund restricted itself to obtaining supplies which were not produced locally, and did not always succeed in satisfying all needs. But its help was none the less necessary and sought after. It always aimed at supplementing the efforts made by Governments and at ensuring that national child welfare programmes received priority treatment by Governments.

12. Anti-tuberculosis vaccination had been an outstanding example in that connexion. Owing to the generous support of the Scandinavian countries and especially of Denmark, it had been possible to start a mass campaign of vaccination against tuberculosis in Europe. That programme, which had been started in July 1948, had resulted in the examination of 11 million children and the vaccination of more than 6 million. Future prospects were even more interesting because as the project developed the beneficiary countries were helped to carry out such preventive work themselves.

13. Another investment in the future was the provision of specialized equipment for pasteurization of milk and processing of powdered milk so as to facilitate distribution, under safe conditions, in regions where the necessary means of preservation were not available. That measure would contribute greatly to the campaign against infant mortality.

14. Mr. Rajchman also quoted the example of the provision of insecticides, sprayers and other material required for the eradication of insects, including the malaria mosquito; he also referred to the supply of penicillin and other medical products for the treatment of syphilis in mothers and children.

15. The report showed that the same policy was being adapted to Asia and Latin America. Thus eighteen countries in Asia had received allocations. If the greater part of the funds provided had not yet been utilized, it was because of the delicate and often lengthy discussions which had to be carried out with the Governments concerned in order to determine what measures best corresponded to their needs. The activities envisaged would continue beyond 1950. Apart from the establishment of a number of feeding centres, the main contribution of the Fund consisted in shipping equipment for demonstration of methods of combating infantile diseases. In such countries professional training was a priority problem because of the shortage of trained personnel. Negotiations were taking place with Governments with a view to setting up an international training centre on Indian territory and also encouraging professional training on a national scale.

16. As regards Latin America, fifteen countries had asked for assistance from the Fund; the programme there consisted of setting up demonstration feeding-centres, but more particularly supplying material required for the fight against infantile disease.

17. In the Middle East the Fund was assisting four countries, in addition to the refugees. A BCG anti-tuberculosis vaccination campaign was under way in Egypt, the Lebanon, Syria and Israel. The last country had also asked for milk and medical supplies. As regards refugees, more than half a million women and children from military occupied zones were sure of receiving food, medical supplies and BCG vaccine until March 1950. In North Africa a mass vaccination campaign was in full swing in Morocco and another had been started the previous month in Tunisia.

18. Mr. Rajchman reminded the Committee of the help given by the Fund to the victims of the tragic earthquake in Ecuador. The Fund had immediately promised to supply milk, fats, blankets and soap to the children affected, for a period of five months. The Executive Board had recently allocated 140,000 dollars to extend that period to ten months.

19. The examples given did not exhaust the list of services provided by the Fund. Nevertheless, they gave some idea of the extent of the Fund's activities in the fifty-three countries where it was operating.

20. There remained the third task assigned to the Fund by the General Assembly, that of providing facilities for training the personnel required if national child welfare programmes were to be properly implemented. For two years, France, Switzerland, the United Kingdom, Sweden, Belgium and the Netherlands had been providing courses in social pediatrics. Such collective training, which had proved very useful, consisted of lectures, observations and exchange of personal experience, participated in by people who would later, in their respective countries, supervise the institution and development of various child welfare programmes.

21. Desirous of consolidating the experience gained, France had offered facilities to the Fund for an international centre in Paris for training and research on child problems. That centre would work in close co-operation with the World Health Organization. Arrangements had been made for a preliminary period of three years. The centre would, the following year, take over responsibility for the running of courses in social pediatrics and the testing of BCG vaccines; it would also train specialized personnel in physiology and child nutrition, would institute research in those fields, and arrange for the exchange of information between the various countries and also for exhibitions showing the progress achieved in child welfare.

22. The Executive Board had made allocations for the setting up of the centre, to which the French Government was also making a very considerable contribution. It was also proposed to contribute to the development or setting up of national centres along similar lines.

23. Such activities showed that the third task assigned to the Fund by the General Assembly was being met effectively and at low cost.

24. Mr. Rajchman then turned to the methods by which decisions of the Fund were taken. He pointed out that it could hardly be hoped that those decisions, dealing with material assistance to fifty-three countries, should always be unanimous. In most cases they were, but it would be idle to pretend that the allocations were always to everyone's liking. The Board always proceeded by the rule of majority, however, without losing

sight of the rights of the interested parties, that is, those Governments which had concluded an agreement with the Fund. Under such an agreement the Fund on the one hand undertook to provide a specific quantity of supplies for the implementation of a mutually agreed programme, while the receiving Governments, on the other hand, agreed to assume certain obligations regarding the distribution of those supplies and agreed to facilitate observation work carried out by representatives of the Fund.

25. In case of disagreement as to the interpretation of the terms of the contract, the matter could be referred to the Programme Committee of the Executive Board. That committee was composed of ten members of the Executive Board under the chairmanship of the representative of Canada; the Chairman of the Board attended the meetings without the right of vote.

26. The Programme Commitee had been asked to intervene for the first time during the last session of the Executive Board. In the first case the Board had, by a majority, declined to enter into negotiations with a receiving Government which was asking the Fund to make periodic visits of inspection instead of sending an observing mission to its territory. The Board had, moreover, by a majority, decided to reallocate to the general fund the balance of the allocation still remaining to the credit of the Government in question. In the second case, where supplies for a feeding programme in a country receiving assistance from the Fund had ceased since the month of April, the Fund had decided, while maintaining the allocations to the country until May 1950, not to resume shipments until the Government concerned had agreed to admit into its territory a subordinate observer in addition to the chief of mission already appointed.

27. Mr. Rajchman said he regretted very much that the Board should have had to discuss and vote upon such matters.

28. The Executive Director had stated that the observation methods used were very flexible. In some very large countries a single resident representative covered a territory sometimes larger than Europe. In other areas, two or three countries were combined under one chief of mission. For the first time, however, the Board had been divided in its opinion as to how the principle of flexibility should be applied in practice in the various areas of the Fund's operations.

29. It was of paramount concern to all that the assistance which the Executive Board had given to countries on the basis of the needs of their children, after long and minute scrutiny and on the recommendation of the Executive Director, should not be interrupted. There was certainly no member of the Board who would not agree to that. Mr. Rajchman therefore hoped that shipments of food and supplies for children in the countries in question would be resumed in the very near future.

30. Mr. Rajchman went on to discuss the prospects for the future. He pointed out that at its July session the Executive Board, while recognizing that the Fund had been established to meet urgent post-war needs, had rightly considered that those needs would not cease when its operations came to an end and that it was therefore necessary to provide for the continuance of its programmes by the Governments concerned. At its previous session the Board had accordingly requested the Executive Director, in co-operation with the Secretary-General of the United Nations, the Social Commission and the appropriate specialized agencies, to make a study of the continuing needs of children so that the Executive Board might report its conclusions to the Economic and Social Council at its tenth session.

31. Referring to the question of contributions, Mr. Rajchman said that, if, as it had been said, there could be no Fund without contributions, it followed that the Fund would exist as long as Governments and individuals were prepared to contribute. Some Governments, however, had apparently decided to reduce their contributions in future. Such would be the case with the United States of America, if Congress retained the Bill terminating United States participation in the Fund on 30 June 1950. On the other hand, a number of Governments had already announced their intention of continuing their contributions. France had declared its willingness to make an annual contribution of 175 million francs for a period of three years and Australia to contribute up to 1 million Australian pounds. Canada, Czechoslovakia, the Netherlands, Poland, New Zealand and Switzerland had renewed their contributions, while the Dominican Republic and Thailand had announced their intention of participating in the Fund.

32. No one, Mr. Rajchman said in conclusion, would accept the responsibility of discouraging those who were ready to continue their co-operation in such a practical manifestation of solidarity on behalf of the unfortunate children of the world, without regard to race, creed, nationality or political opinion.

33. The CHAIRMAN thanked Mr. Rajchman for his clear statement of the position, which would undoubtedly be of great assistance to the Committee.

34. Mr. MAKIN (Ausralia), in introducing the joint draft resolution (A/C.3/L.35), reminded the Committee that Dr. Evatt, in his message as retiring President of the General Assembly, had said that the continuance of UNICEF, "whose noble endeavour has been crowned with notable success", was absolutely essential.

35. He was proud to announce that the Australian Parliament had, the previous month, voted a further contribution of 500,000 Australian pounds to UNICEF. That further contribution, which was Australia's fourth, brought the total Australian contribution to the Fund to 10 million dollars, or 1 dollar 40 cents per head of the population. In making its contributions, the Australian Government had been mindful of the very generous offer made by the United States Government to contribute 2 dollars 57 cents for every dollar contributed by other Governments. As a result of the Australian contributions, therefore, it might be hoped that the United States would contribute 25 million dollars to the Fund.

36. Mr. Makin recalled in that connexion the view expressed by the Executive Director of the Fund, Mr. Pate, that the Australian contribution would encourage other Governments to renew their contributions to the Fund and would stimulate voluntary collections through the United Nations Appeal for Children.

37. When the General Assembly had reviewed the progress of the Fund in the previous year, the total contributions had amounted to 99 million dollars, of which 60 million had been contributed by Governments and 29 by UNRRA. In the current year contributions had risen to a total of 141 million, the increase of 42 millions having been contributed by Governments and by the peoples of the world.

38. The Fund had always endeavoured to make immediate use of the resources at its disposal, and its existing reserve was therefore only 500,000 dollars. It was clear from the figures he had quoted that the budget of the Fund had in the past few years been as large as that of the United Nations as a whole. It should be noted that the Fund had been able to secure the necessary resources without establishing a scale of compulsory contributions. Every government contribution to the Fund involved a separate decision and therefore reflected the importance attached to the work of the Fund. In the course of the three preceding years thirty-five Governments had taken 200 such decisions.

39. It should be emphasized that in UNICEF the United Nations had created an organ which, by reason of its profoundly humanitarian character, was capable of attracting large resources on a voluntary basis.

40. In reviewing the Fund's activities in the course of the past year, Mr. Makin said that the child-feeding programmes in Europe had continued throughout the year and that the funds allocated would enable 5 million European children to be fed until May 1950. Other programmes, such as the furnishing of medical supplies, the furnishing of raw materials for children's clothing and shoes and the conservation of milk had been continued. Special reference should be made to the BCG anti-tuberculosis vaccination campaign, under which more than 10 million children had been tested and over 5 million vaccinated at a cost of a few cents per capita. The conference of the Health Departments of the European Governments held the previous year had reached the conclusion that the experience gained in that international campaign should be utilized in other fields of tuberculosis control. The conference had also expressed the view that international collaboration in the field of social medicine might be of real value in solving world-wide problems. Before the establishment of the Fund, campaigns for vaccination with BCG had been confined to the Scandinavian countries. Campaigns in many European countries were nearing completion and further campaigns were planned or in progress in the Middle East, India and Latin America. In that connexion a tribute should be paid to the Scandinavian teams which had co-operated with the Fund not only in Europe but in other parts of the world also.

41. The programmes and techniques which the Fund had introduced had been adopted by the countries concerned and would henceforth form an integral part of their systems of social assistance. The conference of Health Departments had also expressed the view that each country should take the necessary measures to ensure the continuance of BCG vaccinations after the conclusion of the mass campaign.

42. The various training activities of the Fund had progressed in the last year. A most important gain had been achieved with the completion of the plans for a children's health centre in Paris. That centre, which would provide facilities for instruction, demonstrations and research of an international character, was to be financed by the French Government. UNICEF was to supply the necessary foreign currency for the salaries of the international staff and the purchase of equipment. That splendid idea was inspired by the experience acquired in the training programmes for young pediatricians, which had also been financed by the French Government.

43. The Fund's activities had been extended in the Middle East Africa and Palestine. The aid given by the Fund to the United Nations Relief for Palestine Refugees amounted already to a total of 9,400,000 dollars. That allociation would enable the Fund to send supplies to Palestine until March 1950. The Fund currently contributed one-half of a daily ration of some 1,500 to 1,700 calories to 500,000 refugees.

44. Recalling that the daily European diet was very often double that amount, he wondered what would be the position of those dsitressed people without the help of UNICEF. It had given one-quarter of the total supplies furnished by the United Nations. The Secretary-General had emphasized that the successful operations of the United Nations Relief for Palestine Refugees depended largely on the continuation of the work of the Fund. The medical assistance extended to the Palestine refugees was equally important in view of the grave danger of epidemics to which they were exposed.

45. He mentioned the results achieved in Latin America and particularly the achievements of the Fund in Ecuador following the recent earthquake.

46. The Australian Government was happy to note the extension of the Fund's activities to the under-developed regions of the world, particularly to those in Asia, where it had undertaken programmes calculated to be of lasting and substantial value. Praiseworthy progress had been realized in Indonesia thanks to the efforts of a joint committee composed of representatives of the Netherlands and of the Indonesian Republic, under the direction of the UNICEF chief of mission.

47. The sponsors of the draft resolution submitted to the Committee warmly recommended the adoption of paragraph 3, which expressed the gratitude of the General Assembly for the great assistance rendered by the Fund to millions of mothers and children in various parts of the world.

48. Nevertheless he could not over-emphasize how extensive were the needs for assistance in the future. The report submitted by the Fund to the Economic and Social Council at its ninth session (E/1406), based on the statistics of the FAO, revealed that the production of milk was still insufficient. Figures regarding milk statistics for 1947-1948 indicated that the per capita production of milk in the eight European countries still receiving UNICEF food assistance was 62 per cent of the pre-war level. The output of livestock produce in Europe for 1948-1949 was about two-thirds of the pre-war figure. The restoration of livestock numbers to pre-war levels, which was a condition of the restoration of pre-war food consumption, would take a number of years. According to FAO figures, in 1948-1949

the total supply of food available per head was 84 per cent of the pre-war supply.

49. The salvation of a whole generation of children was in the balance. In praising the work of UNICEF, President Truman had said that the establishment of lasting peace depended in large measure upon whether those children, who would shape the future, had healthy bodies and a normal and happy outlook on life.

50. In the under-developed countries of Asia, where conditions were aggravated by the war, famine had become endemic. FAO figures showed that the total food available per head in the Far East was 12 per cent below the pre-war figure. Countries in that category were particularly affected by high infant mortality. Those were the reasons that inspired paragraph 4 of the draft resolution, which stated that the emergency needs arising out of the war still persisted over and above the needs of under-developed countries.

51. The next paragraph emphasized the importance of the Fund in the structure of the United Nations welfare bodies. The Fund had provided help throughout the world without discrimination on grounds of race, religion, nationality or political opinion. The Fund had also successfully intervened when disaster struck a country or region. Its work had captured the imagination of the peoples and their Government. The United Nations Appeal for Children had offered the opportunity to men of good will to do something for the United Nations and for the world's children.

52. Further contributions had to be forthcoming if the programmes in Europe and the Middle East were to be continued. That was the consideration that was embodied in the last paragraph of the joint draft resolution.

