

UNITED NATIONS  
ECONOMIC AND  
SOCIAL COUNCIL  
OFFICIAL RECORDS



ELEVENTH SESSION, 407th  
MEETING  
FRIDAY, 11 AUGUST 1950, AT 3 P.M.  
PALAIS DES NATIONS, GENEVA

CONTENTS

	Page		Page
Refugees and stateless persons: Report of the <i>Ad Hoc</i> Committee on Statelessness: second report of the Social Committee (E/1814) ( <i>concluded</i> ) . . .	283	Report of the <i>Ad Hoc</i> Committee on Slavery (first session) (E/1660 and E/1660/Add.1) . . .	285

*President: Mr. Hernán SANTA CRUZ (Chile).*

*Present:* Representatives of the following countries:

Australia, Belgium, Brazil, Canada, Chile, China, Denmark, France, India, Iran, Mexico, Pakistan, Peru, United Kingdom of Great Britain and Northern Ireland, United States of America.

Representative of the following specialized agency:

International Labour Organisation.

**Refugees and stateless persons: Report of the *Ad Hoc* Committee on Statelessness: second report of the Social Committee (E/1814) (*concluded*)**

1. The PRESIDENT called for a resumption of the discussion on the draft resolution recommended by the Social Committee for adoption by the Council (E/1814, section 5) and drew the attention of members to the amendment submitted by the Mexican delegation (E/L.95).

2. Mr. BERNSTEIN (Chile) indicated the reasons why his delegation would vote against the draft resolution contained in section 5 of the report (E/1814), as it had in the Social Committee.

3. A detailed study of the draft resolution showed that the perfect diplomatic phrases in which it was drafted concealed a complete lack of substance. His delegation felt that the grave problem of statelessness deserved a better fate. Without going as far back as Adam and Eve, who had become stateless persons on their expulsion from the Garden of Eden, or even as far as Roman law, it could be said that the problem had arisen in the eighteenth century with the emergence of the first conflicts of nationality. Hence, its solution lay in the field of nationality, which States regarded as their exclusive sovereign preserve.

4. Although the whole world was sympathetic towards the wretched lot of stateless persons, very little had in fact been done for them up to the present time. Of the forty States which had signed the Convention on Certain Questions relating to the Conflict of Nationality Laws, which resulted from the League of Nations Hague Conference of 1930, thirteen only had ratified it and,

after an interval of eighteen years, the question had come up once more before the Economic and Social Council.

5. The Council had studied the question at its sixth session, on the recommendation of the Commission on Human Rights, and had referred it for study to the Secretary-General, who had recommended in his report that the governments of Member States should introduce into their national legislation a number of principles designed to eliminate the sources of statelessness, and had asked at the same time that he should be made responsible for drawing up the necessary international conventions.

6. The Council had preferred a different method, however, and had set up an *ad hoc* committee to study both the question of statelessness and that of refugees. That Committee proposed to pass the question to the International Law Commission. The sole result of those successive references to different bodies was that stateless persons were still being kept waiting.

7. He then proceeded to study the draft resolution paragraph by paragraph. After criticizing the clauses of the preamble, which he regarded as a mere recapitulation of fundamental truths, he began to analyse the operative part of the resolution.

8. In the first place, he thought that it was somewhat naive to invite States "to examine sympathetically applications for naturalization submitted by stateless persons" and "to re-examine their nationality laws". A similar invitation had been issued by the Hague Conference of 1930, and, since that time, national laws such as, for example, the United States Act of 1934, had merely succeeded in creating further cases of statelessness.

9. To invite States to re-examine their nationality laws was, in reality, to invade the innermost sanctum of sovereignty. The problem of nationality was essentially a political one and affected the very life of the State. It was difficult to imagine that, in order to comply with the Council's recommendation, a State would be able to alter its domestic laws and, in many cases, even its Constitution. Only when each State knew what the

other States were prepared to do would it be possible to arrive at a solution of the problem.

10. Further, the draft resolution proposed that the International Law Commission should "prepare at the earliest possible date the necessary draft international conventions for the elimination of the sources of statelessness". That provision would appear to conflict with the invitation to the various governments to alter their nationality laws. It was in any case pointless, since the International Law Commission had at its first session included the problem of nationality and statelessness in its programme. Of the fourteen items, however, which it had placed on its agenda, the Commission had retained three, to which it had given priority and the study of which was far from having been completed. In those circumstances, it was highly improbable that the Commission would now decide to initiate a study of the problem of nationality.

11. The Economic and Social Council should therefore make an unequivocal decision. If it felt that the question was not yet ripe, it should let it lie a little longer, but if, on the other hand, it felt that a solution was urgently required, it should not refer the question to the International Law Commission.

