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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: Brazil, Chile.

The representatives of the following specialized agencies: International Labour Organisation, World Health Organization.

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) (*continued*)

[Agenda item 14]

GENERAL DEBATE (*continued*)

1. Mr. NOSEK (Czechoslovakia) wished to point out before speaking of the report before the Council (E/2431), that the *Ad Hoc* Committee had had neither the authority nor the competence to study the question of forced labour, for it had been composed, not of representatives of the workers, but of persons belonging to the ruling classes of the countries from which they came, who had never concerned themselves with the sufferings, interests and needs of the oppressed and exploited masses. The Committee had deliberately restricted its powers to a point where it could not show, even incidentally, any impartiality or objectivity, and had at the same time agreed to become the instrument of a campaign of slander against the USSR, Czechoslovakia and the other peoples' democracies. As a result of the Committee's refusal to consider isolated cases of forced labour imposed by individuals or organizations in violation of national law, or occasional measures adopted by a government in exceptional circumstances or for a clearly defined period, the conclusions reached could only be ridiculous, from the point of view both of the workers' interests and of the principles enunciated

in the United Nations Charter, by which the Committee's work should have been guided. Thus, the Committee had decided not to study cases of forced labour in colonial countries, whose peoples, cruelly exploited and oppressed, needed United Nations help. The Committee seemed to have only the interests of the capitalists at heart and to have completely ignored the interests of the exploited classes. An example of that was to be found in the way in which it had tried to justify by pseudo-legal arguments the forced labour of hundreds of thousands of Mexican workers employed in the United States of America.

2. The same bias was reflected in the speech of the United States representative, who had told the Council a number of fairy-tales about the alleged existence of systems of forced labour in the Soviet Union, the People's Republic of China and the peoples' democracies. Mr. Hotchkis would have been better advised to refer to the reports of the meetings of the United States Congress (No. 23 of 8 February 1954) where he could have found the text of a very eloquent statement by Mr. John F. Shelley in the House of Representatives on the deplorable condition of the Mexican agricultural workers employed in the south-western states of the United States.

3. If the *Ad Hoc* Committee had wanted to show impartiality and objectivity, it should have studied all aspects of the question instead of deliberately excluding from its survey obvious cases of forced labour such as the one to which he had just referred.

4. Ignoring the principles set forth in the United Nations Charter and the provisions of the Universal Declaration of Human Rights, the Committee had deliberately excluded from its survey not only the question of slavery but also the question of the living and working conditions of the indigenous peoples in the Non-Self-Governing Territories, as well as, generally speaking, all matters relating to problems and conditions of labour, in other words, all the most characteristic aspects of forced labour in the capitalist countries. It had interpreted in the most arbitrary fashion the already tendentious provisions of Council resolution 350 (XII) by giving the impression, in the questionnaire it had sent to all governments, that forced labour was a necessary concomitant of a planned economy. The Committee had thus succeeded in providing a free outlet for all the falsehoods and slanders aimed at the USSR, Czechoslovakia and the other peoples' democracies, where the existence of forced labour was impossible, since those countries had abolished once and for all the exploitation of man by man.

5. Judging by the questionnaire, the Committee seemed to have paid far less attention to isolated cases of forced labour and to forced labour in general in capitalist economies. Such an attitude was only to be expected from a committee on which workers were not represented and which had preferred to hear so-called experts rather than victims of forced labour themselves.

6. The Committee had gone so far as to accept the collaboration of various absolutely discredited groups

of exiles and traitors who received American funds under the Mutual Security Act and who had become the instruments of hostile campaigns directed against the USSR and the peoples' democracies. The Committee's delay in giving a hearing to the newspaperman, Mr. Stetson Kennedy, who had prepared a memorandum on forced labour in the United States and its refusal to hear American forced labourers were specific examples of the tendentious manner in which it had conducted its investigation.

7. By excluding from its terms of reference the questions of full employment, the equality of the rights of men and women, living standards, racial discrimination, the equality of all nations, whether great or small, the Committee had taken no account of the provisions of the Charter relating to the respect for human rights and for fundamental freedoms for all, without any distinction as to race, sex, language or religion.