53. His delegation expressed the wish that the draft resolution (A/C.3/L.35) would be adopted unanimously. The essentially humanitarian nature of UNICEF should appeal to the members of the Committee. It was a great enterprise in which all the nations, including many nations not Members of the United Nations, could join on a basis of humanitarian co-operation.

54. The CHAIRMAN invited the members of the Committee to see a film illustrating the activities of UNICEF and the needs of distressed children.

The meeting rose at 12.30 p.m.

TWO HUNDRED AND SIXTY-SIXTH MEETING

Held at Lake Success, New York, on Friday, 18 November 1949, at 3 p.m.

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

United Nations International Children's Emergency Fund: (*a*) report of the United Nations International Children's Emergency Fund (*b*) United Nations Appeal for Children (A/1006 and E/1406) (*continued*)

1. Mr. CONTOUMAS (Greece) said that he had already expressed his country's deep appreciation of the work of UNICEF at the previous session of the Assembly. In the year that had since elapsed that appreciation had grown even greater, if possible. There were about 642,000 Greek children among the 5 million children in Europe for whom the Fund was providing relief. He fully recognized that his country received much more from the Fund than it was able to contribute and he could not but appeal to the Governments which had contributed so generously to the Fund to continue to do so. The children in his country would be left in a very sorry plight if the Fund were to cease its activities in the near future.

2. Mr. RODRÍGUEZ FABREGAT (Uruguay) said that the *Report of the International Children's Emergency Fund* showed once more the magnitude of the problem confronting the United Nations. The problem was universal in scope and, where the welfare of countless children was at stake, there could be no room for any discrimination. Indeed, one of the basic principles of the Fund was that aid should be given in all instances on the basis of need, without regard to race, creed, nationality or political consideration. The children of the world were mankind's hope for the future and no effort should be spared to restore those who had suffered the ravages of war to health and happiness.

3. The figures mentioned in the report showed that the situation in Europe still left much to be desired. In eight European countries the milk production in the year 1947-1948 had reached only 62 per cent of the pre-war level. In the year 1948-1949 the production had risen, but only to 70 per cent of the pre-war level. The children were undersized owing to malnutrition and because of their weakened condition. They were liable to contract tuberculosis and other diseases. The children who had been through the war looked haggard and desperate; instead of the care-free happiness of youth, tragedy and suffering were mirrored in their eyes. A whole generation was in peril from the dual threats of malnutrition and tuberculosis.

4. The problem was not confined to Europe alone, for in Asia and other parts of the world the high infant mortality rates called for continuous attention. In January 1948, an inter-American congress had been held at Caracas to consider the problem of child welfare and the vital importance of reducing the infant mortality rate had been stressed. In his country, special attention was being paid to that problem and, in spite of all its own difficulties in that field, Uruguay had been glad to contribute 1 million dollars to UNICEF.

5. He recalled the humanitarian statement made by President Truman before the United States Congress about the sufferings endured by half the world's population and the imperative need to bring modern science to bear on the elimination of those sufferings. In his opinion, the General Assembly should declare that it was its responsibility under the Charter to give special attention to the problem of the needs of children throughout

the world. He submitted a draft resolution (A/C.3/L.37) embodying that idea and setting forth a series of general recommendations to Member States. In framing those recommendations he had taken into consideration the difficulty for some countries to contribute to the Fund, especially as they were asked to contribute in dollars. He had therefore suggested that each Government, when allocating sums in its own budget for the care of its children, should at the same time allocate a special sum to UNICEF to alleviate the sufferings of other children throughout the world. Countries should be allowed to contribute either entirely or partly in their own national currencies and the money could be used to purchase supplies from the contributing country. If those principles were accepted it should be possible for UNICEF to become a continuous service.

6. In conclusion, he expressed the hope that the United Nations would continue to provide for the needs of children throughout the world and that UNICEF would continue its activities until all malnutrition, sufferings and diseases had been finally abolished.

7. Mr. FREYRE (Brazil) said that UNICEF had done extremely good work in Europe and had saved the lives of thousands of children during the period immediately following the cessation of hostilities. Originally, food had been the most vital need and milk had been of primary importance. Children had been suffering from malnutrition and all its accompanying evils. It was fortunate, however, that most of the countries concerned had been highly developed ones, accustomed to relatively high standards of living and possessing the scientific and technological means to cope with the situation. With the assistance of UNRRA and afterwards of UNICEF spectacular results had been achieved. Well over 100 million dollars had been spent by the Fund alone and the bulk of the assistance had been devoted to Europe. As a result, the infant mortality rates in 1947 had already shown an improvement over the pre-war figures. Moreover, in 1948 the *per capita* consumption of milk and dairy products had reached about 90 per cent of the pre-war level in most European countries.

8. It was true that those results had not been satisfactory in every sector and that, although children's standards of health were higher than before the war in many European countries, there was still room for improvement. Nevertheless, the dramatic period when it had been necessary to concentrate all efforts on meeting the emergency needs of European children had become past history.

9. Brazil had not yet been able to contribute directly to UNICEF. It had, however, helped to alleviate the emergency needs of children in Europe by contributing 40 million dollars to UNRRA and granting direct credits amounting to 43 million dollars to European countries immediately after the war. In the case of a country of which the economic development had not yet reached a very advanced stage, such contributions were clear evidence of a very strong desire to help. The *per capita* income in Brazil was much lower than that in Europe and the infant mortality rates were higher. After its initial effort to alleviate the emergency created for European children by the war, his country had therefore decided that it should henceforth concentrate on the care of its own children.

10. His delegation believed that the Fund had been quite right in concentrating its principal initial activities in Europe. Since, however, the immediate effects of the war had been overcome, he felt that the Fund should turn its attention to other areas and to child health in general. The Fund had itself recognized that changing situation and the Executive Board had adopted the practice of preparing target budgets which would reflect the gradual shift of emphasis in the Fund's programmes as the situation in Europe became more normal. His delegation warmly welcomed that change in policy. It was a statistical fact that, in terms of mortality and morbidity rates, the situation of children in Asia and Latin America was far worse than that of children in Europe. The average infant mortality rate in Europe, with very few exceptions, was below 90 per thousand, while in Latin America it was about 100 per thousand, reaching such figures as 165 per thousand in Brazil and 161 per thousand in Chile. For Asia he mentioned the rate of 204 per thousand in Burma and for Africa the rate of 153 per thousand in Egypt.

11. There were of course some areas in Europe such as Greece and Bulgaria which were still in need of assistance. The high infant morbidity and mortality rates in those areas could not, however, be considered as a direct result of the war since they were actually lower than in pre-war years. For example, the mortality rate in Bulgaria had decreased from 150 per thousand in 1937 to 130 per thousand in 1947. He emphasized, therefore, that the Fund should turn its attention henceforward to giving assistance where it was most needed.

12. He regretted, however, that, in spite of its avowed intention of changing its policy, the Fund had not actually carried out any substantial changes in practice. In June 1949, the Executive Board, after having allocated to Europe 30 per cent of the two alternative target budgets envisaged for the following year, had gone on to allocate 47 per cent of the existing resources to Europe (excluding Germany), while 28 per cent had been allocated to Asia and only 3.6 per cent to Latin America. At its recent meetings at Lake Success,[1] the Executive Board had continued to allocate the greater part of its funds to Europe and the suggested share for Latin America had been less than 5 per cent of the total. He sincerely hoped that, in future, the Board would abide by its own decisions and concentrate its activities in the areas where need was really greatest.

13. In conclusion, he said that he would discuss the draft resolutions at a later stage, although at first sight he felt inclined to support the draft resolution submitted by he United States delegation (A/C.3/L.34).

14. Mrs. ROOSEVELT (United States of America) expressed appreciation for the important work that had been done by UNICEF in many parts of the world and mentioned in particular the commendable speed with which the Fund had sent assistance to the victims of the earthquake in Ecuador. She had spoken at length about the work of the Fund during the Assembly's previous session and she would not enter into the subject in detail during the current session. The Assembly had adopted resolutions 138 (II) and 214

[1] See document E/ICEF/136.

(III) commending the work of the Fund, expressing appreciation for the contributions received and appealing to Member States to make further contributions in order to enable the Fund's work to continue. The Economic and Social Council, at its ninth session, had adopted its resolution 257 (IX) drawing particular attenion to the fact that further contributions were needed in order to enable the Fund to carry out the programme it envisaged for the fiscal year ending 30 June 1950. The draft resolution which she had submitted (A/C.3L/34) contained the same ideas as the earlier resolutions adopted, but she had adapted the wording to suit the circumstances.

15. She was glad to note that, owing to substantial contributions and pledges made recently by a number of Governments, only a little over 4 million dollars of the United States appropriation remained to be met. In that connexion, it was true, as Mr. Rajchman had stated, that the United States, in extending the period of availability of United States matching funds, had announced that its participation in the Fund should not extend beyond 30 June 1950.

16. She was glad that the prospects were so bright for fulfilling the Fund's proposed budget for the year ending 30 June 1950 and that the objectives for which the Fund had been established were being so well met.

17. There seemed to be some misunderstanding about the mention of the date 30 June 1950 in her draft resolution. She explained that it was a reference to the date contained in the target budget adopted by the Fund's Executive Board for the fiscal year 1949-1950.

18. Her draft resolution was shorter than that submitted joinly by the representatives of Australia, France, Israel, New Zealand and Mexico (A/C.3/L/35). Moreover, it focused attention more concretely on the precise objectives for which additional contributions were needed. It also avoided the implications contained in paragraphs 4 and 5 of the joint draft resolution. With regard to paragraph 4, she stated that the Fund had helped greatly in bringing about a diminution in the emergency needs arising from the war, the purpose for which it had originally been established.

19. The general needs of many countries and especially the needs of the under-developed areas of the world were vastly beyond the scope of UNICEF. The needs of children throughout the world were so enormous as to defy full comprehension and those needs would continue for a long time. The United Nations should face the question wisely and take care to assess its strength and its limitations.

20. A study was already being carried out, under the auspices of the Economic and Social Council, to assess the continuing needs of children and to determine what the United Nations and the specialized agencies could do to meet the challenge. The specialized agencies were collaborating in that study, which would subsequently be discussed by the Social Commission and the Economic and Social Council. In her opinion, it was essential that the future work of the United Nations in that field should receive the most thoughtful and careful consideration. She would deplore any action taken by the Committee which might interfere with the work of the study group, however generous and well-meaning that action might be.

21. Consequently, she considered that her draft resolution was a better practical response to the problem at that stage than the joint draft resolution and she urged the Committee to adopt it.

22. Mr. MENESES PALLARES (Ecuador) said that the excellent reports submitted by the Executive Director of UNICEF had given the Committee a clear idea of he vast scope of its work. The programme which it had already carried out in Latin America had been of great importance and considerable sums had been spent upon it. That in itself was valuable; but even more valuable was the fact that it had exemplified the new tendency of UNICEF to share its attention more equitably between the war-devastated areas and the under-developed countries. Such a development could not fail to recommend itself to those who had advocated that policy on the Executive Board. It was to be hoped that that policy would be intensified in the future, as the Brazilian representative had urged.

23. Ecuador had particular reasons to be grateful to UNICEF. Mrs. Myrdal, principal director of the Department of Social Affairs of the United Nations, had visited that country, and it had been on the basis of her report that the Board had decided to assist Ecuador after its disastrous earthquake. The Executive Board had offered to provide 40,000 children in the devastated areas with a daily meal for 10 months, with particular emphasis on milk and fats. It had appropriated 280,000 dollars for that purpose and 56,000 dollars in addition for medical equipment. It had associated the appropriate specialized agencies with that work; they would issue a report in due course. The instance of Ecuador was a striking example of the noble work which UNICEF was carrying out.

24. He reserved the right to speak specifically on the draft resolutions before the Committee at a later stage.

25. Mr. PLEJIC (Yugoslavia) thanked UNICEF for the assistance which it had given to his country; it hoped to receive further aid in the future. Of the approximately 6,617,000 children in Yugoslavia, 773,500 had received assistance in the second quarter of 1949 in the form of additional meals. It would also benefit from a widespread BCG vaccination campaign and a campaign against endemic syphilis.

26. Yugoslavia had suffered tremendous devastation during the war. It had therefore been eligible for assistance from UNICEF. From its own experience it had realized the essential part which UNICEF had played in the humanitarian work of the United Nations. He therefore supported the proposal for the continuation of that work embodied in the joint draft resolution.

27. Furthermore, Yugoslavia was well aware of the needs of the under-developed countries and realized that they should receive equal treatment with the war-devastated countries. Any proposal, therefore, to suspend the activities of UNICEF would be most inopportune and would imply the waste of all the great efforts previously made.

28. Continuation of UNICEF on its present basis was the more necessary because the needs of suffering children were extremely complex. UNICEF, therefore, should not only not be removed from the orbit of the United Nations, but its practice of intimately linking the questions of food

and of health, which had been such a success in the past, should be further extended.

29. There were grounds for optimism with regard to the material resources available to UNICEF. The number of States contributing and the size of their contributions were increasing. Contributions had come in irregularly, which had prevented UNICEF from contemplating more than short-term programmes. If, however, UNICEF were placed upon a more permanent basis, all Member States might be encouraged to contribute. The humanitarian activities of that agency had always been one of the best means of propagandizing the aims and the purposes of United Nations among children. The United Nations, therefore, should state clearly that it accorded priority in its social activities to the needs of children.

30. His Government had hitherto done everything in its power to contribute its share to the UNICEF, realizing that children in other countries were also in need and that the first obligation incumbent upon every society and every person should always be to aid children. Yugoslavia had undertaken to contribute 523,000 dollars. It would continue to contribute whatever it could.

31. Mr. MESSINA (Dominican Republic) expressed his appreciation of the work of UNICEF. His country had been second among the Latin-American countries in the size of its contributions. It would continue to contribute within the limits of its possibilities; even if circumstances should prevent it from contributing cash, it would always contribute its moral support. He particularly hoped that at the next meeting of the Executive Board, the needs of Latin America with regard to medical campaigns would be taken fully into account on a basis of equality with other parts of the world, as the Brazilian and Ecuadorean representatives had urged. He reserved his right to comment on the draft resolutions before the Committee at a later stage.

32. Mr. PACHECO (Bolivia) said that his delegation had been particularly appreciative of the UNICEF report because Bolivia had a problem of lack of proper care and of malnutrition in regions which might appear to be wealthy but were actually impoverished. Bolivia needed considerable help, but realized that the basic question was an economic one. He therefore appreciated the statements of representatives who had said that, if UNICEF were to continue, more contributions would be needed. It was essential that such contributions should be forthcoming; no obstacle should be permitted to hamper the work of UNICEF.

33. Bolivia was expecting great things of the UNICEF campaigns in 1950, both from the example in the use of modern scientific techniques and from actual assistance. Comparative statistics showed that the problem of child malnutrition was as serious in Bolivia as it was in Europe. UNICEF's work in Europe had been admirable; he hoped that its work in Latin America would be equally admirable. In that expectation, he would vote for the United States draft resolution.