12. The problem was not as complex as it might appear. Although there were causes of statelessness which could not be brought under control, it was nevertheless in the power of governments to eliminate the still more important causes resulting from conflicts between national laws and measures which deprived persons of their nationality.

13. Hence, it would be sufficient to submit the question, with a view to the preparation of a draft convention, to a small group of legal experts from a few of the countries which were members of the Council, who would be able to achieve success provided governments accepted some at least of the following principles:

- (1) No one may lose his nationality of origin without acquiring a new nationality;
- (2) Women retain their nationality of origin on contracting marriage or on the dissolution of marriage;
- (3) Nationality once acquired is definitive and may not be withdrawn, even as a penalty;
- (4) It is essential that agreement should be reached between *jus soli* countries and *jus sanguinis* countries with regard to the nationality of children.

No useful result could be achieved unless the various States were firmly resolved to alter their laws on some of those points.

14. His delegation was prepared to take the initiative along those lines and would support any action designed to achieve a real solution of the problem. In all conscience, however, it could not support the draft resolution which had been submitted to the Council and which, in its view, was not worthy of that body.

15. Mr. FRIIS (Denmark) recalled the fact that his delegation had expressed a certain amount of dissatisfac-

tion at the 167th meeting of the Social Committee<sup>1</sup> with the work done by the *Ad Hoc* Committee in the field of statelessness. The Danish delegation had proposed that the draft resolution should be referred back to the *Ad Hoc* Committee for further examination, but that proposal had not found support. The best that had been said in the Social Committee on the resolution before the Council was that it could do no harm and that it might perhaps do some good. In his opinion, the resolutions of the Council should aim somewhat higher, and for those reasons he could not vote for it.

16. Mr. KOTSCHNIG (United States of America) agreed with the Chilean representative that the draft resolution before the Council was weak and therefore not likely to prove very effective. He believed, however, that it would advance the solution of the problem somewhat. It would be better to adopt that draft resolution than to seek refuge in a purely negative attitude by voting against it. Consequently, his delegation would vote in favour of that resolution.

17. He proposed that the words "drawbacks" and "sources" in the fourth paragraph of the preamble to the draft resolution should be replaced by the words "problems" and "causes" respectively.

18. Turning to the second paragraph of the operative part of the draft resolution, he said that he agreed with the Chilean representative that it might not prove very effective in practice. While on that subject, he could also assure the Chilean representative from his own personal experience that the Government of the United States always gave most sympathetic consideration to all applications for naturalization, including those of stateless persons.

19. His delegation would find it difficult to accept the Mexican amendment (E/L.95), for the very simple reason that it limited the freedom of action of the International Law Commission by tying it down to one course only—namely, the preparation of "a draft general convention on nationality including measures to eradicate the problem of statelessness". It was quite probable that the International Law Commission might decide to deal with the problem in that particular way. On the other hand, it might prefer to deal with the problems of nationality and statelessness by means of several separate conventions. In any case, as he had already said, it should not be tied down to one course of action only.

20. He recalled the fact that on 22 July 1950 the Council had received a communication from the International Law Commission (E/1786) stating that the Commission would examine the problem of the nationality of women in connexion with the general problem of nationality and statelessness. Since it was apparent from that communication that the International Law Commission would in any case deal with the problem of statelessness, he suggested that the fourth paragraph of the operative part of the draft resolution should be amended to read:

"Notes with satisfaction that the International Law Commission intends to initiate as soon as possible

<sup>1</sup> See document E/AC.7/SR.167.

work on the subject of nationality, including statelessness, and urges that the International Law Commission prepare at the earliest possible date the necessary draft international convention or conventions for the elimination of statelessness."

He hoped that, by referring to the possibility of either one convention or several conventions, his amendment would meet the point raised by the Mexican representative.

21. Mr. CALDERÓN PUIG (Mexico) said that he had already explained why he believed that the problem of statelessness should be handled only as an integral part of the problem of nationality. Unlike the United States representative, he believed that such a problem should be covered by one convention only. That convention would naturally have to include various sections, but it would, at the same time, establish a certain common denominator for all problems pertaining to the question of nationality.

22. He fully agreed with the Chilean representative that, if the Council limited its activities to taking note of various articles of the Universal Declaration of Human Rights, it would not achieve very much. That was the reason for his amendment, which proposed that the International Law Commission should prepare a general convention on nationality. If such a request were forwarded to the International Law Commission by the General Assembly itself, the Commission would no doubt reconsider its list of priorities and give priority to that particular question. The next stage would be for governments to examine the draft convention. He fully realized that such a procedure would take some time, but it should be obvious to all that the problem of statelessness could not be solved by resolutions only.

23. Mr. ROCHEFORT (France) regretted that the brilliant analysis which the Council had just heard from the Chilean representative had not been made in the Social Committee.