8. The Committee had reached particularly absurd conclusions regarding the accusations made against the USSR and the peoples' democracies. For instance, as regards Czechoslovakia, the Committee had deliberately distorted the meaning of provisions of the Czechoslovakian legislation concerning the "planned placement of young people", the "placing of persons not previously employed", the utilization of "redundant or otherwise superfluous labour for the tasks of the Five-Year Plan", and "creating reserves of labour". The Committee was nevertheless obliged to note that none of those provisions expressly provided for compulsion. But as it did not want to recognize that there was no forced labour in Czechoslovakia, it alleged that a certain degree of compulsion was not impossible. The Committee seemed to forget that it had been set up to establish facts and not to inform the Council of its personal opinions supported by the statements of traitors, renegades, criminals and mercenaries employed by foreign espionage services. Paragraph 149 of the report (E/2431) showed how the *Ad Hoc* Committee, by taking parts of sentences out of their context, attempted to give a false idea of the provisions of sections 33 and 39 of the Czechoslovak Administrative Penal Code. The Czechoslovak delegation wished to emphasize that those provisions had never been used to prevent young people from freely choosing any unemployment or profession. On the contrary, they ensured harmony between the interests and wishes of young people and the interests of the economy and the economic planning of Czechoslovakia. For the Committee, the "placing of persons not previously employed" was synonymous with forced labour; on the other hand, work was said to be "free" in the capitalist countries where numerous young people, after leaving school, did not succeed in finding employment and were obliged, in order to live, to accept any employment for any wage, unless, as was the case in the United States of America, forced unemployment drove them to crime or delinquency. Similarly, the *Ad Hoc* Committee also regarded as a measure of coercion the "planned placement of young people" and other measures designed to enable young people to develop their talents and knowledge. There were in the United States and certain other capitalist countries millions of apparently "free" women who would like to find employment in order to protect their families from hunger and want but who could not do so because there was no employment. On the other hand, in Czechoslovakia women could easily find employment for which they were paid the same wages as men. The existence of crèches and kindergartens enabled them to work without having to

worry about their children and homes. He reminded the Committee that women workers in Czechoslovakia were entitled to eighteen weeks' maternity leave. The *Ad Hoc* Committee claimed that it had taken into account the spirit of the Czechoslovakian legislation, but it had disregarded its chief aim, which was the welfare of the population.

9. In 1933, capitalist and "free" Czechoslovakia—according to the Committee's criteria—had had 738,000 unemployed of whom only one-third received small unemployment benefits from the trade unions. In the Czechoslovak people's democracy there was neither unemployment nor under-employment. The number of people employed in the national economy was increasing year by year. A comparison should be made between that situation and that in the United States where there were 4 million unemployed, in addition to millions of persons only partially employed. No doubt the Committee regarded that as the very height of "freedom". In Czechoslovakia from 1949 to 1953 the average workers' wages had increased by 35 per cent and that of industrial workers by 56 per cent. However, the Czechoslovak Government had, during the past year, carried out several price cuts which had resulted in an increase in real wages. As regards the position of Czechoslovak women, he wished to point out that in 1953 the number of employed women had accounted for 35 per cent of the total number of employed.

10. Nor had the Committee given any attention to the status of Czechoslovak youth. In 1951 and 1952 800 vocational training schools had been opened in Bohemia and they were attended by over 90,000 young apprentices, who lived in modern and well-furnished hostels; they were housed, fed and clothed, had their clothes laundered free of charge, and were entitled to a cash allowance. In 1953, the Czechoslovak Government had spent 992,765,000 Czechoslovak crowns on the training of young workers. While in the United States of America and certain other capitalist countries which according to the Committee enjoyed "freedom of work" hundreds of thousands of young people tried in vain to find employment, Czechoslovakian schools for manpower reserves trained every year tens of thousands of young highly specialized workers who were certain of finding well remunerated employment; of improving their qualifications and of obtaining promotion in the trade they had chosen.

11. The steady improvement in workers' living conditions was not the exclusive privilege of Czechoslovakia. It could also be observed in all the peace-loving countries, in the Soviet Union, the People's Republic of China and all the peoples' democracies.

12. During the discussion, the People's Republic of China had been the target of unjustified and lying accusations. As the representative of the USSR had already convincingly refuted those slanders, he would confine himself to emphasizing one point, namely that the economic, social and cultural progress achieved by the People's Republic of China was clearly demonstrated by the fact that in one year the purchasing power of the Chinese worker had increased by 20 per cent; and considering that the Chinese people represented one-quarter of the world's population it had to be admitted that such an improvement could be due only to free and enthusiastic work.

13. Similarly, it was thanks to the rapid development of agriculture and the consumer-goods industry that the living standards of the peoples' democracies were rising

steadily; the price-cuts carried out in 1953 and 1954 in Poland, Hungary, Bulgaria and Czechoslovakia had resulted in a considerable increase in the real income of each family in those countries.