34. Mr. BOKHARI (Pakistan) had been most favourably impressed by the heartening account of UNICEF's activities given in its report and by the Chairman of the Executive Board. The generous assistance afforded by such countries as the United States of America, Australia and Iceland was also a welcome demonstration that many countries were willing to share their comparatively favoured position with those poorer than themselves and regarded at least one problem as of universal concern, whatever their approach to other international questions might be.

35. Everyone would agree with the Chairman of the Executive Board that UNICEF's activities must be continued. If the whole field of its operations were considered, it would be seen that its efforts, admirable as they were, were only a drop in the ocean. Sceptics might say that the Fund touched only the surface of the problem, the roots of which lay far deeper—in the economic complex. That might well be true, but experience had shown that such situations must be attacked on as many fronts as possible. The campaign to aid children was an attack which had a very great appeal.

36. The Brazilian representative had attempted to bring out certain points in the report which might otherwise have escaped notice. Undoubtedly, European children had been the ones who had suffered most from the Second World War. It was to be hoped, however, that the efforts of the European Governments might soon succeed in restoring those high standards to which their nationals had previously been accustomed and that assistance could thus be diverted to less fortunate areas. One of such areas was Asia, particularly South East Asia, the plight of which had been briefly but vividly depicted in paragraph 31 of the UNICEF report.

37. That picture could be illuminated by an incident in his own experience. During the past few years, pictures of starving, rachitic European children, with distended stomachs and lolling heads, had been widely distributed. In Pakistan, all civilized persons had been horror-stricken, because they could recall the fine, upstanding European children of pre-war days. Their horror had, however, been redoubled when they had realized with sudden shock that those pictures exactly resembled the children in any Asian country.

38. He hoped, therefore, that the Chairman of the Executive Board would take into full account the hope that it would be possible for UNICEF to divert the bulk of its assistance from the previously war-devastated countries to the under-developed countries. That hope was, he felt certain, shared by many other delegations.

39. Mr. AZKOUL (Lebanon) regretted the fact that his country had as yet been unable to contribute to the Fund. He wished to express particular gratitude to UNICEF and the Governments comprising it for their assistance to the Palestine refugees in Lebanon; in the field of medical aid alone, 16,600 persons had been examined for tuberculosis and 11,000 anti-tuberculosis vaccinations had been carried out; in addition, funds had been distributed to mothers and children throughout the Arab world. A BCG vaccination campaign had been started on 10 October 1949.

40. It was gratifying to note that the assistance of UNICEF would be extended to areas other than those covered in the earlier programmes; it was to be hoped that even greater attention would be paid to the under-developed countries. It was further to be hoped that the Fund would continue its activities, because urgent needs still existed,

with little prospect of any widespread improvement in the immediate future. That hope appeared to be well founded, as many countries had already expressed their intention of contributing to the Fund at any early date. He would therefore support the joint draft resolution.

41. Mrs. DE CASTILLO LEDÓN (Mexico) said that the task of caring for children was one of the United Nations basic social activities. She had recent personal experience of the sad state of children in the devastated and under-developed countries which had led her to hope that that humanitarian task would be continued on an increasing scale so long as the problem existed. Unfortunately it was still very far from a solution. The General Assembly, therefore, should do everything in its power to enable UNICEF to fulfil its mission on an even greater scale.

42. It had been objected that some countries had failed to pay their contributions. In her opinion, such remissness was really a symptom of the weakness of such countries which had been compelled to devote prior attenion to their own domestic needs.

43. If it were assumed that UNICEF would continue its obligations and extend them more amply to Latin America in 1950, due regard should be paid to the possibility of contributions from private as well as from governmental sources. Full advantage should be taken of the women's organizations active in the field of child relief. She had therefore introduced an amendment (A/C.3/L.36) to the joint draft resolution proposing that an appeal should be made to such international organizations to collaborate with UNICEF in making special studies or procuring moneys from private sources to assist in its support. Among the most important of such organizations in Latin America were the Inter-American Commission of Women, which was an official body sponsored by twenty-one Governments, and the International American Institute for the Protection of Childhood, both of which would certainly offer help if an appeal were made to them. The special studies made by them and their contacts with other groups active in the field would be invaluable.

44. She welcomed the new trend in UNICEF policy extending assistance to children everywhere, without restricting it to the war-devastated areas. She would therefore support the joint draft resolution.

45. The United States draft resolution did not conflict with the joint draft resolution, but rather complemented it by specifying how funds would be obtained. She would therefore support that draft resolution also.

46. Mr. RAJCHMAN (Chairman of the Executive Board of the United Nations International Children's Emergency Fund), replying to the United States representative, explained that in its resolution 257 (IX) the Economic and Social Council had noted the decision of the Executive Board of the Fund to report to the tenth session of the Council on a study to be conducted in co-operation with the Secretary-General, Social Commission and interested specialized agencies with a view to developing recommendations. The Executive Board would hold its next session at the end of January 1950 and would then formulate its conclusions. The report mentioned by the United States representative had not yet reached the Executive Board.

47. Furthermore, he must point out that the date 30 June 1950 was not the end of a fiscal year for UNICEF. The target budgets had been established up to that date because the Board had met at the end of June and the beginning of July and had established those budgets for the succeeding months, whereas most Governments established their budgets in accordance with their calendar year.

48. Furthermore, as had been stated in paragraph 20 of the UNICEF report, the UNICEF supply programmes for the period 1 July 1949 to 30 June 1950 would be limited not by children's needs but by available resources. In paragraph 35 of that report it had been explained that the purpose of the target budget was to provide a degree of continuity and forward planning in the Fund's operations as well as to indicate to contributors the needs for which they were being approached. That did not imply that the figures in the target budget corresponded to actual needs; they were rather a maximum figure for the target budget.

49. Mrs. CASTLE (United Kingdom) wished to associate herself with those who had spoken in praise of the great humanitarian work done by UNICEF in the past year and of the generous contributions by Governments—in particular the United States, Australia and Canada—thanks to which the work had been made possible. That did not mean, however, that her delegation approved entirely of the manner in which the resources of the Fund had been distributed.

50. The United Kingdom had always held that the function of the Fund should be primarily an emergency function. It was understandable that a desire to bring lasting benefits to the countries receiving aid should have led the Executive Board of the Fund into commitments of longer duration She appreciated the point of view of those who, when emergency conditions had ceased to exist in such countries as Czechoslovakia and Poland had been anxious for the United Nations to leave something which would be of lasting benefit, like milk processing equipment or doctors' motor cars. It should not be forgotten, however, that there were many competing claims on the Fund, and it was essential that desirable but less urgent work should not be done at the expense of genuine emergency relief, such as that required for Arab refugees or Greek children.

51. It was on that point that the main anxieties of her delegation arose. Indeed, there could be no doubt that changing needs had not been taken into account sufficiently when allocations from the Fund had been made. Their pattern had tended to follow that initiated by UNRRA, which had naturally been preoccupied with the needs of war-devastated countries, particularly in Europe. The needs of children in many of those areas, however, had since become less urgent than those of other children in other parts of the world. Her delegation had repeatedly called attention to the disadvantage at which the war-devastated countries of South East Asia had been placed in comparison with the countries of Eastern Europe. In 1948 practically the whole of the Fund's resources had gone to Europe, and it was only in 1949 that a slight beginning had been made towards helping

other parts of the world. She was glad to see that many delegations shared her anxiety to achieve a beter balance in the use of the Fund's resources.

52. The failure to adjust the allocations from the Fund in the light of new developments had meant that funds had been allocated for projects which could scarcely be described as emergency projects. The Fund had continued to vote money for countries which had previously received emergency assistance. The United Kingdom had never denied their right to that assistance when it had been given to meet a genuine emergency, but it had had to point out that their long-term needs were in no way as urgent as the emergency needs of other countries which were often chronically poorer and whose children were desperately in need of help.

53. Her country had ceased to be a contributor to the Fund, and that decision had not been unconnected with the shortcomings she had just mentioned. Indeed, it would have been incongruous for the taxpayers of her country to contribute to the feeding of Polish children in 1950, when milk consumption in Poland had reached between 80 and 90 per cent of its highly satisfactory pre-war average by the spring of 1949, and when Poland had abolished food rationing. Poland had been the largest individual recipient country, and the Fund's allocations for Poland amounted to over 16 million dollars—7 million dollars more than the sum spent by the Fund to save the Arab refugees from starving. Yet the Fund had still failed to indicate when that Polish feeding programme was to stop.

54. She wished to reject most emphatically the suggestion that her Government had been either parsimonious or politically biased in that matter. The United Kingdom had continued contributing to UNRRA in order to bring the feeding situation of its Eastern Europe allies back to a healthy level after many other countries, including the United States, had ceased to do so. The United Kingdom had given 15.5 per cent of the UNRRA funds which UNICEF had since inherited. The people of her country had also been most generous in their voluntary contributions to UNICEF and their donations to the United Nations Appeal for Children had been the third largest of any country in the world. The United Kingdom, however, could not go on contributing indefinitely for the purposes for which the Fund had so far tended to devote the major part of its resources.

55. That was why her delegation had been particularly pleased with the recent tendency to recognize the claims of the Asian and Middle Eastern countries for help. Her country had been particularly impressed with the contribution made by the Fund to the relief of the Arab refugees who had been forced to leave their homes during the fighting in Palestine.

56. Regarding the programmes for South East Asia, it was unfortunately true, as the representative of Australia had pointed out, that they had made too slow a start. The Executive Board had been repeatedly confronted with a situation in which the already small allocations made for those countries had had to be transferred from one annual budget to another, simply because the necessary plans had not yet been made. That vicious circle had, however, been broken, and small programmes had been started in a number of areas. They had been carefully worked out so that they might be of cumulative benefit to the children of the countries concerned and had rightly placed the main emphasis on training and on so-called "demonstration medical projects" which could be expanded by the local authorities. A considerable sum of money had also been allocated for similar schemes in other parts of Asia. Furthermore, in initiating those programmes in Asia, the Fund had taken great care to pave the way for other organs of the United Nations to carry on the activities started by the Fund after it ceased operation. Thus, great efforts had been made to obtain the loan of members of WHO and FAO to the Fund.

57. She agreed with the remarks of the Brazilian and Bolivian representatives, who had stressed that the Fund had been slow in appreciating the needs of South American countries, and that it had shown a lack of balance in the allocation of its resources in the past. She felt that the balance should be redressed in the future, when the Fund disposed of the still remaining resources and of any new contributions.

58. Despite those criticisms, her delegation sincerely appreciated the great work which had been done by the Fund. Although her Government was unlikely, in existing circumstances, to contribute any more money to the Fund, it would not like to stand in the way of any other government wishing to do so. She believed, therefore, that the draft resolution submitted by the United States reflected the realities of the existing situation in that it left the door open for new contributions and, at the same time, took into consideration resolution 257 (IX) of the Economic and Social Council. That resolution provided for studies regarding ways in which children's needs could be cared for on a permanent basis through the specialized agencies. In the opinion of her Government, the interests of the future generations could best be served on a long-term basis through the development of the work of the permanent agencies of the United Nations.

59. The joint draft resolution before the Committee covered substantially the same ground as the United States resolution, except for the omission of any reference to the above-mentioned resolution of the Economic and Social Council. For that reason she preferred the United States draft, although she felt that it could be improved by the inclusion of paragraph 3 of the joint draft resolution. If that paragraph were incorporated into the United States resolution, the latter would embody all the relevant points of substance and might then become the only proposal before the Committee.

60. Mr. SUTCH (New Zealand) said that many representatives had criticized the manner in which the Fund had allocated its resources; yet the Executive Board had only abided by the terms of General Assembly resolution 57 (I), which laid down that priority should be given to the children of countries which had been devastated by the war and of countries which had been receiving assistance from UNRRA. The criticisms, therefore, should not have been levelled at the Executive Board, but rather at the resolution itself. Furthermore, he wished to emphasize that the Executive Board based all its decisions on the recommendations of a Programme Committee which, in its turn, based its own recommendations

on the reports of an expert staff which analysed and examined all requests for assistance and all existing needs. The Board consisted of twenty-six member nations and all decisions were always taken by a majority vote.

61. The Fund had been ceaselessly increasing the scope of its activities. Having started by providing assistance to the seven countries which had received aid from UNRRA, it was currently helping thirteen European countries. Outside Europe, its activities extended from Pakistan to the Philippines and from Palestine to Morocco. Although the major part of the assistance went to the countries defined in resolution 57 (I), it should not be forgotten that fifty-four countries and territories were receiving aid from the Fund.

62. The assistance provided by the Fund covered a very wide field indeed. The Fund provided supplementary feeding mostly in the form of powdered skimmed milk and also small amounts of fats, dried fruit, cocoa and the like. That form of assistance accounted for half of the sums expended. Secondly, the Fund provided children's clothing and shoes for school children, institutions, hospitals, and refugees. Thirdly, it had initiated large-scale anti-tuberculosis projects in the form of BCG vaccination, diagnostic equipment, BCG production equipment, and BCG pilot testing centres. Fourthly, it had assisted other medical projects by supplying them with the necessary laboratory equipment and streptomycin. Fifthly, it was promoting a campaign for the reduction of infant and child mortality and morbidity through insect control and anti-malaria measures. Sixthly, it was fighting both against endemic syphilis and the terrible yaws disease in the tropics. Furthermore, general maternal and child welfare programmes were assisted by UNICEF, which supplied X-ray equipment, vaccines, milk-testing equipment, iron lungs, obstetrical appliances, and so on. In addition to all that, UNICEF was also helping in the promotion of better milk production methods, such as pasteurization.

63. The Fund had recently received new resources. The French Government, for instance, had promised to contribute 175 milion francs every year as long as the Fund continued its activities. Canada, Australia and Czechoslovakia had sent in further contributions, and so had many other countries. It should always be borne in mind that for every dollar contributed by other countries, the United States was contributing about two and a half dollars. A sum of 75 million dollars had been appropriated by the Congress of the United States for matching the contributions of other countries. That sum had been almost exhausted. Yet it should be remembered that the Congress had originally authorized a sum of 100 million dollars, until 30 June 1950, so that a further 25 million dollars might still become available. He also wished to point out that the Fund was spending very little on adminisration in its South American programmes, by making use of other staff, belonging to WHO, for instance. By so doing it also contributed to the cause of co-ordination of activities between various agencies.

64. The Fund had been expanding the field of its activities more and more, as shown by its undertakings in Asia and South America; it hoped to do much more in the future in that direction.