24. Although the procedure adopted might not be perfect, the Social Committee had certainly been animated by a sincere desire for results. In a private conversation, one representative had said that the draft resolution put him in mind of a "well-dressed tortoise". The essential point was that the tortoise should start, and possibly, as in the fable, it might arrive first.

25. Mr. FEARNLEY (United Kingdom) said that he would vote in favour of the draft resolution proposed by the Social Committee, which was a distinct improvement on the resolution originally proposed in the report of the *Ad Hoc* Committee on Statelessness. He would also support the amendments proposed by the United States delegation.

26. In his opinion, the Mexican amendment was unacceptable: first, because it would tie down the International Law Commission to one course of action only; secondly, because the problem of nationality as a whole was not within the scope of the question before the Council, and delegations had not had time to examine that problem fully; and, thirdly, because the amendment would involve the General Assembly. The Economic

and Social Council should not ask the General Assembly to take certain action on any given question before having examined that question as thoroughly as possible. That had not been done in the case of the problem of nationality as a whole. He hoped that the Mexican representative would be able to accept the fourth paragraph of the operative part of the draft resolution, as amended by the United States representative. That version should meet the point he had raised, because it would leave the International Law Commission free to deal with the problem of statelessness by means of either one general convention or a separate convention.

27. The PRESIDENT declared closed the debate on the draft resolution, and asked if there were any objections to the United States amendments to the fourth paragraph of the preamble, namely, to replace the words "drawbacks" by "problems" and "sources" by "causes".

28. He put the United States amendments to the vote.

*The amendments were adopted.*

29. The PRESIDENT put to the vote the Mexican amendment (E/L.94) to the fourth paragraph of the operative part of the draft resolution.

*The amendment was rejected by 6 votes to 5, with 4 abstentions.*

30. The PRESIDENT put to the vote the United States amendment to the fourth paragraph of the operative part of the draft resolution.<sup>2</sup>

*The amendment was adopted by 9 votes to none, with 6 abstentions.*

31. The PRESIDENT put to the vote the draft resolution, as amended, as a whole.

*The resolution, as amended, was adopted by 8 votes to 1, with 6 abstentions.*

#### **Report of the Ad Hoc Committee on Slavery (first session): (E/1660 and E/1660/Add.1)**

32. The PRESIDENT opened the discussion on the report of the *Ad Hoc* Committee on Slavery. He reminded the Council that the *Ad Hoc* Committee had submitted an interim report to the tenth session of the Council (E/1617) asking its permission to submit to governments a questionnaire on slavery and institutions or customs analogous thereto, and also to hold a second session in 1950 and a third session in 1951 to consider the information received in response to the questionnaire and to prepare the Committee's final report. The Council had considered those two requests and had adopted resolution 276 (X).

33. The *Ad Hoc* Committee had now submitted its complete report on its first session and had asked the Secretariat to arrange for its second session to be held in November 1950 and for its third session to be held between April and May 1951. The *Ad Hoc* Committee

<sup>2</sup> See paragraph 20 above.

believed that it would then be in a position to submit its final report to the Council.

34. The draft resolution proposed by the *Ad Hoc* Committee on Slavery for adoption by the Council was to be found in its report (E/1660, Annex I). The Peruvian delegation had submitted an amendment to that draft resolution (E/L.96) proposing that the meeting of the *Ad Hoc* Committee planned for November 1950 should take place in April 1951 so as to give Member States more time to reply to the questionnaire sent out by the Committee.

35. Mr. CABADA (Peru) pointed out that the *Ad Hoc* Committee on Slavery had held several meetings and had based its work on three sources of information: First, a document (E/AC.33/6) on institutions, practices and customs similar to slavery in Latin America, which had been submitted by its Chairman. That document had been prepared and published in 1938 and could not therefore be considered to be up to date. Secondly, written reports from various non-governmental organizations. A glance at the list of the non-governmental organizations which had been approached for that purpose, given in Annex II of document E/1660, would show what organizations had been selected and also whether they could be of much help in connexion with a study of the problem of slavery. Thirdly, various private individuals—on whose knowledge and standing the Council had no information whatever—who had been approached by the Committee.

36. It was quite obvious that those arbitrary and out-of-date sources of information could not be considered as reliable. The only valuable and reliable information to be obtained by the Committee would be contained in the replies to its questionnaire to governments. It was clear that governments would need considerable time to reply to all the questions contained in that questionnaire. That was the reason why his delegation considered that the *Ad Hoc* Committee should hold its second session in April 1951, instead of in November 1950 as originally suggested by the Committee.

37. Referring to the revised questionnaire on slavery and servitude which had been sent out to governments, he said that the *Ad Hoc* Committee had not followed the views expressed by the Council during the discussion on the original questionnaire. For instance, it had been emphasized at that time that the revised questionnaire should not refer to obsolete practices and customs resembling slavery. The *Ad Hoc* Committee had omitted references to such practices in the body of its questionnaire, but had included them in a footnote.

