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**President: Mr. Juan I. COOKE (Argentina).**

**Present:**

The representatives of the following countries: Argentina, Australia, Belgium, China, Cuba, Czechoslovakia, Ecuador, Egypt, France, India, Norway, Pakistan, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Observers from the following countries: Chile, Dominican Republic, Iraq, Netherlands, Philippines.

The representative of the following specialized agency: International Labour Organisation.

**Forced labour: reports of the *Ad Hoc* Committee on Forced Labour (E/2153, E/2276, E/2341, E/2431 and Add.1 to 8, E/L.588/Rev.1) (concluded)**

[Agenda item 14]

**GENERAL DEBATE (concluded)**

Mr. LOOMES (Australia) said that in attempting to answer the well-founded allegations that had been made concerning the existence of forced labour in his country the USSR representative had tried to use the *quoque* argument. He had made general assertions concerning alleged forced labour in Australia and in New Guinea, a Trust Territory under Australian administration; he had even referred to slave labour in New Guinea.

The allegation that there was forced labour in New Guinea had been thoroughly investigated by the *Ad Hoc* Committee on Forced Labour, with the assistance of the Government of Australia. The Australian Government had naturally been prepared to co-operate in the investigation of even such a preposterous allegation as that, since no country that conformed to recognized principles of justice would have anything to fear from an investigation of the kind. It was perhaps hardly necessary to say that both allegations were completely unfounded. Forced labour could not exist in Australia or in any territory under its administration; it was repugnant to the Australian way of life and thought.

Mr. HOTCHKIS (United States of America) observed that in his statement at the previous meeting the USSR representative had accused him of saying that the *Ad Hoc* Committee consisted of representatives of the Governments of India, Norway and Peru. What he had actually said was that it consisted of eminent jurists who happened to be citizens of those countries.

The USSR representative had also affirmed that Stetson Kennedy, his sole source of information

about the United States, was not a Communist but a scholar. Mr. Hotchkis was not in a position to make any definitive comment on the personal status of Mr. Kennedy, and he wanted to withdraw any such statement he might have made. The important fact was that the *Ad Hoc* Committee had dismissed his charges.

5. He had himself said at the previous meeting that, so far as he knew, strikes were unknown in the USSR. He had since been informed by a member of his own delegation that in 1953 workers in some of the forced labour camps in that country had gone on strike for better working conditions. They had all been shot.

6. With reference to the "wet-backs", a group of Mexican nationals who entered the United States of America without visas, the *Ad Hoc* Committee had examined the matter thoroughly and had come to the conclusion that there was no question of forced labour in that connexion.

7. As all the members of the Council knew, anyone was free to travel about the United States without restriction; it would therefore be impossible to hide the existence of concentration camps or forced labour.

8. The USSR representative had referred to several members of the United States Cabinet, and particularly to Mr. Charles Wilson, Secretary of Defense. The United States representative had emphasized that Mr. Wilson had resigned from General Motors, sold his interests and gone to Washington in order to serve his country.

9. The report of the *Ad Hoc* Committee (E/2431) was a terrible indictment of a pernicious system that was still in force in certain countries, including the countries behind the "iron curtain".

10. Mr. SAKSENA (India) said that at the previous meeting the USSR representative had cast certain reflections upon the members of the *Ad Hoc* Committee, and especially on its Chairman. The Indian delegation had no objection to any delegation's disputing the Committee's findings and recommendations, but deprecated attacks on the personal integrity and good faith of its members. The members had been selected for their personal qualifications, and their conclusions did not represent their Government's views.

11. At the same meeting the United Kingdom representative had taken exception to Mr. Saksena's allusion to conditions prevailing in South Africa on the ground that South Africa was not represented on the Council and had therefore been unable to reply. He appealed to the President to rule whether he had been guilty of any impropriety. He had never understood that only countries represented on the Council could be commented on there.

12. The PRESIDENT considered that the Indian representative had been perfectly within his rights in dealing with the question as he had done.

13. Mr. TSARAPKIN (Union of Soviet Socialist Republics) noted that the United States representative now appeared less certain about Mr. Stetson Kennedy,

who had supplied the *Ad Hoc* Committee with information about forced labour in the United States of America. As he had already said, Mr. Kennedy's memorandum ought to be circulated as a United Nations document for the information of members of the Council.

14. The United States representative had been unable to disprove the USSR representative's statement that there was large-scale forced labour in the United States as a result of the country's economic system.

15. In reply to the Indian representative, he said he regretted having been compelled to impugn Sir Ramaswami Mudaliar's integrity, but the authors of a report which was a tissue of fabrications and forgeries could not claim to be acting honestly and in good faith.

16. In reply to the Australian representative he said that the facts to which he had referred had been taken from an Australian publication.