65. Having briefly summarized and outlined the main points of the joint draft resolution submitted by Australia, France, Israel, New Zealand and Mexico, he said that the existence of a separate United States draft resolution had come as a great surprise to him. Indeed, it had always been an agreed tradition to exclude politics from matters relating to the Fund, and always to have only one proposal put forward. Many points puzzled him in the last paragraph of the United States draft resolution. The first was the reference to a fiscal year ending 30 June 1950. The Fund had no fiscal year, and the only fiscal year ending 30 June 1950 of which he knew was that of the United States. That seemed hardly relevant to the question under discussion. Furthermore, the paragraph referred to supplies, without mentioning experts, and also spoke of some unknown programme. As to the objectives for which the Fund had been established, they were outlined in General Assembly resolution 57 (I), the very resolution which had hampered the Fund in its endeavours to extend its activities throughout the world in a more balanced manner. With time, both the Economic and Social Council and the General Assembly had succeeded in shifting the original emphasis from UNRRA countries to Latin-American and Asian countries, and he wondered, therefore, whether it was wise to lay such stress on the objectives for which the Fund had been established.

66. He could not understand why the Fund should come to an end on 30 June 1950. The studies mentioned in the Economic and Social Council resolution would be referred to the Executive Board the following year, and the Executive Board would probably submit appropriate recommendations to the Economic and Social Council. Eventually, the matter would reach the General Assembly at its session in September 1950. Until then, it was impossible to take any action. Furthermore, what would be the purpose of studying the continuing needs of children if UNICEF were to cease operations on 30 June 1950? Such a time-limit would also prove a great handicap to the success of any appeal for further funds.

67. In conclusion he wished to quote a few words from the leading article of that day's issue of the *New York Herald Tribune*. The article was entitled "Consider these children" and reported President Truman as saying that those words conveyed a message which he would like to send across the land. The final words of that article were that UNICEF was one of the finest and most practical of the United Nations activities. That was a statement with which he was sure all would agree.

68. Mrs. ROOSEVELT (United States of America) said that the only reason why the United States delegation had included any reference to "the fiscal year ending 30 June 1950" in its draft resolution was that those very words were mentioned in the resolution of the Economic and Social Council itself.

69. The CHAIRMAN suggested that the United States delegation and the sponsors of the joint draft resolution should endeavour to agree on a combined text and submit it to the Committee.

The meeting rose at 6.10 p.m.

TWO HUNDRED AND SIXTY-SEVENTH MEETING

Held at Lake Success, New York, on Monday, 21 November 1949, at 3 p.m.

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

United Nations International Children's Emergency Fund: (*a*) report of the United Nations International Children's Emergency Fund—(*b*) United Nations Appeal for Children (A/1006 and E/1406) *concluded*

1. Mr. OTAÑO VILANOVA (Argentina) associated himself with the tributes paid to UNICEF's humanitarian work.

2. The problems of children's misfortunes should normally be solved at the national level. That was the principle operative in Argentina, where a series of social laws for the protection of children had been passed. Aid to children had been given a strong impetus by Mrs. Perón's initiative.

3. Argentina was also aware of the distress in other countries and had joined in UNICEF's efforts. The Eva Duarte de Perón Foundation had established a number of fellowships in connexion with UNICEF's technical training programmes and the Government of the Argentine Republic further proposed to make such gifts in kind such as clothes and shoes.

4. The Argentine delegation was pleased to note that international solidarity had made great progress in the field of aid to children. It seemed that the nations were more and more conscious of the truth of the maxim that the best way of enriching oneself was to help others. It was important that that principle should be applied universally, regardless of national frontiers and of distinctions based on the causes of the suffering inflicted on the children.

5. It was in that spirit that the Argentine delegation joined with the Brazilian delegation in submitting certain proposals to the Commission (A/C.3/L.38) with a view to combining the draft resolution of the United States (A/C.3/L.34) with the joint draft resolution of Australia, France, Israel, Mexico and New Zealand (A/C.3/L.35) and to introducing certain new elements.

6. The delegations of Argentina and Brazil were prepared to accept any new suggestions which might be useful in the preparation of one single text which might win unanimous approval.

7. Mr. Otaño Vilanova understood the difficulties which had caused the representative of the United Kingdom to state that his Government was unable to make any further material contribution to the Fund, but he hoped that that great country would soon recover and would participate once again in the great humanitarian work of the Fund.

8. For its part, Argentina would not hesitate to make its contribution to the Fund in various forms.

9. Mr. FREYRE (Brazil) thought that the United States draft resolution and the joint draft resolution submitted by Australia, France, Israel, Mexico and New Zealand, were mutually complementary and should be combined into one text. The first two paragraphs of the United States draft seemed to be meeting with general approval, but that was not the case with the third paragraph, which might usefully be replaced by paragraphs 3 and 4 of the joint draft resolution, provided certain changes were made.

10. In introducing the amendment which his delegation was submitting jointly with the Argentine (A/C.3/L.38), Mr. Freyre said that, first, the order in which the countries affected by the Fund's operation were enumerated should be rearranged. The order in which they were shown in the joint draft resolution might give the impression that the Fund's aid had been equitably allocated among the different parts of the world. Its principal effort had in fact been concentrated in Europe, while other continents had only derived belated and restricted benefit.

11. The proposed amendment to paragraph 4 of the joint draft resolution was based on the view that the majority of the needs which had to be met at that time were not the direct result of the Second World War, but of events which had occurred at a later date.

12. Finally, the new paragraph proposed by the delegations of Brazil and the Argentine was designed to remove the misunderstandings which appeared to exist in regard to the terms of reference of UNICEF.

13. Some were in favour of strict compliance with the terms of General Assembly resolution 57 (I) and therefore of continuing indefinitely to give priority to countries which had been victims of aggression and countries which had received assistance from UNRRA. The term "priority" in fact appeared to have become a synonym for "exclusively". It had, however, become obvious that the countries of Europe had reached or even surpassed their pre-war standards and European children were better fed and less exposed to disease than the children of many countries in Asia, the Middle East, Africa and Latin America.

14. The sufferings endured by children were no longer the result of devastation wrought by the Second World War. In Greece, they were caused by the civil war; in the Middle East, India and Pakistan, by the upheavals resulting from the creation of new political frontiers. In other countries, they were the direct consequence of underdevelopment. In short, the prevailing circumstances were very different from those which had warranted the adoption of resolution 57 (I).

15. The representative of Brazil recalled the specific considerations on which that resolution had been based. In the first place, it had been assumed that the bulk of the resources of the Fund would consist of UNRRA assets. In the second place, it had been considered that the countries victims of aggression were precisely those where the child morbidity and mortality rates were highest. Neither of those assumptions still held true. The provisions of resolution 57 (I) granting priority to children in countries victims of aggression and recipients of UNRRA aid were no longer justified. On the contrary, it was the principle of

universality, expressed in sub-paragraph (*c*) of paragraph 1 of the resolution, which should be paramount.

16. The reason why no one had as yet formally proposed a modification of the terms of reference of UNICEF was the provisional character of the Fund. The Executive Board had not, however, overlooked the changes which had occurred since 1946. Taking into account the substantial credits allocated to the European countries, it had decided in June 1948 to grant priority to the areas outside Europe when the allocation of the credits available for 1949 was made. In May 1949, the Programme Committee had made a similar recommendation concerning the draft budget for the fiscal year 1949-1950.

17. Unfortunately, those recommendations did not seem to be translated into action. The credits designed for aid in Europe were still much greater than those for other parts of the world.

18. For that reason the Brazilian delegation hoped that the final text of the resolution would mark a change in the terms of reference of UNICEF and make its activity truly universal.

19. Brazil, moreover, reserved the right to express its opinion on the future of UNICEF, when the Economic and Social Council, at its tenth session, would examine the advisability of prolonging its existence.

20. Whatever formula the Council reached, Brazil's attitude would be that aid to children should correspond to known needs and not to a rigid formula such as that in resolution 57 (I).

21. His delegation hoped that the authors of the two draft resolutions would accept the amendments it had just presented jointly with the Argentine delegation and that the Committee would give them a favourable reception.

22. Mrs. KRIPALANI (India) also wished to associate herself with the tribute paid to UNICEF for the remarkable results it had obtained.

23. After briefly considering resolution 57 (I) of the General Assembly, she mentioned the Economic and Social Council's resolution 44 (IV) of 29 March 1947. Neither of those texts provided for the complete cessation of UNICEF's activities. On the contrary, paragraph 1 (*c*) of General Assembly resolution 57 (I) alluded to the well-being of childhood generally, which seemed to show that, already in 1946, the idea existed that the Fund should be of a permanent nature.

24. The United States draft resolution seemed implicitly to provide that the Fund's operations should end by 30 June 1950. Her delegation viewed such a possibility with some anxiety, since UNICEF had developed its work in Asia at quite a recent date. It was an unenviable position for the representatives of a recipient country to have to recommend the extension of the terms of reference of that body. To that was added the regret which her delegation felt that its Government should not be able to make a more substantial contribution to the Fund. Apart from the 80 million rupees which India had given to UNRRA, that country had allocated the sum of 100,000 rupees to UNICEF in 1948 and the same amount in 1949. India's financial effort had not been greater, because its Government had, in that field, to face the enormous task of supporting several million refugees.

25. From table I in the *Recommendations by Executive Director for Revised Budget of Operations for 1949 and for New Allocations*[1] it appeared that during 1948, out of a total of 46 million dollars, the Executive Board of UNICEF had allocated credits of 36,800,000 dollars to European countries. Only one Asian country, China, had received UNICEF help, to the extent of 447,000 dollars.

26. The allociations provided for 1949 were 43 million dollars for Europe and 20,500,000 dollars for Asia, out of a total of 98,500,000 dollars. Out of the 13,980,000 dollars available for the period from 1 January to 30 June 1950, Europe's share was 6,500,000 and Asia's 4 million, as appeared from paragraph 69 of the UNICEF report (E/1406). On page 14 of the same document it was stated that out of a target budget of 42 million dollars Asia should receive assistance amounting to 15 million dollars.

27. Her delegation hoped that Asia would receive a larger share of the assistance given by UNICEF. Even those Asian countries which had not been devastated during the war had suffered from the economic repercussions of that calamity.

28. Mrs. Kripalani gave an account of a visit she had paid in the Punjab to a huge camp sheltering 300,000 refugees. The children in the camp were suffering from all sorts of diseases and their parents had begged that they should be given more medicine to alleviate those sufferings. The doctor in charge of the camp hospital had then explained that there was not a shortage of medicines but that it was impossible to stamp out the diseases which attacked the frail bodies of the under-nourished children. What they needed was milk and food rich in vitamins as well as a change of clothing which would reduce the chances of infection. The Indian Government provided all the sustenance it could to those 300,000 refugees. But its resources were sorely tested. Since it was unable to give each one more than a minimum quantity of provisions, it was inevitable that the children should suffer most, since their constitution was less robust.

29. The countries of Asia were striving with all their might to combat the ravages of undernourishment. The aid of UNICEF would be of inestimable value to them. For that reason her delegation hoped that that body might continue to develop its work after June 1950, and give attention to the needs of children in under-developed countries.

30. Mr. KATZNELSON (Israel) recalled that the international scope of problems relating to child welfare had already been recognized twenty-five years previously in the Geneva Declaration of the Rights of the Child in 1924. Many international organizations, official or non-official, had dedicated their whole energy to the work of child assistance. UNICEF had been created to mobilize all those energies, to co-ordinate domestic activities in each country, and to add to the national resources which were available.

31. He associated himself with the delegations which had praised UNICEF for the success of its

[1] Document E/ICEF/100.

efforts. He could not support the criticisms made by the United Kingdom representative of the Fund's activity in the Middle East. Having had an opportunity of observing that activity closely, he recalled that UNICEF had been the first organization to act on the spot by making an initial allocation of 6 million dollars to aid Palestinian refugees. Meanwhile, the action undertaken in Europe had not been abandoned, in view of the great needs of that continent which had been the main theatre of the war, while preparations for the programmes for Asia and Latin America had already been begun.

32. With reference to Asia, he pointed out that some of the States of that continent had barely begun to emerge, which partly explained the difficulties encountered by the authors of the UNICEF programmes. Moreover, the needs of those countries were enormous; statistics showed that in the countries in question 500 children out of every 1,000 born died before reaching the age of 5, and 200 out of every 1,000 before reaching the age of 1 year. The average expectation of life was 25 years, whereas in Europe it was 65 years. Those figures signified a great tragedy. It was surprising to hear some delegations express sympathy for such distress and at the same time visualize the ending of UNICEF's activities.

33. The task of the Fund was certainly very difficult. But the task of preserving the peace was no less so. Neither one nor the other could discourage the United Nations for it was to safeguard peace and to endeavour to ensure the welfare of humanity that the United Nations had been established.

34. Those considerations must dictate the reply to the question whether UNICEF's activity should continue. The reply could only be in the affirmative.

35. A second question was whether the financial resources on which the Fund could count were sufficient to enable it to carry out its task. The work so far accomplished proved that Governments as well as individuals had supported the Fund's cause. The latter had been in a position to spend from 4 to 50 million dollars annually. It was perhaps too soon to draw final conclusions. The least that could be said was that there was no reason for despair.

36. All delegations were unanimous in paying a tribute to the United States Government for its generous contribution to the Fund. But it should not be forgotten, on the other hand, that the Governments of recipient countries had in their turn given to each assistance programme a much larger contribution than that of UNICEF. That consideration militated in favour of an extension of the terms of reference of that body, which was capable of mobilizing so much good will.

37. His delegation considered itself honoured to be among the sponsors of the joint draft resolution with Australia, France, Mexico and New Zealand.

38. Mrs. KALINOWSKA (Poland) recalled that UNICEF had been established in the first place to meet the needs caused by the war at a time when the terms of reference of UNRRA were drawing to a premature end.

39. Her delegation did not, however, underestimate the needs of children in other parts of the world.

40. Poland had benefited largely from UNICEF's help. But it did not feel that it had been unduly favoured, for it had also borne to a greater extent than many other countries the sufferings caused by the war. After the end of hostilities, Poland had exerted itself to the utmost to help its children. Often those efforts had been hindered by the lack of certain indispensable products, in particular penicillin, which it could not produce because the discriminatory practices of certain countries prevented it from receiving the necessary materials from abroad.

41. Poland expressed its gratitude to the Fund for the aid it had given it. That aid had enormous value as a symbol of international solidarity. Nevertheless her delegation could not share the opinion of the United Kingdom representative who had said that the Fund's action was not tainted by any political bias. Albania and Hungary had been the victims of notoriously discriminatory treatment. For that reason the Polish delegation made certain reservations on paragraph 3 of the joint draft resolution.

42. After recalling that her Government had been able to give UNICEF a contribution twice as large as that of the United Kingdom, Mrs. Kalinowska concluded by saying that her delegation would vote for an extension of the terms of reference of the Fund.

43. Mr. TSAO (China) noted with satisfaction that most delegations were in agreement on the following three points:

44. First they recognized that UNICEF had done valuable work in bringing relief to needy children all over the world. The administrative expenses of the Fund had never exceeded 4 per cent of the sums spent, which proved that the Executive Board had acted very prudently. Furthermore, the Fund's work in Ecuador was an example of the organization's great efficiency.