14. Those convincing facts were enough to show the slanderous nature of the conclusions reached by the *Ad Hoc* Committee, which had readily lent itself to a campaign of defamation of the USSR and the peoples' democracies and had not even concealed its lack of impartiality and objectivity. Subjected to the pressure of the capitalist circles of certain countries, the *Ad Hoc* Committee had refused to examine certain universally known facts, namely the forced labour, brutal exploitation and deprivation of all rights to which large sections of the working class in the United States of America and certain other capitalist countries and their colonies were subjected. In those countries workers were condemned to live in the fear of losing their employment and had to accept working conditions which were often tantamount to servitude and forced labour.

15. As regards the United States of America it was sufficient to say that one-third of the Negroes living in the southern states did not have a single representative of their race in the federal or local bodies; American Negroes lived practically under the same conditions as before the abolition of slavery. The *Ad Hoc* Committee had deliberately ignored the fact that nearly 5,500,000 persons in the United States were subjected to inhuman exploitation and practically held as slaves for debt: they were the three or four million Mexican "wet-backs" who worked under the same conditions as the slaves in the south-western plantations, the 600,000 Americans of Mexican origin and hundreds of thousands of migrant workers who were compelled partly by hunger and unemployment and partly by brutal oppression, with the complicity of the authorities, to accept conditions that amounted to servitude and forced labour.

16. Nor had the *Ad Hoc* Committee taken into account the accusations, supported by facts, which had been made concerning the methods employed in the colonial countries for obtaining manpower. All those considerations showed that the *Ad Hoc* Committee, in its work and its conclusions, had sided with those who hated and fought the peoples' democracies because they had, in their own countries, done away with the exploitation of man by man, unemployment and injustice.

17. The Czechoslovak delegation categorically rejected the conclusions of the *Ad Hoc* Committee and considered that the duty of the Economic and Social Council was to adopt a resolution stating that it had not taken note of the report of the *Ad Hoc* Committee.

18. Before concluding, he wished to make a few comments concerning the statement made by the representative of Cuba at the 782nd meeting. In his hatred for all countries in which the government was not in the hands of capitalist exploiters, the representative of Cuba had launched into a violent diatribe against the USSR and the peoples' democracies. He had, no doubt, spoken on behalf of the ruling circles of Cuba but surely not on behalf of the 500,000 Cubans who were permanently unemployed or the 500,000 sugar plantation workers who were unemployed every year from June to January.

19. The representative of Cuba had taken the trouble of telling horrifying stories about the situation in Czechoslovakia but he seemed to have forgotten the millions of Cuban workers who lived in misery and

were compelled to submit to a system of forced labour under conditions established by the capitalist employers. In order to impose their will upon the working class, the ruling circles in Cuba had not hesitated to resort to terrorist methods, as could be seen from an article published in *The New York Times* of 13 January 1954 under the title "Terror charged in Cuba". The avowed policy of the ruling circles was condemning the Cuban people to a wretched existence and to working conditions indistinguishable from forced labour. The dictatorship that had seized power replied to the legitimate protests of the people by imprisonment, torture and systematic persecution. The whole world had condemned that policy, and during its third congress in October 1953, the World Federation of Trade Unions had pointed to the sufferings of victims of oppression in Cuba and other parts of the world in its message to the workers.

20. Not wishing the world to know the working conditions imposed on the Cuban working class, the rulers of the country had in 1953 issued a decree placing severe restrictions on the dissemination and transmission of news. *The New York Times* of 22 August 1953 had delivered a strong attack against that decree, which seriously threatened the freedom of the Press. No decree could, however, prevent the truth from becoming known. On 14 February 1954, *The New York Times* had noted that democracy was in retreat in Cuba and that Batista's *coup d'état* had roused a profound feeling of national humiliation.

21. The Cuban representative's statements could do nothing to change those truths, nor could they set aside the fact that the Czechoslovak people was working to secure a prosperous and happy future in the most complete freedom and in an unprecedented environment of economic and cultural development.

22. Mr. ASIROGLU (Turkey) stated that the attitude of the Turkish delegation, which was a co-sponsor of the joint draft resolution, was based on two essential considerations, the purely humanitarian aspect of the problem and respect for the principles set forth in the United Nations Charter and the Universal Declaration of Human Rights.

23. The Commission on Human Rights had recently successfully completed the preparation of the international covenants on human rights which would be submitted to the Economic and Social Council at its eighteenth session and then to the General Assembly at its ninth session. There had been a most encouraging spirit of understanding and co-operation among all the delegations to the Commission on Human Rights. Admittedly, certain differences of opinion had arisen on some essential points, but agreement on questions of principle had been unanimous, especially with regard to the recognition of and respect for human rights. At last, the world might hope that the principles set forth in the Charter and the Universal Declaration of Human Rights would soon be put into practice. Unfortunately, the tone of certain speeches recently made in the Economic and Social Council as well as the facts revealed in the report of the *Ad Hoc* Committee on Forced Labour (E/2431) were such as to warn public opinion against hoping for too much too soon.