DRAFT RESOLUTION SUBMITTED BY ECUADOR, FRANCE, NORWAY, TURKEY, UNITED KINGDOM AND UNITED STATES (E/L.588/Rev.1)

17. Mr. DE WINTER (Belgium) wished to explain the vote his delegation would cast.

18. It would ask for a separate vote on paragraph 1 of the operative part of the joint draft resolution (E/L.588/Rev.1), commending the *Ad Hoc* Committee for its work, and would abstain in the vote on that paragraph, for reasons already given.

19. It would vote for the joint draft resolution as a whole because, inadequate though it might be, it did condemn systems of forced labour; in the hope that it would have a certain moral force; and because it referred the question to the International Labour Organisation, which was the appropriate body to deal with it.

20. It would vote against the Cuban amendment (E/L.590), since it considered that the appointment of a rapporteur would give rise to the same confusion into which the *Ad Hoc* Committee had fallen.

21. It would also be unable to vote for the Yugoslav amendments (E/L.599); in its opinion the first two amendments added nothing useful to the joint draft resolution and the fourth detracted from its value.

22. During the debate some delegations had alluded to forms of forced labour that were not covered by the *Ad Hoc* Committee's terms of reference. The Governing Body of the International Labour Office, at its 123rd session, had made proposals for their suppression. The Belgian delegation was in favour of those proposals; it considered that those forms of forced labour should be abolished all over the world. It was true that some forms of forced labour still existed in lands which were at the dawn of civilization, and not only in colonial territories. The existence of such practices could be justified only during a transitional period and if they were in the best interests of the people concerned; they should be progressively eliminated until they had entirely disappeared.

23. Subject to those considerations, the Belgian delegation would vote for the joint draft resolution as it stood.

24. Mr. MEADE (United Kingdom) said that his delegation would be unable to vote for the Yugoslav amendments. The declaration it was proposed to insert between paragraphs 3 and 4 of the joint draft resolution went beyond the boundaries of the subject and some of

the phrasing went beyond what governments could reasonably be expected to accept. He could not support the proposal to delete paragraph 5 (b). The rest of the Yugoslav amendments were consequential to those two and he would therefore have to vote against all of them.

25. Mr. KOS (Yugoslavia), replying to criticisms of the amendments proposed by his delegation (E/L.599), said that the shortcomings of the existing definition of forced labour were recognized. It was discriminatory because it covered the forced labour of even a few persons if it was for political or correctional purposes but not if it was for economic purposes. Moreover, it was very difficult, if not impossible, to establish whether forced labour was "on such a scale as to constitute an important element in the economy of a given country" (Council resolution 350 (XII), para. 1 (a)).

26. Another reason for the Yugoslav amendments was that forced labour should be treated as such regardless of whether it was practised for political or economic reasons, on a large or small scale, prescribed by law or maintained by custom. If that approach were not adopted, forced labour would continue in the world with the sanction of the United Nations. Moreover, that sanction might apply to some aspects of slavery which would not be covered by the proposed new slavery convention because they were on the borderline between slavery and forced labour.

27. In that connexion, it was significant that the United Kingdom delegation's reply to the United Nations with regard to the desirability of a supplementary convention on slavery (E/2540/Add.4) recognized the existence of forced labour outside the narrow definition given in the draft resolution before the Council. That was precisely the reason why the Yugoslav delegation had submitted its amendments; it feared that those aspects of forced labour might be excluded both from the convention on slavery and from the Council's resolution on forced labour, although they were recognized as such.

28. His delegation was strongly in favour of deleting paragraph 5 (b). In principle it had no objection to governments making such communications, but it was emphatically opposed to giving equal rights in the matter to non-governmental organizations. At the previous session the Council had discussed the possibility of granting non-governmental organizations and individuals the right to submit such communications and the idea had been vigorously opposed by the United Kingdom and United States delegations, both sponsors of the draft resolution before the Council.

29. The Yugoslav delegation had no doubt of the sincerity and good faith of the majority of non-governmental organizations, which gave valuable collaboration to the United Nations in many fields, but it could not be denied that some of them existed only to stir up international hatred and prevent the establishment of friendly relations among nations. If the draft resolution were adopted, there would be an increasing number of communications full of unverifiable accusations. It was useless to add that the communications would be considered together with comments submitted by the governments concerned, since few governments would trouble to defend themselves against accusations by obscure organizations with no substantial backing.

30. The use of United Nations documents to disseminate unsupported accusations against various countries would do more harm to the dignity and prestige of the

United Nations than good to the victims of the system forced labour.

Furthermore, it was not clear whether the Secretary-General would be expected to investigate the allegations or merely to reproduce the communications. He might be exposed to unnecessary attacks which could only damage the United Nations, which should enjoy a reputation for objectivity and impartiality.