38. He also emphasized the danger of allowing a committee to invite the views of any individual it wished. In that connexion, the *Ad Hoc* Committee on Slavery had invited the views of various individuals who had been so long out of touch with the countries on which they spoke that their statements could no longer be considered to be reliable.

39. Another point he wished to emphasize was that the Committee had on several occasions overstepped its terms of reference and duplicated the work which fell within the competence of the International Labour Organisation.

40. It would be most undesirable for the *Ad Hoc* Committee on Slavery to hold its second session in November 1950, first, because governments needed time to reply to the questionnaire, and secondly, because the *Ad Hoc* Committee itself should be given time to consider the views expressed during the current discussion in the Council. Those were the reasons for the amendment submitted by his delegation (E/L.96).

41. Mr. DE RAEYMAEKER (Belgium) said that the Belgian delegation attached great importance to the problem of slavery, which had come before the Council as a result of a Belgian proposal to the General Assembly in Paris in 1948.

42. It was too early to form an opinion on the value of the work of the *Ad Hoc* Committee, since it had not yet submitted a final report to the Council.

43. The Belgian delegation, however, urged the necessity for a precise definition of the word "slavery", not only from the theoretical point of view, but as the term was variously applied. True cases of slavery tended to be more and more rare, and hardly called for discussion; hence, if they followed Article 1 of the 1926 Convention, the *Ad Hoc* Committee should concern itself rather with "borderline" cases. The difficulty of doing so had led the Committee to put a series of questions to the International Labour Organisation on certain types of involuntary servitude—such as the compulsory and hereditary attachment to land—and their repercussions on labour contracts and labour conditions. The Belgian delegation had approved the steps taken by the *Ad Hoc* Committee in that direction, subject to the twofold condition that the proposed inquiry should be universal in scope and that forced labour should be excluded.

44. A further point was that he doubted whether the Secretary-General would be in a position to supply within the allotted time all the documentation requested in Chapter VII of the Report (E/1660) unless a special section was set up within the Secretariat. Moreover, certain data which the Secretary-General was being asked to deal with appeared to overlap with the *Ad Hoc* Committee's decision to have a questionnaire sent to the various governments; and surely, by approaching the Secretariat, the experts were shifting an unduly large part of the burden which should properly devolve upon themselves.

45. Finally, the system of taking replies from governments to the questionnaire as the essential basis for the final report suffered from the great weakness that it was to be feared some governments, including no doubt those which had reason to feel some sense of guilt, would not answer the questionnaire. In that case, the universal nature of the inquiry—one of the basic conditions for the Belgian Government's acceptance of its conclusions—would be gravely endangered.

46. Mr. PENTEADO (Brazil) said that his delegation could only repeat what it had stated on several previous occasions, that there was no slavery or forced labour in any form in any part of Brazil.

47. Regarding the contemplated survey or inspection of working conditions, his Government believed that no

such survey was necessary in countries like Brazil where anyone could go anywhere, at any time he wished, to see everything for himself, and to say or write anything he liked. At the same time, if any survey was to take place, his Government would be willing to co-operate with it if other countries adopted the same attitude. The Brazilian Government would not make its acceptance of an unnecessary survey conditional on the unanimous acceptance of such a survey by other countries. Such a conditional acceptance would be tantamount to refusal, since unanimity was always very difficult to achieve. That was why his Government would be content with an acceptance by most of the other countries.

48. Regarding the questionnaire on forced labour, he wished to say that his Government had returned it to the Secretariat with one answer only—namely, that, since forced labour did not exist in Brazil, his Government had no reply to make to a questionnaire on forced labour.

49. Mr. BALLARD (Australia) drew attention to one aspect of the *Ad Hoc* Committee's work which had also been referred to by the Peruvian representative. The Committee had invited certain non-governmental organizations, listed in annex II of its report—some of which had not been granted consultative status by the Council—to submit information and also to send representatives to the Committee.

50. The Committee had also decided to ask for information from certain research institutions and religious organizations, most of which appeared from the list to be national and not international bodies. He felt that the Committee was perfectly within its rights to request category A and B non-governmental organizations to supply information, but that it should not have asked those on the register, or the national bodies specified in part 3 of annex II of the report, to do so. He would be interested to learn on what basis such organizations were selected.

51. Members of the Council would recall that a similar situation had arisen in connexion with the request of the Sub-Commission on Freedom of Information and of the Press for information from national organizations and other bodies, and the Council had decided that the Secretary-General should obtain that information through channels approved by the Member States concerned.

52. He felt that the action taken by the *Ad Hoc* Committee was surprising, and thought that the Committee should first have consulted the Council or obtained guidance from the Secretariat.