45. Secondly, in regard to the future activities of UNICEF, the majority of the Committee seemed to think that henceforward the Fund should make larger allocations to countries outside Europe. That principle had moreover been specifically recognized by the Executive Board of UNICEF and by the Economic and Social Council. The question, therefore, was to determine how it could be applied.

46. Thirdly, the whole world seemed to agree that in setting aside credits for relief, UNICEF should give priority to countries where an emergency existed. Long-term projects and durable equipment were undoubtedly very important but the basic principle should not be "all or nothing". Even if it were impossible to give all, an attempt should at least be made to give everything possible to countries where the need was particularly pressing.

47. Mr. Tsao then turned to the problem of Asia and the Far East. Certain speakers had referred to the discouraging conditions in South-East Asia as well as in China and had wondered whether it was wise to allocate credits to those regions.

48. There might be a lack of trained personnel in those regions and they might not have enough resources to match the Fund's supplies; conditions in those regions might be somewhat unsettled and subject to political or military disturances. It was nevertheless true that the children

needed assistance. UNICEF had been established precisely to meet that need; the difficulties to which reference had been made were not in any way insurmountable. China, for example, had been one of the victims of the last war and the situation had deteriorated even further as a result of the political and military events which were taking place. Notwithstanding that fact, the Fund had, during the last two years, assisted not only the areas under Government control but also the zones occupied by the communists. Even while military activities were in progress the Government had helped the Fund's representatives to enter communist areas. That showed that the Chinese Government had never lost sight of the sufferings endured by children in the communist areas and that the Fund was quite capable of carrying out its work under the most difficult circumstances. If that was true in China, it should also be true of all other countries in Asia.

49. The Chinese delegation therefore thought that understanding and sympathy on the part of Member States and adaptability and efficiency on the part of the Executive Board of UNICEF were the most esential requirements for the success of their common cause—assistance to children.

50. Mrs. WILSON (Canada) was happy to note that during the past year UNICEF had extended its sphere of action and that it was attaching ever-increasing importance to long-term programmes such as the milk conservation project, BCG vaccination, the campaign against venereal disease and the training programme. Those activities would prove of lasting benefit to the recipient countries which had shown a desire to help themselves in collaboration with the Fund.

51. Mrs. Wilson also wished to congratulate the Executive Board on the efficient way in which it had managed UNICEF's financial affairs. Its farsighted and efficient policy had been one of the factors which had decided the Canadian Government, the previous month, to make a further contribution to the Fund by placing at its disposal considerable quantities of powdered milk.

52. Mrs. Wilson then turned to the future of UNICEF and stated that no important change in the operation of the Fund was necessary at that time. She therefore felt that it was inadvisable to encourage the extension of the Fund's activities by mentioning one group of countries specifically. If under-developed areas were mentioned, it would certainly be impossible to leave out other countries in the world where the need for assistance was as great. It was particularly inadvisable to make a recommendation of that nature to the General Assembly in view of the fact that contributions from Governments might be considerably reduced in the future.

53. She thought it premature, moreover, to consider an extension of the Fund's activities in the manner suggested by the representative of Uruguay (A/C.3/L.37). Before adopting the proposal that the United Nations should assume the responsibility for looking after destitute children in every part of the world, Governments would certainly wish to study it very carefully. The vast sums of money which had so far been spent on what had been considered as an emergency operation would give Governments some indication of the cost of the much more ambitious plan, proposed by the representative of Uruguay, to improve child welfare and nutrition throughout the world.

54. At its ninth session the Economic and Social Council had set up a working group composed of members of the Secretariat and representatives of the specialized agencies to study the continuing needs of children. That study would enable the United Nations to obtain some idea of the work which it would have to accomplish after UNICEF ceased to exist. After being reviewed by the Social Commission, in December, that study would be submitted to the Economic and Social Council the following February. In view of that fact, Mrs. Wilson thought that the Assembly should defer any decision as to the future of UNICEF until the Governments concerned and the appropriate bodies had studied that Committee's report.

55. Mr. JOCKEL (Australia) presented to the Committee a resolution (A/C.3/L.39) which he had drafted, taking into account the amendments which had been submitted to the joint draft resolution of Australia, France, Israel, Mexico and New Zealand (A/C.3/L.35). In view of the fact that he had not been able to consult the other authors of the joint draft resolution, he was submitting the new text, which embodied some important changes, in the name of his own delegation.

56. He had given a more general form to paragraph 2 (formerly paragraph 5) as it had seemed to imply a decision on the structure of the United Nations bodies concerned with assistance. The joint draft resolution was not intended, *ipso facto,* to make the Fund a permanent body. Such a decision was not necessary at that stage and, like any proposal to alter or modify the Fund, required careful study.

57. Furthermore it had seemed advisable to incorporate in paragraphs 4 and 5 of his draft the majority of the suggestions made by the representatives of Argentina and Brazil (A/C.3/L.38). While able, personally, to accept their fourth amendment approving the decisions of the Executive Board of the Fund to devote in the future a greater share of the Fund's resources to the development of programmes outside Europe, he felt that that proposal should be voted on separately.

58. Finally, the last two paragraphs of his new text reproduced word for word the relevant paragraphs of the original draft resolution.

59. Turning to the amendment submitted by the Mexican delegation (A/C.3/L.36), he said that he was prepared to incorporate it in his text, provided that the Mexican representative was willing to alter it to read as follows:

"*Appeals* to the various official and private international organizations interested in child welfare to collaborate with UNICEF in every possible way".

60. The draft resolution submitted by the representative of Uruguay (A/C.3/L.37) was a basic resolution; he had not been able to incorporate it in his own text. He fully appreciated the value of that draft resolution, but thought that it could not be adopted without exhaustive study. He therefore proposed that it should be transmitted to the Working Group on the Continuing Needs of Children.

61. Mrs. BASTID (France) expressed her appreciation of the methods employed by UNICEF in carrying out its work.

62. The Fund had shown considerable flexibility, and its Executive Board had realized that the problems facing it had not been the same in all countries and that its activities must therefore be adapted to circumstances. That flexibility had been accompanied everywhere by a high degree of efficiency.

63. With regard to relations with the recipient Governments, UNICEF had shown wisdom in not wishing to substitute a programme drawn up *a priori* for the plans which those Governments had prepared themselves. It had consulted each of the Governments concerned, and had adapted its activities to their national plans. Such consultations had, naturally, required a certain amount of time, but their result had been excellent. The activities of UNICEF had therefore been adapted to immediate needs, as well as to the conditions prevailing in each country, and it had thus had very great educational value.

64. The Fund had also been able to establish very valuable relations with Governments which had wished to assist the children of the countries which had needed such aid, as was shown by the BCG vaccination campaign which had been undertaken in collaboration with the Scandinavian countries, and the establishment of an international research and training Centre for child welfare in Paris. In that connexion, she wished to thank the countries which had helped to bring about the success of that very important activity.

65. Finally, UNICEF had succeeded in establishing very effective collaboration with the specialized agencies—a difficult task in view of the complexity of the problems before it and the difference in the structure of the various organizations concerned.

66. Mrs. Bastid then turned to the two essential problems which the Commitee was called upon to settle—its attitude towards UNICEF and the question of contributions.

67. Various criticisms had been levelled at the Fund, particularly that it had neglected Asia and Latin America. It was to be hoped, of course, that UNICEF would direct its activities increasingly towards those regions. It must not be forgotten, however, that the Fund had been in existence only for three years, and that in 1946 everyone had agreed that priority should be given to the war-devastated countries. It should not be forgotten either that the States in Europe which were receiving assistance from UNICEF had been among the first to examine the problem of children and they had therefore been in a position to submit programmes previously drawn up.

68. Nevertheless, it was certain that the authors of the resolution adopted in 1946 had not viewed the situation in any narrow way, and that they had investigated the problem of the protection of children in all its aspects. Thus, UNICEF was fully competent to extend its activities outside Europe.

69. It had been argued that the situation in Europe had almost returned to normal. It was true that conditions had greatly improved and that UNICEF had considerably assisted in that improvement. Nevertheless, the hardships which the European people had suffered during the war were continuing to produce disastrous results and the children born in 1944, for example, had serious constitutional defects which must be remedied.

70. The problem of child health was far from having been solved in Europe and the activity of UNICEF was still justified. That did not mean, however, that the Fund should refrain from extending its activities to other parts of the world. Such extended action would have to take into account the results of the study currently being made on the continuing needs of children.

71. On no account should the work which had already been done and which had given such good results be relinquished immediately. It would therefore be wrong to terminate UNICEF, as the representative of the United Kingdom appeared to have proposed. A final distribution of UNICEF's funds would in no way provide a satisfactory solution to the problem. Indeed, UNICEF did not distribute money; it gave its services to the countries which needed them and those services should continue.

72. With regard to the question of contributions, she thought that UNICEF was in a special position because it owed its existence to voluntary contributions alone. The representative of the United Kingdom had stated that her country could no longer contribute to the Fund. Mrs. Bastid was well aware that the difficulties which the United Kingdom was undergoing currently were the result of the part which that country had played during the war, and she fully appreciated it. She was convinced, moreover, that as soon as circumstances permitted, the United Kingdom would again do what it could to assist in the protection of children. Meanwhile, many other Governments could make their contribution to UNICEF and they must be encouraged to do so. The General Assembly, therefore, should draw the attention of Member States to the fact that it was essential that the activities of UNICEF should continue.

73. Mrs. Bastid finally turned to the draft resolutions before the Committee. She thought that the Uruguayan proposal (A/C.3/L.37) provided clear guidance on the direction which the work should take in the future. Nevertheless, that proposal contained a number of entirely new ideas, and the Governments should be enabled to study them thoroughly. She hoped, therefore, that it could be taken into account at a later stage.

74. With regard to the United States resolution (A/C.3/L.34), the French representative acknowledged that it offered a means of settling the urgent problem of finance. Nevertheless, the last paragraph, which set the date 30 June 1950 for the termination of UNICEF's activities, appeared unduly restrictive, as it was obvious that the Fund would not have fulfilled its purpose by that time.

75. She was therefore prepared to accept the Australian draft resolution (A/C.3/L.39), which she considered entirely satisfactory. She would, however, like to see the word *structure* substituted for the word *constitution* in the French translation of paragraph 2, which would make it closer to the meaning of the English text. Furthermore, she suggested that the expression "other calamities" should be substituted for the words "natural catastrophes", giving a broader meaning.

76. If that draft resolution were adopted, each member of the Committee should explain to his Government the urgent necessity of guaranteeing UNICEF's finances.

77. In conclusion, she thought that the Mexican document (A/C.3/L.36) deserved the Committee's attention and that the proposed appeal to international organizations was of considerable importance. She must point out in that connexion that if the Committee at its current session took a decision likely to endanger the existence of UNICEF, she would have considerable difficulty in explaining that decision to the international groups with which she was personally in contact.

78. Mrs. ROOSEVELT (United States of America) said that, in view of the spirit of conciliation and goodwill shown by the Australian delegation, she would withdraw her proposal (A/C.3/L.34) in favour of the new draft resolution which had just been submitted (A/C.3/L.39).

79. She wished to emphasize, however, that she considered paragraph 5 of the new draft resolution simply as a statement of the current situation in the world. It would, of course, still be understood that the Programme Committee of UNICEF would continue to follow its terms of reference in all circumstances.

80. In conclusion, she stated that she would vote in favour of the Mexican amendment (A/C.3/L.36), if it were redrafted as suggested by the representative of Australia.

81. Mrs. DE CASTILLO LEDÓN (Mexico) accepted the new drafting suggested by the Australian representative, which fully covered the spirit of her amendment.

82. Mr. OTAÑO VILANOVA (Argentina), speaking also on behalf of the representative of Brazil, said that, in order to facilitate the Committee's work and to make a unanimous decision possible, the Argentine and Brazilian delegations would withdraw the first, second, third and fifth amendments (A/C.3/L.38) which they had submitted to the joint draft resolution (A/C.3/L.35) since the new Australian text amply covered those amendments.

83. They would, however, be obliged to insist on a vote on the fourth amendment because it dealt with a question of principle concerning the future activity of the Fund, a point which was of the utmost importance to the peoples of Asia, Latin America, Africa and the Middle East.

84. Mr. AQUINO (Philippines) did not think that the representative of Israel had been justified in stating that Europe had been the chief theatre of activity during the Second World War. He pointed out that the war had been waged with equal violence in Asia, where China had stood against fascism even before any attacks had been made in Europe, and where the Philippines had borne their share of sufferings and destruction. If assistance was to be granted in proportion to the evils suffered as a result of the war, no one could question the undoubted right of the peoples of Asia to receive international aid.

85. Mr. SALAZAR (Peru) was gratified that the discussion on the protection of suffering children had kept a high moral tone and that the delegations which had spoken in the name of the Latin American countries had done so in the spirit of human solidarity which had been the inspiration of the noble draft resolution submitted by Uruguay (A/C.3/L.37).

86. There was one point, however, which had not been stressed sufficiently. Although the Second World War had been waged chiefly in Europe, Asia and certain parts of Africa, and although the populations of those countries had borne the direct brunt of the hostilities, it was none the less true that the indirect effects of warfare were equally devastating. Thus, the countries of Latin America had had to suffer the disastrous consequences of the collapse of their economic systems as a result of the Second World War. Certain activities had been completely paralysed, the cost of living had risen by 400 per cent in certain countries, with the consequent impoverishment of the working classes; naturally the ones affected first and most seriously were the children. That factor should not be forgotten and the under-developed countries of Latin America were entitled to invoke it when aid for war-devastated countries was being discussed.

87. His delegation would vote in favour of the new draft resolution submitted by Australia and would also support the amendment submitted by Argentina and Brazil.

88. Mr. CONTOUMAS (Greece) said that, although there seemed to be general agreement that the conditions in the European countries devastated by fascist aggression had improved considerably and that those countries could no longer be given priority in the programme of assistance to children, as had been required by General Assembly resolution 57 (I), it had, at the same time, been recognized that there were certain exceptions to that general rule. Greece had been mentioned among those exceptions because of the political upheavals it was undergoing.

89. There seemed, however, to be an omission on that point in paragraph 5 of the Australian draft resolution (A/C.3/L.39). The only causes of emergency needs for children it mentioned were war—and that inferred the Second World War—and natural catastrophes, which meant disasters caused by the elements. If that text were followed strictly, the exceptional cases that had been mentioned—and therefore Greece—would be excluded from the Fund's assistance. He feared that the text might well be interpreted in that way, especially if the Committee were to adopt the Argentine and Brazilian amendment, which was aimed at directing the Fund's activities towards countries outside Europe.

90. He did not believe that such an interpretation really corresponded to the wishes of the Committee. That was why he had decided to take up the suggestion made by the representative of France and to propose that the Australian representative should replace the word "natural catastrophes", in paragraph 5 of his draft resolution, by the words "other calamities". If the Australian delegation accepted that amendment, it would be understood that the words "other calamities" covered not only natural catastrophes but also all the other disasters which might befall a country, such as political disorder, civil war, and any other form of armed conflict subsequent to the Second World War.