24. The Turkish delegation had studied the *Ad Hoc* Committee's report from a purely humanitarian point of view and considered that the Committee had fulfilled its task admirably and that there were no grounds for

doubting the impartiality of its members, whose competence and integrity were universally recognized.

25. The *Ad Hoc* Committee had first of all carried out a general inquiry, for which it had requested the assistance of governments, non-governmental organizations and private individuals. It had prepared a questionnaire for submission to all the governments, of which forty-eight had replied while thirty-three had refrained. The Committee had also consulted the governments of twenty-four countries against which charges concerning the existence of forced labour had been made, and of those fourteen had not replied.

26. The *Ad Hoc* Committee had then passed on to a very careful examination of the problem and the evidence before it. It had arrived at the conclusion that there were in the world two main systems of forced labour, one applied as a means of political coercion and the other practiced for economic purposes. It had established that the domestic legislation of certain countries enabled the authorities to resort to forced labour as a method of pressure and compulsion against citizens whose political ideas did not agree with those of the régime. There was no possible way of establishing an analogy between such a system of political re-education and the social rehabilitation of criminals. The purpose of the former system was to annihilate all opposition to the political régime while the purpose of the latter was to reinstate the criminal in society by teaching him a trade.

27. With regard to forced labour for economic purposes, the *Ad Hoc* Committee had found that in some countries large-scale public works had been and were being carried out by means of penal colonies and collective labour camps. It should be observed that that type of forced labour existed in various parts of the world in differing forms according to the countries or territories in which that new type of human slavery was practised.

28. It was intolerable that in modern times individuals should be forced to work under inhumane conditions. It should therefore be noted with satisfaction from the *Ad Hoc* Committee's report that the status of workers in some countries and territories was improving through the efforts of the International Labour Organisation. The *Ad Hoc* Committee had pointed out that the labour conventions prepared by ILO had been ratified by some of the countries in question and that a satisfactory improvement had been noted.

29. The Turkish delegation regarded the existence of forced labour in any form whatsoever as completely incompatible with the principles enunciated in the United Nations Charter. Those States which had signed the Charter had indeed undertaken to promote universal respect for human rights and freedoms for all without any distinction. In 1948 the General Assembly had solemnly proclaimed that everyone had the right to life, liberty and security of person, that no one should be held in slavery or servitude and that everyone was entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights.

30. The Turkish delegation was fully aware of the obligations which its Government had assumed by signing the United Nations Charter and the Universal Declaration of Human Rights and had deemed it its duty to be a co-sponsor of the joint draft resolution on forced labour (E/L.588/Rev.1) because it considered that that resolution would induce those responsible not only

to search their conscience but also to re-examine the laws and administrative practices in force in their countries.

31. Mr. SAKSENA (India) brought out the point that whatever opinion might be held on the validity of the conclusions reached by the *Ad Hoc* Committee on Forced Labour or the justice of their recommendations, a tribute should be paid to its three outstanding members who had brought remarkable intellectual and moral qualities to bear on a difficult and thankless task.

32. The Committee had begun by interpreting its terms of reference, not an easy task in view of the wording of resolution 350 (XII) of the Council. After a long and detailed study of the text of the draft resolution and the recorded discussions of the Economic and Social Council and the Governing Body of the International Labour Office, the Committee had decided that although its inquiry would cover both political and non-political aspects of forced labour its study would nevertheless be confined to systems of forced labour as revealed in the texts of laws and regulations or their application, when such systems existed on a wide scale. In other words the Committee had decided to consider only instances of forced labour sanctioned by law or administrative practice. Since most aspects of non-political forced labour did not come under that definition, there was inevitably a big gap in the report, which was bound to reduce the value of its conclusions.

33. Furthermore, the Indian delegation could not agree that forced labour was tolerable even when sanctioned by the law and not applied permanently, for the slightest threat to the dignity of the human person could not be tolerated without weakening the Council's position in its campaign against forced labour. The *Ad Hoc* Committee was aware of that fact, since in paragraphs 553 and 554 of its report (E/2431) it recognized the existence, in Non-Self-Governing Territories as well as in certain self-governing countries, of systems of forced labour for economic purposes, which not only subjected a fraction of the population to conditions of misery unfit for human beings but would inevitably result in a gradual deterioration of the status and dignity of free workers in those countries. The Committee's recommendations on that subject were contained in paragraph 560.