53. Mr. HUMPHREY (Secretariat) said that the summary records of the meetings of the *Ad Hoc* Committee showed that, before deciding to consult with the non-governmental organizations and other bodies listed, it had sought the advice of the Legal Department of the Secretariat, and had been advised that the resolution adopted by the Council in connexion with consultation with non-governmental organizations would not prevent it from seeking information from any sources in the performance of its mandate.

54. Mr. KOTSCHNIG (United States of America) said that it was evident from the report of the *Ad Hoc* Committee on Slavery that it was seeking all possible advice and information from various organizations. His delegation shared the apprehensions of other representatives that some of the information supplied might not prove very helpful. His delegation also agreed with the representative of Belgium that a heavy burden had been placed on the Secretariat by the Committee. He hoped that the information received would be well analysed, and that the result of such work would not be a large academic volume, but a practical report which would attempt to ascertain whether and to what extent slavery continued to exist in certain parts of the world, and would make concrete proposals as to how the last remnants of an inhuman institution could be abolished.

55. Referring to the draft resolution submitted in the Committee's report and the draft resolution submitted by the Peruvian representative (E/L.96), he felt that, in view of the enormous amount of material which the *Ad Hoc* Committee was trying to collect, it would be better to postpone its second session from November 1950 until April or May 1951. His delegation felt that the Committee should be able to evaluate the material transmitted to it before the thirteenth session of the Council, and should be able to complete its work in one additional session. He suggested, therefore, that the Peruvian draft resolution should be inserted between the first and last paragraphs of the *Ad Hoc* Committee's resolution. That would make it perfectly clear that the Council felt that only one additional session of the Committee should be held, and that the Council wished to complete its own work in connexion with the question of slavery at its thirteenth session.

56. Mr. CABADA (Peru) agreed with the United States proposal.

57. Mr. DE LACHARRIÈRE (France) thought that the Council's discussion would be a useful guide to the *Ad Hoc* Committee in its future work.

58. In dealing with the question of slavery, it was necessary to avoid the error of thinking that an academic study of an institution of the past was being conducted. The abolition of slavery was in fact relatively recent; unfortunately, various forms of slavery probably subsisted in several parts of the world, and it was now very difficult to track down those few belated survivals. It was the very complexity of the problem that had led to the appointment of an *ad hoc* committee of experts, so that its work should not be judged too harshly.

59. He then examined the principal difficulties to be overcome.

60. First, with regard to the definition of "slavery", the work of the Council's previous session had made it possible to rectify the *ad hoc* Committee's mistake in extending its investigations to certain abuses, such as forced labour, which were not within its terms of reference.

61. Secondly, the *Ad Hoc* Committee's report did not appear to give a satisfactory answer to the question whether the 1926 Convention should be considered as still in force or whether a new convention should be



drafted. The difficulty of application mentioned in paragraph 26 of the report (E/1660) was settled by the fact that, for the application of conventions, the Secretary-General of the United Nations had replaced the Secretary-General of the League of Nations and the International Court of Justice had replaced the former Permanent Court of International Justice.

62. The real difficulty lay in the fact that certain States signatories to the Convention were not members of the United Nations, but the *Ad Hoc* Committee itself—with the assistance of the Secretariat—should make it its duty to submit precise suggestions for overcoming that difficulty.

63. The *Ad Hoc* Committee should also ascertain whether the national laws of certain countries recognized institutions which, although bearing other names, were in fact forms of slavery, and whether the prevention of slavery was ensured by the criminal law of the various countries. A further point to be examined was the problem of customary survivals of slavery, which were much less easily traceable than institutions recognized by law. Such customs might have survived in the mode of life of certain peoples which had remained uninfluenced by modern civilization, and in such cases the remedy could not be found in legal instruments, but only in a social and economic campaign which could only be undertaken on the basis of documentary material supplies by the experts.

64. It was important to specify that the investigations would not impute the slightest blame to States on whose territory they might bear. No national susceptibilities should be aroused in the matter, since the isolated forms of slavery still discoverable in remote areas unaffected by civilization lay outside the State's sphere of action. There should therefore be neither a critical attitude on the one side, nor wounded national pride on the other, but merely a common resolve to put an end to all forms of slavery wherever they were to be found.

65. In that task, the French delegation was expecting great things from the *Ad Hoc* Committee and was prepared to grant any facilities which it might need. He therefore wished, before taking a definite stand on the Peruvian draft resolution, to ask the Secretariat to provide the necessary information for judging whether it was necessary for the *Ad Hoc* Committee to hold the two sessions scheduled or whether they could, without disadvantage, be merged into one.

66. Mr. HUMPHREY (Secretariat) said he could add very little to the statement of the French representative. The *Ad Hoc* Committee wished to hold two more sessions—one in November 1950 in order to examine the replies received from governments and private organizations to the questionnaire. After that study had been carried out, the Committee would no doubt appoint a rapporteur to prepare a draft report which would be considered at its third session. If the Council decided that the Committee should not hold a third session, it would be necessary for the Committee to change its methods of work.