91. The CHAIRMAN asked the representatives of Israel and New Zealand whether, as joint

authors of the draft resolution (A/C.3/L.35), they would accept the new draft submitted by the representative of Australia, which was already assured of the support of the representatives of France and Mexico.

92. Mr. KATZNELSON (Israel) said that his delegation would willingly accept the draft, which retained all the main elements of the original resolution. There was, however, one comment which it would like to make, in the hope that the representative of Australia would take note of it and amend his text accordingly. Paragraph 4 of the Australian draft resolution congratulated the Fund on the task which it had accomplished in Europe and noted that it was extending its work to Asia, the Middle East, Latin America and Africa; it would, however, be doing the Fund a grave injustice to seem unaware of all it had accomplished in the past year on behalf of Palestine refugees, to whom it had to date allocated 10 million dollars.

93. Mr. Katznelson further noted with lively satisfaction that the Australian draft resolution had the assured support of the United States delegation. Personally, he would like to see it incorporate the Mexican amendment.

94. The representative of Israel wished, before concluding, to reply briefly to the Philippine representative and to assure him that it had never been his intention to minimize the part played in the war by Asiatic countries, nor the devastation which they had suffered. When UNICEF had been asked to come to the aid of the victims of war in Europe, it had been able to do so immediately. That had not been the case in some other regions, particularly Asia, where the official ending of the war had not always coincided with the end of hostilities and where it had been necessary to decide what forms action should take before a beginning could be made. Mr. Katznelson thought that the Fund could not be blamed for not hesitating to give aid wherever it could be most immediately useful; for that reason he refused to associate himself with the accusations of political discrimination unjustly brought against it.

95. Mr. JOCKEL (Australia) accepted the suggestions made by the representative of Greece and Israel.

96. Mr. SUTCH (New Zealand) pointed out that the representative of Australia had proposed a substitution for paragraph 5 of the joint draft resolution (A/C.3/L.35), which referred to "the important role played by the Fund in the structure of the United Nations welfare bodies". The Australian representative's wording of paragraph 2 of the new text (A/C.3/L.39), spoke more vaguely of "the important role which the Fund has been playing in the structure of the United Nations". That alteration seemed to Mr. Sutch regrettable, since the essential function of the Fund was precisely that of supplementing national programmes of assistance and co-ordinating the activities of specialized agencies in the sphere of child welfare. It was that aspect of its work which had been the token of its success and it was important to take note of it.

97. However, the delegation of New Zealand understood the Australian delegation's reasons for drafting a compromise text and would vote for it in the same spirit of conciliation. It hoped that the new resolution, of which the United States had already expressed its support, would be unanimously adopted, since aid to children in distress was a sacred duty which overrode all political controversy.

98. At the request of Mrs. ROOSEVELT (United States of America), who thought the wording more correct from the point of view of procedure, Mr. OTAÑO VILANOVA (Argentina) and Mr. FREYRE (Brazil) agreed to change "Approves in paragraph 4 to "Notes with approval".

99. Mr. RODRÍGUEZ FABREGAT (Uruguay) was glad to note that the Australian resolution, which seemed to have the support of the majority of the Committee, was on sound lines since it aimed at the continuance of UNICEF and the extension of its activities not only to the children of countries which had suffered directly from the war, but to all the children in the world who needed help. As the representatives of France had rightly pointed out, the urgent needs created by the war still existed and temporary aid, however precious, could not suffice to obliterate the sometimes indelible traces which the world catastrophe had left on a whole generation of children. Moreover, as the earthquake which had devastated an entire region of Ecuador had shown, natural catastrophes might have consequences as fearful as those of war itself and it was natural that, when one of its members was stricken, the international community should give concrete proof of its solidarity.

100. Thus, in substance, the Australian draft resolution came close to that submitted to the Committee by the delegation of Uruguay itself (A/C.3/L.37). There was, however, an essential difference between the two texts. The Uruguayan draft really aimed at obtaining from the General Assembly a general statement of principle solemnly reaffirming the universal duty incumbent on States to share in the protection of children. By the terms of that draft, the Assembly considered it a fundamental duty under the Charter to devote special attention to the position of destitute children in every part of the world, and to that end decided to keep UNICEF in operation and recommended that each Member State should make a special appropriation for the relief of destitute children through the Fund.

101. In keeping with that principle, the Uruguayan draft envisaged specific measures for facilitating the payment of contributions, which had become obligatory. Like the Mexican amendment, it also expressly demanded the co-operation of existing regional agencies specializing in child welfare services. In that connexion Mr. Rodríguez Fabregat stated that he had in mind such organizations as the American International Institute for the Protection of Childhood, at Montevideo, the activities of which had been praised by the representatives of Bolivia.

102. Mr. Rodríguez Fabregat feared that the Australian draft resolution did not lay sufficient stress on the fact that assistance to children should be a universal obligation. The General Assembly of the United Nations should reiterate its appeal to all Governments to take part without exception in the work of UNICEF. The desirability of such action had been understood by the many speakers who had paid a tribute to the Uruguayan draft resolution and Mr. Rodrí-

guez Fabregat was most grateful to them. They had, however, stated that the draft was deserving of close study and that, before it was adopted, the Governments and organizations concerned should be consulted. The delegation of Uruguay would not raise any objection to that procedure if it were given an assurance that its proposal, to which it attached great moral significance, would be duly submitted to the Assembly.

103. The CHAIRMAN stated that, if there were no objections, the Uruguayan delegation's draft resolution (A/C.3/L.37) would be submitted to the Working Group on the Continuing Needs of Children for study and report and that the decision would be duly recorded in the Committee's report.

It was so decided.

104. The CHAIRMAN put to the vote the modified joint Argentine-Brazilian amendment (A/C. 3/L.38), which read as follows:

5. *Notes with approval* the decisions of the Executive Board of the Fund to devote henceforth a greater share of the Fund's resources to the development of programmes outside Europe".

105. That text, if adopted, would be inserted after paragraph 4 of the Australian draft resolution.

The amendment was adopted by 38 votes to none, with 5 abstentions.

106. Mr. ZONOV (Union of Soviet Socialist Republics) said that he would abstain from voting on the Australian draft resolution (A/C.3/L.39), which provided for the continuance of UNICEF, by reason of the discriminatory policy adopted by that body, in flagrant violation of the principle of non-discrimination proclaimed by the Charter, against two beneficiary countries, Hungary and Albania.

107. The CHAIRMAN recalled the fact that the representative of Australia had agreed to embody in the text of his resolution the Mexican amendment (A/C.3/L.36), in the revised form (paragraph 59) approved by the representative of Mexico. The passage should therefore be inserted between paragraphs 3 and 4 of the Australian draft resolution.

108. He put the Australian draft resolution (A/C.3/L.39) to the vote in its amended form.

The draft resolution, as amended, was adopted by 40 votes to none, with 3 abstentions.

The meeting rose at 6.15 p.m.

TWO HUNDRED AND SIXTY-EIGHTH MEETING

Held at Lake Success, New York, on Monday, 28 November 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: memorandum from the Sixth Committee (A/C.3/530, A/C.3/526 and A/C.6/L.102)[1]

1. The CHAIRMAN requested the Committee to examine a memorandum from the Chairman of the Sixth Committee to the Third Committee on questions referred to the Sixth Committee in connexion with the draft convention for the suppression of the traffic in persons and of the exploitation of the prostituion of others (A/C.6/L.102). In so far as the Sixth Committee's opinions referred to purely legal matters, the Third Commitee would do well to be guided by them. The Commitee would take as its working paper a note by the Secretary-General listing the conclusions of the Sixth Committee (A/C.3/530).

ARTICLE 1 (*continued*)

2. Mr. PETREN (Sweden) observed that the Sixth Committee had correctly pointed out in section IV of its memorandum that a number of States would be unable to sign the convention because of the omission of the stipulation that incitement to prostitution should be punishable only if committed for purposes of gain. That stipulation had appeared in the original draft transmitted by the Economic and Social Council in the annex to its resolution 243 B (IX).

3. Mr. BOKHARI (Pakistan) said that that observation by the Sixth Committee raised the important question how far the Third Committee should consider itself bound by the Sixth Committee's opinions. The statement mentioned by the Swedish representative was not, in his opinion, a statement on a point of law but merely a piece of information of which the Third Committee was already perfectly well aware. The statement was, therefore, both superfluous and tendentious.

4. A convention could be drafted in accordance with one of three principles. Either it must be a lowest common denominator, containing only provisions which were already embodied in the domestic legislation of all the signatory States; or it could be a standard to aim at; or, finally, it could be a compromise between those two principles. The Third Committee was fully aware of its responsibility in that connexion. Before it discussed the specific point raised by the Swedish representative, the Committee should therefore discuss the basic question of principle raised by the Sixth Committee in connexion with the expression "subject to the requirements of domestic law", (A/C.6/L. 102, section II). The question at issue was whether the entire convention was to represent a lowest common denominator or a standard to aim at, regardless of whether the specific stipulation mentioned by the Swedish representative was or was not embodied in domestic law.

5. Mr. PETREN (Sweden) agreed with the representative of Pakistan that the implications of the phrase "subject to the requirements of domestic law" must be thoroughly discussed, because for

[1] See previous meetings on this question (237th-248th meetings).

a number of States its insertion might render their signing the convention possible.

6. Mr. AQUINO (Philippines) observed that his delegation had consistently held the view that the problem could be approached either from the purely moral point of view or from the legal. The most practical approach was, however, a balance between the two. As the text of article 1 stood, the controlling factor was the gratification of the passions of others. That probably represented the ideal reformist approach, but it was one which it would be difficult to reconcile with the definitions contained in the domestic law of a number of countries. The insertion of the expression "subject to the requirements of domestic law" might therefore give some States a pretext for refraining from applying the convention.

7. To provide that the offence must be committed for purposes of gain would be more nearly in conformity with domestic law and with the principle of national sovereignty. If the act of prostitution were merely defined as the very human act of indulging illicitly in the gratification of passion, nothing of importance would have been stated. If, however, the profit motive was regarded as the dominating factor, that should be expressly stated.

8. In Anglo-Saxon law the controlling factor was the profit motive, which distinguished prostitution from mere sexual promiscuity for the gratification of passion. As it would eventually appear that the profit motive would be the actual basis of prosecution, it should be so stated in article 1.

9. His delegation was not flatly opposed to the idealistic moral approach, as the convention should be a standard at which to aim. It would, however, be wiser to strike a balance between such an approach and the more realistic consideration of existing legal machinery. It might, therefore, be advisable to reconsider article 1 in the light of the need for some reference to purposes of gain.

10. Mr. CONTOUMAS (Greece) pointed out that the decision on article 1 originally taken by the Third Committee (238th meeting) was not a settled one, because when that Committee had sent the draft convention to the Sixth Committee, it had not only requested an opinion on very specific points but had recognized its competence to make more general recommendations.

11. The CHAIRMAN observed that, while it was true that the Sixth Committee had been asked for general recommendations, those recommendations were to bear only on legal points, whereas the question at issue in connexion with article 1 was definitely a social one and had already been settled by the Third Committee.

12. Mr. PETREN (Sweden) commented that legal as well as social consideration were involved in the definition of the term "prostitution". The legal position was somewhat awkward. The title of the convention itself did not take into consideration the case of persons devoting themselves to prostitution of their own free will who might subsequently be exploited by others. Article 1, sub-paragraph 2, however, referred to accessories, whereas the same term "prostitution" ought to cover both categories. If that were made clear, all types of accessory would be faced with punishment, whereas prostitution in itself would not be regarded as an offence.

13. The CHAIRMAN, speaking as the representative of VENEZUELA, observed that there were cases in which prostitution had occurred, not for gain, but for the gratification of the passions of others.

14. Mr. AQUINO (Philippines) agreed that in some cases there might be no money profit, but in Anglo-Saxon law the stipulation was that the profit could be in money or kind. There were cases in contemporary society in which prostitution occurred in the course of power politics or as the result of action by pressure groups; the payment could be regarded as payment in kind.

15. M. JOCKEL (Australia) said that, as the draft convention had been referred to the Sixth Committee for general comment, there would be no need of a formal motion for the reconsideration of article 1; that could be done in the course of the discussion on the Sixth Committee's recommendations as a whole.

16. Mr. AQUINO (Philippines) acknowledged the merits of the Australian representative's contention, but reserved his delegation's right to give further consideration to its position.

17. Mr. SALAZAR (Peru) said, with regard to the Swedish representative's statements, that the convention was intended for the suppression of the prostitution of others, not for the punishment of prostituion. Any discussion of the latter idea would be irrelevant.

18. Mr. PETREN (Sweden) replied that there was no intention of punishing prostitution as such, but the text did not state that clearly enough.

19. Mr. JOCKEL (Australia) wondered why the Sixth Committee had considered the definition of the term "prostitution" desirable. No such definition had appeared in any previous convention.

20. The CHAIRMAN said that, in his personal opinion, the Sixth Committee might have believed in the desirability of the inclusion of the notion of gainful purposes.

21. He put to the vote the suggestion made by the Sixth Committee in section IV of its memorandum (A/C.6/L.102), concerning the desirability of giving a definition of the term "prostitution" for the purposes of the convention.

That suggestion was rejected by 27 votes to 8, with 5 abstentions.

22. The CHAIRMAN called for a vote on the Sixth Committee's suggestion (A/C.6/L.102, section IV) that the words "or is an accessory in" should be deleted from sub-paragraph 2 of article 1.

23. Mrs. ROOSEVELT (United States of America) supported the deletion of the words for the reasons given by the Sixth Committee. In her opinion, accessories should not be treated in the same way as the principal offenders and they were already covered by article 4.

24. Mr. SALAZAR (Peru) considered that accessories in the prostitution of others were actually the chief offenders because the aim of the draft convention was to suppress the exploitation of the prostitution of others and not to punish the prostitutes themselves. He was therefore opposed to the deletion recommended by the Sixth Committee.

25. Mr. CONTOUMAS (Greece) pointed out that sub-paragraph 2 of article 1 referred both to those who exploited the prostitution of others and to those who were accessories in the prostitution of others. If the Sixth Committee's recommendation were adopted, the accessories to the exploitation would be covered by article 4, but there would be no provision for the punishment of accessories in the actual prostitution. The question to be decided was whether all accessories were to be punished, or only those who participated in the exploitation of the prostitution of others.

26. Mr. PETREN (Sweden) said that the representative of Greece had again touched upon the basic issue, which he himself had raised earlier. In his opinion, it would have been extremely helpful if the Committee had agreed to adopt a definition of the term "prostitution" in order to avoid any possible confusion.

27. Mr. SCHACHTER (Secretariat) explained that the Sixth Committee had intended the word "participating" in article 4 to be used in its broadest sense and to cover all forms of complicity. It had thus followed the precedents set by earlier conventions.