The non-governmental organizations had not been mentioned in Economic and Social Council resolution 50 (XII), under which the *Ad Hoc* Committee had been established.

Lastly, Economic and Social Council resolution 75 (V) prescribed the procedure with regard to complaints concerning human rights, so that, even if paragraph 5 (b) were adopted, the Secretary-General would not be empowered to use the communications otherwise than as laid down in that resolution. If the intention was to change that procedure, the fact should be clearly stated; otherwise a dangerous precedent would be created.

Mr. HOTCHKIS (United States of America) said his delegation was not against the Cuban proposal in principle, but did not think the appointment of a rapporteur was necessary at the current stage. The work to be done during the next eight or ten months could be done by the Secretary-General and the Director-General of the International Labour Office. Furthermore it would be difficult to find anyone willing to brave the ruthless attacks to which a rapporteur would be exposed. He would therefore abstain on the Cuban amendments.

He reserved the right to propose the re-establishment of an *ad hoc* committee if and when it seemed desirable, either in the Council or the General Assembly.

He would be unable to vote for the Yugoslav amendments (E/L.599). The language of the first was so vague that it could even be interpreted as prohibiting ordinary prison labour of criminals sentenced under due process of law. The second and third added little to the original draft resolution, and he was strongly opposed to the deletion of paragraph 5 (b).

He hoped the Council would adopt the joint draft resolution (E/L.588/Rev.1) as it stood.

Mr. BENITES VINUEZA (Ecuador) said he would be unable to support the Cuban amendment (E/L.590), since his delegation considered that in international matters it was better that responsibility should be laid upon a body than upon an individual.

Referring to the Yugoslav amendments (E/L.599), he said that all the Council could do for the time being was to discuss the item on its agenda, which was a particular type of forced labour, namely, correctional forced labour imposed for political reasons. With regard to the first amendment, he could not see how forced labour could be prescribed by a private measure.

There seemed to be some confusion in the Yugoslav amendments between the ideas of forced labour, slavery and servitude, which were in reality quite different things. Servitude was a remnant of feudalism, forced labour was coercive action imposed by the State, and slavery was the exercise of property rights over human beings. Furthermore the amendment referred to article 8 of the draft covenant on civil and political rights; thus it was based on a covenant which had not yet come into force.

There was a confusion of ideas also in the phrase "forced or compulsory labour". There was compulsory labour in Ecuador; it was a civic duty to which all were subject, but they chose the kind of work they would do. There was however, no forced labour in that country.

For all those reasons he would be obliged to vote against the Yugoslav amendments.

Mr. BORIS (France) said that the French delegation had already explained why it would be unable to support the Cuban amendments (E/L.590).

The Yugoslav amendments (E/L.599) were an attempt to introduce a new definition of forced labour, the adoption of which would be tantamount to changing the field of discussion and action in which the Council was called upon to operate. The Council had adopted the definition of forced labour embodied in resolution 350 (XII) after full reflection and discussion and the *Ad Hoc* Committee had done its work on the basis of that criterion. He would therefore vote against the Yugoslav amendments.

The PRESIDENT put the Cuban amendments (E/L.590) to the vote.

*The amendments were rejected by 13 votes to 2, with 2 abstentions.*

The PRESIDENT put the Yugoslav amendments (E/L.599) to the vote.

*The amendments were rejected by 13 votes to 1, with 3 abstentions.*

The PRESIDENT put to the vote paragraph 1 of the operative part of the joint draft resolution (E/L.588/Rev.1).

*The paragraph was adopted by 11 votes to 2, with 5 abstentions.*

The PRESIDENT put to the vote the joint draft resolution (E/L.588/Rev.1) as a whole.

*The draft resolution as a whole was adopted by 13 votes to 2, with 3 abstentions.*

Mr. AZMI (Egypt) said that he had abstained in the vote and had refrained from taking part in the debate because the discussion of the item had been vitiated by political discord and the Egyptian delegation felt that questions affecting human rights should be removed from the political arena.

Mr. PEREZ PEROZO (Venezuela) said that he had been unable to support the Cuban amendments (E/L.590) because, like the representative of Ecuador, he was opposed in principle to the appointment of a rapporteur when international functions were to be exercised. The responsibility was too great to be placed on the shoulders of a single individual.

He had voted for the joint draft resolution (E/L.588/Rev.1) because it appeared to him moderate and well thought out.

He had voted against the Yugoslav amendments (E/L.599).

Mr. SAKSENA (India) said that he had abstained in the vote, first, because he did not think the *Ad Hoc* Committee's investigation had gone far enough in dealing with the question of forced labour, and secondly, because his delegation did not approve of condemnations of the system of forced labour which did not lead to any improvement of conditions.

The meeting rose at 4.5 p.m.