67. He pointed out that additional expenditure would be involved if the Committee held a session in 1951, and

in that connexion referred to document E/1660/Add.1, in which it was stated that funds were available for a session in 1950, but a session in 1951 would involve additional expenditure amounting to 10,374 dollars.

68. Mr. DE LACHARRIÈRE (France) declared that his delegation, having heard the explanations of the Secretary-General's representative, was unable to support the proposal that the two sessions contemplated for the *Ad Hoc* Committee should be merged into one. If they wished to be able to write *finis* at the end of the last chapter of the long history of slavery, it was essential to give the *Ad Hoc* Committee every facility which it required.

69. Mr. FRIIS (Denmark) said that most of the points which he wished to raise had been covered by previous speakers, particularly by the French and United States representatives. He entirely agreed with the latter regarding the type of report to be submitted by the *Ad Hoc* Committee.

70. As regards the question raised in the Peruvian draft resolution and referred to by the French representative, he wondered whether there were any important technical reasons why the programme of work set out in paragraphs 38 and 39 of the *Ad Hoc* Committee's report should be divided between two sessions of that Committee. At the ninth session of the Council, it had been thought that much of the preliminary work could be carried out by the Secretariat, especially by the members of the Department of Trusteeship and Information from Non-Self-Governing Territories. He would like to have further information on that point from the representative of the Secretariat.

71. Mr. HUMPHREY (Secretariat) said that he could only repeat what he had said previously—namely, that a great deal of information would have to be studied and digested by the Committee before it could draw up its final report.

72. Referring to the question of the participation of the Secretariat in the preliminary work, he said that it would naturally assist the Committee to the best of its ability. The members of the Council would remember, however, that an actual survey of the extent and scope of practices resembling slavery was required, and it would be very difficult for the Secretariat to undertake such a survey, which might imply criticism of certain Member States.

73. Mr. FRIIS (Denmark) said that he realized the difficulties involved, and that the report would have to be drafted by the Committee itself, but he still felt that the Secretariat might be able to undertake a study and classification of the replies submitted, and draw up a list of supplementary questions to be transmitted to governments.

74. Mr. CORLEY SMITH (United Kingdom) expressed his Government's satisfaction with the way in which the inquiry on slavery was progressing. He reminded the Council that it was his delegation which had proposed that the *Ad Hoc* Committee on Slavery should be set up, and said that any criticisms which he might make were meant to be constructive. He was very much interested

in the question of small *ad hoc* committees of experts with a limited field of work which was closely and specifically defined, as he thought that that method of work would have to be adopted by the Council more frequently.

75. He felt that it might help future *ad hoc* groups of experts if he pointed out what seemed to him to be some minor faults in the way the *Ad Hoc* Committee was going about its task. It was the duty of the Council to define precisely what it wished the Committee to do, and it had done so in resolution 238 (IX). On looking through the report, however, he noticed that in Annex III the first question in the list of questions addressed to individuals referred not only to conditions of slavery but also to practices which were "restrictive of liberty of the person." There were countless restrictions which could not by any stretch of imagination be qualified as slavery or as customs resembling slavery. The whole object of setting up such a committee had been to narrow down the inquiry on slavery and to bring a great deal of analytical power to bear on a strictly defined problem, and not to dissipate the Committee's efforts over the whole problem of human rights.

76. Referring to the fact that resolution 238 (IX) said that the Committee should report to the Council within twelve months of its appointment, he considered that the Committee would not be in a position to submit a report within that time, and wondered why it had not adapted its work so as to be able to carry out its terms of reference. When the Council gave a committee specific instructions it expected them to be carried out. If the members of *ad hoc* bodies felt that their other commitments were such that they would not be able to carry out the work under the terms laid down by the Council, this was a matter which should be carefully considered before the appointments were made, so that the Council would not be faced with the dilemma of having to provide money for an additional session of the Committee or of upsetting the schedule of work. He admitted that the problem of finding suitable people who could dispose of the necessary time was a difficult one and particularly so as this was a first experiment with groups of this kind. But so long as they kept within their terms of reference he felt that expert bodies should be allowed freedom of thought and action.

77. With regard to the remarks of the Peruvian representative, he thought that some of his complaints were unfounded. The question of "pongaje" had been dealt with in League of Nations reports and had been mentioned in the Council's earlier debate, and the *Ad Hoc* Committee on Slavery had been asked to look into the present state of affairs in regions where such customs had existed previously. It had formerly existed in South America, and if it had ceased to exist that was a cause for great satisfaction and should be given publicity. He did not see any reason for restricting the Committee or blaming it because it had carried out the Council's instructions.