28. The CHAIRMAN put to the vote the Sixth Committee's suggestion for the deletion of the words "or is an accessory in".

That suggestion was adopted by 23 votes to 13, with 9 abstentions.

29. Mr. PETREN (Sweden) took up the Philippine representative's suggestion that article 1 should be reconsidered in the light of the Sixth Committee's comment and that some reference should be made to the purpose of gain.

30. Mr. BOKHARI (Pakistan) pointed out that votes had already been taken on the two specific recommendations made by the Sixth Committee in connexion with article 1. In his opinion, the Sixth Committee had gone somewhat beyond its terms of reference in making a comment about the purpose of gain and, moreover, that comment did not bring any new facts to light. When taking its decision on article 1, the Third Committee had been well aware of the fact that the deletion of the reference to the purpose of gain would make it difficult for some States to accept the convention. The decision had been taken in full knowledge of the facts and the Sixth Committee's comment contained nothing to warrant reconsideration of the article.

31. Mrs. KRIPALANI (India) emphasized that the whole question had been thoroughly discussed before article 1 had been adopted and agreed fully with the reasons given by the representative of Pakistan for opposing reconsideration of the article.

32. The CHAIRMAN put to the vote the Swedish proposal for the reconsideration of article 1 and reminded the Committee that a two-thirds majority would be required for its adoption.

The result of the vote was 10 in favour, 23 against and 10 abstentions.

The proposal was rejected.

ARTICLE 3 (*continued*)

33. The CHAIRMAN drew attention to the Sixth Committee's recommendation (A/C.6/L.102, section II) that the words "To the extent permitted by domestic law" should be inserted at the beginning of article 3.

34. Mr. AZKOUL (Lebanon) thought that the Sixth Committee had also suggested the deletion of the reference to article 2. He would be prepared to support such a proposal because he did not think that the acts referred to in article 2 should be placed in the same category as those mentioned in article 1.

35. In view of the Sixth Committee's suggestion for the insertion of a phrase at the beginning of the article, he proposed that the word "and" should be replaced by the word "or" in the phrase "and acts preparatory to the commission thereof".

36. The CHAIRMAN put that amendment to the vote.

The amendment was rejected by 21 votes to 4, with 13 abstentions.

37. The CHAIRMAN put to the vote the recommendation of the Sixth Committee (A/C.6/L. 102).

The recommendation was adopted by 29 votes to 1, with 11 abstentions.

ARTICLE 4 (*continued*)

38. The CHAIRMAN drew attention to the alternative texts of article 4 (A/C.3/526, section V). The Sixth Committee preferred the text submitted by the Secretary-General and had proposed A/C. 6/L.102, section IV) the deletion of the reference to article 3 and the insertion of the word "intentional" before "participation". The additional phrase adopted for article 3 had also been recommended for insertion in article 4 (A/C.6/L.102, section II).

39. Mr. CONTOUMAS (Greece) said that his delegation had already expressed its preference for the text submitted by the Secretary-General (240th meeting) and he agreed with the Sixth Committee on that point. He also agreed that the reference to article 3 should be deleted. He could not, however, support the suggestion to insert the word "intentional" before "participation" because he thought it might lead to some confusion. That word had not been used in connexion with the direct perpetration of the crime and, if it were used solely in connexion with participation, it might be thought that the actual crime was punishable even if it had been committed unintentionally. The notion of fraud was inextricably linked with the crime of the exploitation of the prostitution of others and there was no need actually to mention it in the text of the draft convention as long as the act of participation was not singled out by the use of the word "intentional".

40. The CHAIRMAN called for a vote on the Sixth Committee's recommendations (A/C.6/L. 102, sections II and IV), made on the basis of the text submitted by the Secretary-General (A/C.3/ 526, section V).

41. He put to the vote first the proposal to insert the word "intentional" before the word "participation" in both paragraphs of the article.

That proposal was adopted by 23 votes to 10, with 8 abstentions.

42. The CHAIRMAN put to the vote the proposal to delete the reference to article 3.

That proposal was adopted by 29 votes to 1, with 12 abstentions.

43. The CHAIRMAN put to the vote the proposal to insert the phrase "To the extent permitted by domestic law" at the beginning of both paragraphs.

That proposal was adopted by 33 votes to none, with 10 abstentions.

44. The CHAIRMAN put article 4, as amended, to the vote.

Article 4, as amended, was adopted by 40 votes to none, with 2 abstentions.

ARTICLE 7 (*continued*)

45. The CHAIRMAN called for a vote on the Sixth Committee's recommendation (A/C.6/L. 102, section II) that the words "subject to the requirements of domestic law" should be replaced by the words " to the extent permitted by domestic law".

The recommendation was adopted by 39 votes to none, with 3 abstentions.

46. The CHAIRMAN noted that the Sixth Committee had recommended that the words "countries or territories" should be replaced by the word "States" (A/C.6/L.102, section IV).

That recommendation was adopted.

Article 7, as amended, was adopted by 41 votes to none.

ARTICLE 8 (A/C.6/L.102)

47. The CHAIRMAN drew attention to the new text for article 8 recommended by the Sixth Committee (A/C.6/L.102, section I).

48. Mr. CONTOUMAS (Greece) pointed out that the third paragraph of the article was redundant but, in order to facilitate the Committee's work, he would make a formal proposal for its deletion.

49. The CHAIRMAN put to the vote the text for article 8 recommended by the Sixth Committee.

Article 8 was adopted by 43 votes to none.

ARTICLE 9 (A/C.6/L.102)

50. Mr. CONTOUMAS (Greece), supported by Mrs. BASTID (France) and Mr. RAMADAN (Egypt) pointed out that the French version of the first paragraph of article 9, as proposed by the Sixth Committee (A/C.6/L.102), was ambiguous and unsatisfactory, and proposed the following version instead:

"Les ressortissants d'un Etat dont la législation n'admet pas l'extradition des nationaux et qui sont rentrés dans cet Etat après avoir commis à l'étranger l'un des actes visés à l'article premier et à l'article 2 de la présente Convention seront poursuivis devant et punis par les tribunaux de leur propre Etat."

51. The CHAIRMAN put that version to the vote, pointing out that no change was necessary in the English and Spanish versions of the article.

That version was adopted.

52. The CHAIRMAN put to the vote the text recommended by the Sixth Committee for article 9 (A/C.6/L.102, section I).

Article 9 was adopted by 24 votes to none, with 17 abstentions.

ARTICLE 10 (*continued*)

53. The CHAIRMAN said that the Committee had postponed (234th meeting) consideration of article 10 (A/C.3/526, section VI). The Sixth Committee had recommended the deletion of that article (A/C.6/L.102, section III). He put that recommendation to the vote.

The recommendation was adopted by 34 votes to none, with 10 abstentions.

ARTICLE 11

54. The CHAIRMAN said that the Committee had postponed (243rd meeting) consideration of article 11 (A/C.3/526, section VII). The Sixth Committee had suggested that the words "country or territory" should be replaced by the word "State" (A/C.6/L.102, section IV). He put that suggestion to the vote.

The suggestion was adopted by 43 votes to none, with 1 abstention.

55. The CHAIRMAN pointed out that since article 10 had been deleted, the reference to it should be deleted from article 11.

It was so agreed.

Article 11, as amended, was adopted by 43 votes to none.

ARTICLE 12 (A/C.6/L.102)

56. The CHAIRMAN said that article 12 had been referred to the Sixth Committee, which had not proposed any change in it (A/C.6/L.102, section I).

Article 12 was adopted by 42 votes to none, with 1 abstention.

ARTICLE 13

57. The CHAIRMAN said that the Committee had postponed (243rd meeting) consideration of article 13 (A/C.3/526, section VII). The Sixth Committee had suggested that the words "country or territory" should be replaced by the word "State" (A/C.6/L.102, section IV). He put that suggestion to the vote.

That suggestion was adopted.

Article 13, as amended, was adopted by 43 votes to none.

58. The CHAIRMAN called attention to the fact that the French version of article 13 was unsatisfactory and ambiguous, and to a suggestion to amend it to read as follows:

"La présente Convention laisse intact le principe que les actes qu'elle vise dans chaque Etat doivent être qualifiés . . ."

That wording was adopted.

It was decided to make a corresponding change in the Spanish text of the article.

ARTICLES 14 AND 15 (*continued*)

59. The CHAIRMAN pointed out that the Sixth Committee had suggested that the words "country or territory" should be replaced by the word "State" (A/C.6/L.102, section IV).

That suggestion was adopted.

ARTICLE 16

60. The CHAIRMAN put to the vote the proposal made by the Sixth Committee that the expression "Subject to the requirements of domestic law" should be replaced by the expression "To the extent permitted by domestic law" (A/C.6/L. 102, section II).

That proposal was adopted by 34 votes to none, with 9 abstentions.

61. The CHAIRMAN called attention to the suggestion of the Sixth Commitee that the words "countries or territories" should be replaced by the word "States" (A/C.6/L.102, section IV).

It was so agreed.

62. The CHAIRMAN called attention to the suggestion made by the Sixth Committee to insert the word "and" after the words "police records" (A/C.6/L.102, section IV).

That suggestion was adopted.

63. The CHAIRMAN pointed out that the French text of article 16 would be improved if it were amended to read, *"Dans la mesure où le permet la législation nationale et où elles le jugeront utiles, les autorités chargées des services . . ."* That change would affect the Spanish text also.

It was so agreed.

Article 16, as amended, was adopted by 35 votes to 1, with 4 abstentions.

ARTICLE 19

64. The CHAIRMAN put to the vote the suggestion of the Sixth Committee that the words "in accordance with the conditions laid down by domestic law" should be inserted in article 19 (A/C.6/L.102, section II).

That suggestion was adopted by 37 votes to none, with 6 abstentions.

65. The CHAIRMAN called attention to the suggestion made by the Sixth Committee that the words "country or territory" should be replaced by the word "State" (A/C.6/L.102, section IV).

That suggestion was adopted.

Article 19, as amended, was adopted by 39 votes to none, with 5 abstentions.

ARTICLE 20

66. The CHAIRMAN put to the vote the suggestion made by the Sixth Committee that the words "in accordance with the conditions laid down by domestic law" should be inserted in article 20 (A/C.6/L.102, section II).

That suggestion was adopted.

67. The CHAIRMAN called attention to the suggestion made by the Sixth Committee that the words "country or territory" should be replaced by the word "State" (A/C.6/L.102, section IV).

That suggestion was adopted.

68. The CHAIRMAN put to the vote the suggestion made by the Sixth Committee that the words "and without prejudice to prosecution or other action for violations thereunder" should be inserted after the words "domestic law" in the first paragraph of article 20 (A/C.6/L.102, section IV).

That suggestion was adopted by 24 votes to none, with 7 abstentions.

69. The CHAIRMAN put to the vote the suggestion made by the Sixth Committee that the words "or whose expulsion is ordered in conformity with the law" should be inserted after the words "authority over them" in sub-paragraph 2 of article 20 (A/C.6/L.102, section IV).

That suggestion was adopted by 35 votes to none, with 8 abstentions.

Article 20, as amended, was adopted by 42 votes to none, with 1 abstention.

ARTICLE 22 (*continued*)

70. The CHAIRMAN called attention to the suggestion made by the Sixth Committee that the words "countries or territories" should be replaced by the word "States" (A/C.6/L.102, section IV).

That suggestion was adopted.

71. The CHAIRMAN pointed out that slight drafting changes should be made in the English, French and Spanish texts of the article.

It was so agreed.

ARTICLE 23 (*continued*)

72. The CHAIRMAN put to the vote the suggestion made by the Sixth Committee hat the words *par tout autre moyen* in the French text of article 23 should be replaced by the words ***par d'autres moyens*** (A/C.6/L.102, section IV).

That suggestion was adopted.

73. Mrs. BASTID (France), supported by Mr. RAMADAN (Egypt) and Mr. CONTOUMAS (Greece) proposed that the word *réglé* should be substituted for the word *résolu* and that the words *de façon satisfaisante* should be deleted, the word "satisfactorily" being deleted from the English text and a corresponding change being made in the Spanish text.

It was so agreed.

NEW ARTICLE 24 (A/C.6/L.102)

74. Mr. SCHACHTER (Secretariat) pointed out that the Sixth Committee had had to consider article 24 because of the changes it had made in articles 25 and 29. That Committee had preferred the more traditional procedure of signature, ratification and accession already adopted in the case of the Convention on the Prevention and Punishment of the Crime of Genocide and had, therefore, recommended a new text for article 24 (A/C.6/L. 102, section IV). The Sixth Committee, however, had not dealt with or proposed any change to the definition of the word "State" given in that article.

75. The CHAIRMAN put to the vote the text of article 24 as recommended by the Sixth Committee.

Article 24 was adopted by 39 votes to 1, with 3 abstentions.

The meeting rose at 6.15 p.m.

TWO HUNDRED AND SIXTY-NINTH MEETING

Held at Lake Success, New York, on Monday, 28 November 1949, at 6.30 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: memorandum from the Sixth Committee (A/C.3/530, A/C.3/526 and A/C.6/L.102) *(continued)*

ARTICLES 25 AND 26 (A/C.6/L.102)

1. The CHAIRMAN recalled that the Sixth Committee, which had been asked to study certain points in the draft convention, had thought it desirable to combine the provisions of articles 25 and 26 in a single text. The new text constituted the new article 25, while article 26 of the original text was deleted.

2. Since no representative asked to speak, he put the new article 25 (A/C.6/L.102) to the vote.

The new article 25 was adopted by 32 votes to none.

ARTICLE 28 (A/C.3/L.102)

Article 28 was adopted by 34 votes to none.

ARTICLE 29 (A/C.3/L.102)

Article 29 was adopted by 30 votes to none, with 4 abstentions.

ARTICLE 30 (A/C.3/L.102)

3. The CHAIRMAN pointed out that, in the Spanish text of that article, the word *garantizar* should be replaced by the word *asegurar,* so as to bring it into closer conformity with the English and French texts.

4. He put article 30, as proposed by the Sixth Committee, to the vote.

Article 30 was adopted by 34 votes to none, with 2 abstentions.

5. Mrs. BASTID (France) observed that article 30 had been the subject of two different amendments in the Sixth Committee.

6. One of those amendments had just been approved by the Third Committee; with regard to the other, concerning the situation of States without legislative unity, the Sixth Committee had been unable to agree on a final text of the amendment, in spite of the long discussion which had taken place on that point. The Sixth Committee had adopted a complicated position on the question. While recognizing that it was necessary to insert a federal clause in the convention, it had not drawn up any definitive text.

7. She wondered, therefore, whether it might be expedient to consider that question.

8. The CHAIRMAN said that, in view of the Sixth Committee's decision, the question raised by Mrs. Bastid was very timely.

9. However, since article 30 had already been adopted, its reconsideration presented certain procedural difficulties.

10. According to rule 112 of the rules of procedure, when a proposal had been adopted or rejected, it could not be reconsidered at the same session unless the Committee, by a two-thirds majority of the members present and voting, so decided.