78. He thought that the questionnaire method might be a little unwieldy and burdensome, and wondered whether the countries where certain practices resembling slavery existed would answer the questionnaire or whether replies would be received only from the countries where such

practices did not exist. The *Ad Hoc* Committee might be in danger of piling up too much documentation. He wondered whether the work of analysing the replies might be done by the Secretariat, as had been suggested by the Danish representative. This would help the Council to escape from an embarrassing position if it would enable the work to be completed without an additional session being held.

79. Mr. HUMPHREY (Secretariat) said that, if all the governments and non-governmental organizations and other bodies approached replied to the questionnaire, a great deal of material would be submitted to the *Ad Hoc* Committee. He did not think it was the Council's intention that the Secretariat should undertake the survey called for and merely ask the *Ad Hoc* Committee to take responsibility for the report to be submitted.

80. Mr. CORLEY SMITH (United Kingdom) suggested that a great many of the replies received to the questionnaire would be of little value, and he wondered, therefore, whether so many copies of the questionnaire should have been distributed. He thought that the Secretariat might analyse all replies and save the Committee's time by sifting out those which did not add anything to the present knowledge of the problem of slavery.

81. Mr. HUMPHREY (Secretariat) said that the Secretariat would naturally draw the Committee's attention only to relevant data. He thought that it was only fair to the *Ad Hoc* Committee to point out that the members of that body were taking a great interest in their work and were devoting considerable time to the question between sessions.

82. Mr. BERNSTEIN (Chile) remarked that, as the French representative had aptly pointed out, legal slavery no longer existed and any practices which remained were only vestiges of it. No government authorized practices analogous to slavery, and the *Ad Hoc* Committee had accordingly been right in asking for information not only from governments, but also from non-governmental organizations.

83. The work of sifting out all those replies was a task for the *Ad Hoc* Committee, not for the Secretariat. Since everything should be done to suppress any vestige of slavery, his delegation considered that if the *Ad Hoc* Committee needed to hold an extra session, it should not be refused the right to do so. His delegation could not therefore support the proposal to merge the two sessions contemplated for that Committee into one.

84. Mr. CALDERÓN PUIG (Mexico) regretted that the work of the *Ad Hoc* Committee had so far yielded so little result. He was surprised to find that the Committee had apparently devoted itself chiefly to studying the form the problem took in Latin-American countries, although all the States in that area had abolished the practice of slavery.

85. He would like the *Ad Hoc* Committee to take note of the wish of the Mexican delegation that the Committee should first of all study the problem where it really arose—namely, in colonial territories.

86. He would vote for the draft resolution submitted by the Committee, supplemented by the proposal of the Peruvian representative (E/L.96).

87. Mr. DESAI (India) said that, as the Council had requested the *Ad Hoc* Committee to submit an objective assessment of, and positive proposals regarding, the problem of slavery, that Committee should be given the necessary tools to carry out its work.

88. Referring to the suggestion that the Secretariat should carry out some of the preliminary work, he pointed out that paragraph 9 of the report stated that the survey would be facilitated if each member of the Committee were to assume responsibility for a particular area of the world. He thought, therefore, that any replies submitted to the Committee would not be accepted on their face value, but, as stated in paragraph 33 of the report, would be interpreted and evaluated, in the light of local conditions, customs and practices. It would be unfair to ask the Secretariat to carry out such a task. His delegation therefore supported the French representative's remarks.

89. Mr. KOTSCHNIG (United States of America) said that his delegation fully realized that the members of the *Ad Hoc* Committee were devoting a great deal of their time to the study of slavery, and it was grateful for their work.

90. His delegation was not convinced by the arguments against the Peruvian proposal, which suggested that the *Ad Hoc* Committee should hold only one more session. The United States delegation considered that the Committee should be able to finish its work in one more session if it was helped by the Secretariat within the limits of its competence. If, however, the *Ad Hoc* Committee met in the spring of 1951 and could then demonstrate to the Council that it could not possibly finish its work, he felt that the Council would not censure it. In that case, however, the reasons given by the *Ad Hoc* Committee in support of a request for a further session would have to be stronger than those offered in the report before the Council. He hoped, therefore, that the Peruvian proposal, as amended by the United States delegation, would be adopted.

91. Mr. CORLEY SMITH (United Kingdom), referring to the Mexican representative's remarks, said that it was true that at its ninth session the Council had considered the suggestion that the investigation regarding slavery should primarily cover colonial areas. That suggestion, which had been made by the USSR representative, had, however, been rejected by an overwhelming majority. No one else had suggested that the inquiry should be directed to any particular part of the world. The Council was not concerned with individual countries or continents, but with certain practices. There had never been a suggestion that the inquiry should begin in Latin America; the inquiry was meant to be a world-wide one. It was not he who had raised the question of Latin America. He was merely replying to a specific criticism of the *Ad Hoc* Committee which he felt was unjustified.