11. That difficulty could be avoided if the French representative agreed to insert in a new article the federal clause she wished to propose.

12. Mrs. BASTID (France) accepted the method suggested by the Chairman and said that she would draft a new article to that effect. She proposed that the new text should be examined in the morning of the following day.

13. The CHAIRMAN thought there was no point in postponing consideration of the question to the following day, since all the members were well acquainted with the substance of the problem. He therefore proposed that the Committee should proceed with its consideration of the remaining articles, pending the submission by Mrs. Bastid of the text of the new article in question.

14. Mr. BOKHARI (Pakistan) considered that the Third Committee had already taken a decision on the matter and that it could not be reconsidered unless a vote was taken to that effect. Moreover, the Committee was only called upon to examine the proposals of the Sixth Committee. If it was intended to discuss a proposal not coming from that Committee, the decision must be taken by a majority of those present.

15. The CHAIRMAN recognized that a vote had to be taken when a new proposal was examined. However, he proposed that the Committee should wait until Mrs. Bastid had submitted her text so that it could see whether her proposal did in fact relate to a new subject.

16. Mrs. WRIGHT (Denmark) drew the Committee's attention to a letter from the President of the General Assembly (A/C.3/L.40), which indicated that the Sixth Committee was preparing a supplement to document A/C.6/L.102, concerning the federal clause.

17. She therefore thought it might perhaps be wiser to wait until that supplement had been received before settling the matter.

18. The CHAIRMAN said that the Third Committee was in no way bound by the texts submitted to it by the Sixth Committee and was competent to deal with the matter itself.

19. Mr. DE ALBA (Mexico) shared the opinion of the representative of Pakistan. Mrs. Bastid had undoubtedly raised an important question. However, in view of the fact that the draft convention, and article 30 in particular, expressly referred to the constitution and national legislation of the signatory States, he thought there was no point in inserting a federal clause. Those references took into account the position of federal States and provided them to a certain extent with an escape clause.

20. Mr. AQUINO (Philippines) also agreed with Mr. Bokhari. He thought that it was too late to submit an amendment to article 30. The Third Committee had already refused to accept amend-

ments put forward by several representatives, on the ground that they had been submitted after the expiry of the prescribed time limit. There was no reason to make an exception in the case of the French amendment.

21. If Mrs. Bastid wished to submit her proposal as a separate article, the Committee would first have to decide whether such a proposal was in order. He therefore asked the Chairman to give a ruling on that point.

22. Mrs. BASTID (France) recalled that the federal clause had already been envisaged by the Third Committee and by the Economic and Social Council. Since it gave rise to new and difficult problems, however, neither the Committee nor the Council had been able to settle it, and they had referred it to the Sixth Committee. The latter had examined it and had decided that a clause of that type would have to be inserted in a convention which entailed modification of the domestic penal code of each of the States concerned. Though the Sixth Committee had not been able to draw up the text of that clause, the fact remained that the Committee formally recognized the need for it.

23. The problem had therefore never been solved. It had merely been held back in view of the difficulties it presented, and there was even a possibility of having it examined by the International Law Commission.

24. By refusing to consider it at that time, the Third Committee was in danger of neglecting the situation of several States which had complex legislative systems.

25. The CHAIRMAN indicated the position and stated that the Commitee had to decide upon two questions of procedure.

26. In the first place, the Committee had to decide if the French proposal was in order or not.

27. If the Committee decided that it was in order, it had to determine whether that proposal could be considered as an amendment to article 30 or not. A decision in that case would have to be taken by a two-thirds majority.

28. After a brief exchange of views between Mr. BOKHARI (Pakistan) and the CHAIRMAN, the latter put to the vote the question whether or not the proposal contemplated by Mrs. Bastid was in order.

It was decided, by 22 votes to 9, with 8 abstentions, that the proposal was not in order.

ARTICLE 31 (A/C.6/L.102)

Article 31 was adopted by 39 votes to none.

ARTICLE 32 (A/C.6/L.102)

29. The CHAIRMAN recalled that the Sixth Committee proposed deleting that article in view of the change recommended to be made in the rules on registration of treaties.

It was decided, by 39 votes to none, to delete article 32.

30. The CHAIRMAN remarked that the Sixth Committee had made no change in the final protocol, and that it was unnecessary to approve that text again.

31. Moreover, he recalled that the Secretary-General had informed him that several delegations had submitted to him comments on the federal clause. However, in view of the fact that the Third Committee had decided to accept no further suggestions on that subject, the Chairman proposed that the discussion should be closed.

VOTE ON THE DRAFT CONVENTION AS A WHOLE

32. The CHAIRMAN put to the vote the whole of the draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others.

The draft convention was adopted by 34 votes to none, with 8 abstentions.

33. Mrs. CASTLE (United Kingdom) explained the reasons for which her delegation had abstained from voting on the draft convention as a whole.

34. The United Kingdom Government had always taken an active part in the work done both in the League of Nations and in the United Nations towards suppressing the traffic in persons. However, her Government was not able to support the existing text of the draft convention, and in particular the wording of articles 1 and 24.

35. The purpose of the draft convention was not to suppress prostitution, but to prevent the *commercialized* exploitation of the prostitution of others. That did not signify that prostitution was not considered reprehensible by all. But experience had shown that men could not be made better by an act of parliament or by an international convention. The rehabilitation of human beings who were victims of their own weaknesses was a moral problem. All the law could do was to protect society from those who encouraged vice for purposes of gain. That was why all the efforts made in that field over the last forty years had aimed at preventing the traffic in women and children and at punishing those who engaged in it. Those purposes were clearly indicated by the very title of the convention which the Committee was asking Member States to sign. For the same reason the wording of article 1, as it had been worked out in the discussions of the Social Commission and the Economic and Social Council, aimed at punishing those persons who exploited the prostitution of others for purposes of gain. However, the Third Committee had decided to delete from the text of that article all reference to purposes of gain (238th meeting). That decision could have very serious results.

36. According to the text of article 1 as it stood, any person introducing a prostitute to a man would be liable to prosecution, even if that person had no intention of profiting from the introduction. An even more anomalous situation would arise if the person making the introduction were herself a prostitute. She would be guilty of a criminal offence, although the act of prostitution was not a criminal offence in many countries. The United Kingdom delegation felt that that situation could lead to abusive practices, since persons with no criminal intent might be exposed to blackmail.

37. Most existing legal systems were founded on the principle that the accused, as well as the magistrates, should know exactly the nature of the offence which had given rise to legal action. As it stood, the wording of article 1 made that task very difficult. The exploitation for gain of the prostitution of others was an offence which lent itself to exact definition, and the obligation of proving before the courts that the vice in

question had been encouraged for motives of gain clearly defined the borderline between legal suppression and moral condemnation. Some representatives had maintained that, in their countries, acts of prostitution were an offence in themselves and that, under their penal system, the law did not demand proof of the intention of gain. That fact, however, should not prevent the representatives concerned from understanding the point of view of those responsible for enforcing a different legal system. If it were the intention of their countries to adopt stricter measures than those provided for in the Convention, there would be nothing in the text to prevent them, since the Final Protocol made specific provision for a situation of the kind.

38. In the United Kingdom, where acts of prostitution did not constitute punishable offences, it would be necessary to amend the laws of the country even if the Committee had adopted article 1 in its original form. The Government of the United Kingdom would not have hesitated to propose that Parliament should take the necessary legislative measures. The Government was, however, convinced of the impossibility of enforcing the article in question in its existing form, since the fundamental principles of British law were involved.

39. In reply to the comments made by the representative of Pakistan, Mrs. Castle said that the question at issue was not that of limiting the scope of the convention to a minimum which would be acceptable to all, but that of finding out whether some changes were essential if the interests of the cause for which the convention had been created were to be served.

40. The modification of article 24 (A/C.6/L. 102, section IV) and the deletion of article 27 (248th meeting) had contributed equally to deciding the attitude of the United Kingdom delegation when the final vote was taken. Some representatives had said that the retention of article 27 would have enabled the Government of the United Kingdom to refrain from enforcing the convention in colonial territories. That was a wholly gratuitous charge. Out of the fifty-nine Member States of the United Nations, thirty-five had been parties to the 1904 International Agreement for the Suppression of the White Slave Traffic. At that time, seven of those countries had no responsibility for their foreign relations. Their accession had nevertheless been ensured by the clause on the application of the agreement in colonial territories.

41. The same thing had happened with regard to seven of the thirty-four Member States which had acceded to the convention of 1910. Of the forty-seven territories for which the Government of the United Kingdom had assumed responsibility, thirty-five had acceded to the Agreement of 1904, thirty-nine to the convention of 1910 and forty-three to the convention of 1921. All those territories which had not acceded to any of the foregoing had, nevertheless, brought their legislation into harmony with those instruments, to which they were preparing to accede. The only exception was one territory which had not adapted its legislation to the provisions of the 1921 convention until it should learn the fate of the draft convention before the Assembly.

42. The situation was quite different with regard to the protocol of 1947, under which certain functions of the League of Nations had been transferred to the United Nations. The protocol provided for the deletion of the clause concerning the application of the 1921 and 1933 conventions to colonial territories. The Government of the United Kingdom had not therefore been in a position to sign the protocol since the legislation in one of its colonial territories did not as yet conform to the 1921 convention.

43. The representative of the United Kingdom stated that for the reasons which she had just explained her delegation proposed to resubmit to the General Assembly some of the amendments to the text of articles 1 and 24 and to propose the reinstatement of article 27 of the draft convention.

44. Mr. OTAÑO VILANOVA (Argentina) recalled that his delegation had voted against articles 6 and 23 (242nd and 245th meetings). Argentina had, however, voted for the draft convention as a whole, in view of the fact that many of the other articles contained extremely valuable provisions which would enable considerable progress to be achieved in the suppression of the traffic in persons and the exploitation of the prostitution of others.

45. He thanked the Chairman, the Vice-Chairman, the legal experts and the representatives of the Secretariat, who had helped the Committee to bring its work to a speedy and successful conclusion.

46. Mr. COHEN (United States of America) explained that he had abstained from voting on the draft convention as a whole because it did not contain any federal clause. In the absence of such a clause the federal Government of the United States would be responsible for the application of the provisions of the convention in the various states of the Union. Traditionally, however, that privilege belonged to the States themselves. Consequently, if the convention were retained as it stood, it would be very difficult to ensure its ratification by the United States Congress.

47. Mr. Cohen wished, however, to assure the Committee that the United States possessed all the legislation necessary to combat the international traffic in persons and that it would collaborate with all other States which desired to abolish that social scourge.

48. Mrs. BASTID (France) stated that France was deeply interested in the question and that it had played an active part in framing the draft convention.

49. The French delegation, however, had abstained from voting on the draft convention as a whole because it wished to reserve its position with regard to ratification for two reasons.

50. First, article 6 did not provide for the possibility of medical supervision, although such supervision appeared to be essential. France was carrying out an experiment in that field and it was still too early to judge the results.

51. Secondly, the draft convention contained no federal clause. It failed to take into account constitutional problems involved for France and the status of the French Union.

52. The representative of Mexico had explained that the text offered certain escape clauses for federal States. The French delegation would have preferred a clear and straightforward text.

53. Mr. AQUINO (Philippines) recalled that he had made certain reservations with regard to article 1 (238th meeting); he had voted for the draft convention as as a whole, however, since he thought that if municipal law conflicted with international law, the latter should prevail.

54. Mr. SALAZAR (Peru) said that his delegation approved the general spirit of the draft convention. Peru had, however, been obliged to abstain from voting on the text as a whole, since it considered article 6 unacceptable.

55. Mr. FENAUX (Belgium) explained that he had abstained because of his opposition to article 24.

56. Mr. PETREN (Sweden) had abstained for the same reasons as the representatives of the United States, the United Kingdom and France.

57. Mr. PLEJIC (Yugoslavia) said that the problem with which the convention dealt with did not directly concern his country. Thanks to the social reforms which had been carried out, there was no longer any traffic in persons in Yugoslavia.

58. As that scourge afflicted many other countries and was of an international character, however, Yugoslavia was willing to participate in the proposed international action. If persons infringing the convention sought refuge in Yugoslav territory, Yugoslavia would enforce the provisions of the convention.

59. The Yugoslav delegation had therefore voted for the draft convention as a whole, hoping that the obligation to combat the traffic in persons would be strictly applied and would assume a truly international character.

60. Mr. MENESES PALLARES (Ecuador) wished to emphasize that, despite differences of opinion on details, all members of the Committee agreed in recognizing the usefulness of the work accomplished. While he had voted for the draft convention, he had naturally reserved his right to continue consideration of the question.

61. Mr. BOKHARI (Pakistan) said that, by its decisions on articles 1, 24 and 27, the Committee had clearly shown what were the feelings of the majority on certain questions of principle.

62. As regards article 1, no one had intended to create legal difficulties. In the case in point, the intention was to lay down a principle the high moral value of which was recognized by the United Kingdom representative. It was in order to avoid any legal pitfalls that the Committee had requested the opinion of the Sixth Committee. There was nothing in the Sixth Committee's report, however, to justify the apprehensions expressed by the United Kingdom representative concerning that article.

63. In regard to the application of the convention to colonial territories, the question had to be considered from a lofty point of view. The United Nations had begun by dealing with political problems. But, as it had gained authority, it had given constantly increasing attention to social questions. It seemed to be the case that the Powers administering colonial territories did not regard these questions as very important, since they granted freedom of decision in the matter to the legislative bodies of the territories concerned.

64. The peoples of the Non-Self-Governing Territories, however, found themselves in a very strange position. They could not make their voice heard in the United Nations. Moreover, those Territories were not treated on an equal footing with non-member States. Until they had obtained their independence, it was only logical that the Powers which placed obstacles in the way of that independence should be held responsible for the well-being of the populations concerned.

65. He though that every opportunity should be taken to refer to the special status of the colonial territories, in order to exert moral pressure that might hasten their complete liberation.

66. He regretted that the absence of a clause concerning federal States might give rise to certain constitutional difficulties. He was convinced that many delegations would have given favourable consideration to any proposal for such a clause if they had not had the impression that that would mean reopening, by indirect means, the debate on the so-called colonial clause.

67. Mr. Bokhari thought that article 30 offered all Governments that were faced with constitutional difficulties the means of surmounting these difficulties, for it provided that each contracting State should pledge itself to implement the provisions of the convention "in accordance with its constitutional processes".

68. Mr. PITTALUGA (Uruguay) paid a tribute to the Chairman for the impartiality, fair-mindedness and wisdom he had shown in the conduct of the debates. He also expressed his gratitude to the members of the Secretariat who had given the Committee valuable assistance.

69. Mr. BOKHARI (Pakistan) associated himself unreservedly with the remarks of the Uruguayan representative.

70. The CHAIRMAN thanked all the delegations for the spirit of co-operation they had displayed. He also thanked the experts and other members of the Secretariat who had endeavoured to facilitate his task and that of the Committee.

The meeting rose at 8.10 p.m.