92. Mr. FLORES (International Labour Organisation) said that the report of the *Ad Hoc* Committee on Slavery stated that it had requested the International Labour

Organisation to supply specific information on the question of slavery and other forms of servitude.

93. The International Labour Organisation had always felt that slavery or any other form of servitude had an adverse effect on the living conditions of all workers in the regions where such habits and practices existed; it dealt with them as social evils involving abnormally low labour standards, unfair labour practices and denial of the right of association.

94. The International Labour Organisation would supply the *Ad Hoc* Committee with all the information which it had at its disposal and would continue to co-operate with that Committee. It would be difficult, however, for the Organisation to supply all the information in the exact form desired by the Committee. Referring to the Committee of Experts on Native Labour, which had recently been set up by ILO, he explained that it would meet for the first time in January 1951 in La Paz, Bolivia. That Committee would consider, *inter alia*, the problem of recruitment of indigenous agricultural labourers and mine workers, and would touch upon certain specific matters referred to in the *Ad Hoc* Committee's request.

95. Mr. CABADA (Peru) said that the observations of the representative of the International Labour Organisation lent support to his proposal, since, judging from them, not only would the Organisation be submitting a considerable amount of documentation which would require analysis, but a meeting of experts on the question of indigenous labour was due to take place in January 1951. There was hence everything to be said for the proposal that the *Ad Hoc* Committee should not meet before April 1951.

96. He would like to add that the States of Latin America had a very advanced social system and that not one of their governments could tolerate the continued existence on its territory of the malpractice of exploiting labour.

97. Mr. DE LACHARRIÈRE (France) pointed out that the *Ad Hoc* Committee had been appointed by the Secretary-General, who accordingly should be in a position to give a clear opinion as to that Committee's methods of work. He would therefore like to know whether the Secretary-General considered that the work of the *Ad Hoc* Committee would be better furthered by two sessions than by only one.

98. Mr. HUMPHREY (Secretariat), in reply, said that the first session of the *Ad Hoc* Committee on Slavery had been largely devoted to the organization of the Committee's work. It was the first time that most of the experts had attended an international conference. They had been asked by the Council to perform a very difficult task and no documentation was available.

99. It was true, as the United Kingdom representative had pointed out, that the Committee had been asked to submit a report within twelve months of its appointment, but it might well be thought that the Council had asked too much of the Committee. The Committee would be able only at its second session to study the substance of the problem submitted to it. He pointed out that there was a slight difference between the type of report which



the Committee had been asked to prepare and the type of report submitted by a Commission or Sub-Commission of the Council. The *Ad Hoc* Committee was being asked to make a survey, and he suggested that it would be difficult for it to analyse all the material submitted and prepare a report at the same session.

100. Mr. CORLEY SMITH (United Kingdom) thanked the representative of the Secretary-General for his explanation. He had made his point of view perfectly clear, and Mr. Corley Smith accepted those explanations. He had come to the conclusion that the quality of the work of the *Ad Hoc* Committee would suffer if a third session was not held, and he would therefore vote for that session to be held.

101. Mr. HUMPHREY (Secretariat) replying to a question by Mr. DESAI (India), said that if the *Ad Hoc* Committee held a third session in 1951 extra expenditure would be involved, and that expenditure would have to be voted by the General Assembly. There were sufficient funds available to cover the suggested November 1950 meeting.

102. The PRESIDENT declared closed the general debate.

103. Referring to the first paragraph of the Peruvian draft resolution (E/L.96), he pointed out that it had become redundant and that the Peruvian representative wished to move the second paragraph of that draft as

an amendment to the draft resolution submitted by the *Ad Hoc* Committee on Slavery. As the Interim Committee on Programme of Meetings considered that it would be difficult for the *Ad Hoc* Committee on Slavery to hold a session in April, he suggested that the words "in April 1951" in that paragraph of the Peruvian draft should be replaced by the words "in the first half of 1951". The members of the *Ad Hoc* Committee, after reading the records of the Council, would note that the amendment which he was proposing was intended to allow Member States more time to reply to the questionnaire.

*It was so decided.*

104. The PRESIDENT put to the vote the second paragraph of the Peruvian draft resolution (E/L.96), as amended by the Chair, and pointed out that, if adopted, it would be inserted between the first and second paragraphs of the draft resolution submitted by the *Ad Hoc* Committee on Slavery (E/1660, Annex I).

*The paragraph, as amended, was adopted by 8 votes to 7.*

105. The PRESIDENT put to the vote the draft resolution submitted by the *Ad Hoc* Committee on Slavery, as amended.

*The draft resolution, as amended, was adopted by 12 votes to none, with 3 abstentions.*

The meeting rose at 6.30 p.m.