34. Owing to the Committee's interpretation of its terms of reference it had neglected certain aspects of forced labour, thereby leaving a vast field unexplored. It had alluded to certain laws and practices enforced in various parts of the world, however, and had reached the conclusion that if the enforcement of those measures was accompanied by abuse or excessive severity it would be equivalent to the general imposition of forced labour for economic purposes. In that connexion, it might be said that virtually all the countries to which the Committee had extended its inquiry had laws the enforcement of which might well result in some form of forced labour. The Committee had carefully refrained from judging the complaints it had received in that respect. In the course of the current debate, however, serious charges had been made against certain countries and it was incumbent upon their representatives to join issue on those allegations. For its part, the Indian delegation considered that it was bound to supply certain information regarding the situation in the Union of South Africa.

35. He recalled, first, the conclusions reached by the Committee regarding the Suppression of Communism

Act of 1950 (paragraphs 370 and 374) and he proceeded to read paragraphs 372, 373 and 374 of the report dealing with the economic aspect of the problem in the Union of South Africa. In the light of those considerations the South African Government's reply to the allegations made against it could hardly be regarded as satisfactory. He then read a passage from a book by Mr. E. S. Sachs entitled *The Choice before South Africa*, which contained a description of the miserable condition of the indigenous miner. Any doubt as to the objectivity of Mr. Sachs' views could be dispelled by reference to an article in *The New York Times* of 19 February 1954 entitled "Malan Drafting New Negro Curbs", concerning the new legislative measures that the Malan Cabinet intended to introduce in order to restrict the Negro population's employment opportunities, right of vote, educational opportunities, and so on. He also cited the testimony of Mahatma Gandhi's son—recently imprisoned for deliberate contravention of certain arbitrary statutes—on the terrible living conditions in South African prisons and "corrective" institutions.

36. He had felt it his duty to mention those facts because the terms in which resolution 350 (XII) was couched might give the impression that the Council's purpose in setting up the *Ad Hoc* Committee on Forced Labour had been to fan the flames of propaganda warfare rather than to relieve human suffering. The debate on 23 April (782nd and 783rd meetings) had unfortunately only confirmed that impression. The Council had heard the methods applied by certain European countries denounced in violent terms. He would not go into the substance of those allegations, but he thought it would be most regrettable if the Council should give the impression that its basic purpose was to mobilize public opinion against a given country rather than to find a means of combatting the scourge of forced labour, wherever it might occur.

37. It had not been his intention to take so much of the Council's time, but he had felt bound to draw the Council's attention to the treatment of workers in the Union of South Africa, in order to place matters in their proper perspective. Forced labour was not a monopoly of countries espousing a given ideology. The Council should not only avoid giving the impression that its action was based on political motives but should show by word and deed that it was as much concerned with the welfare of the human beings living in Africa as with that of the inmates of labour camps in Europe. No race, colour or creed was immune to suffering and all suffering deserved compassion. All acts of cruelty or oppression should be condemned with equal vigour, whatever the underlying motives. Rather than succumb to the temptation to pursue the "cold war" in the Council, the members should search their consciences.

38. The Council should study the problem from a practical point of view. Forced labour could be eliminated only if the countries concerned voluntarily collaborated to suppress it. As there was no question of resorting to war, the only means of obtaining the desired objective was to mobilize public opinion and to seek to win the goodwill of the countries in which forced labour existed in some form or other. To take a realistic view, it had to be recognized that the existence of forced labour in certain countries might well be the result of the hatred and fear engendered by the "cold war". With the relaxation of international tension that hatred and fear would be replaced by confidence and

most of the manifestations of the disease would disappear. Political forced labour was a symptom of political insecurity; consequently it would be futile to expect condemnation alone to remedy the lot of its victims, but if condemnation was called for, it should be directed at all forms of forced labour, without distinction.

39. For those reasons, his delegation could not vote in favour of paragraph 3 of the joint draft resolution (E/L.588/Rev.1). Similarly, it did not believe that the Cuban proposal (E/L.590), calling for the appointment of a special rapporteur, was likely to facilitate the solution of the problem. It would vote for the Yugoslav amendments (E/L.599).

40. In conclusion, he said India sympathized with all the men and women throughout the world who were under the yoke of servitude. The International Labour Organisation was the agency best qualified to assist those victims. It had had long experience and deserved praise for the excellent work that it had already accomplished in that sphere.

Recognition and enforcement abroad of maintenance obligations: report of the Social Committee (E/2567)

[Agenda item 17]

41. The PRESIDENT presented the report of the Social Committee on agenda item 17, concerning the recognition and enforcement abroad of maintenance obligations (E/2567). The item had been referred to the Social Committee in accordance with the decision taken by the Council at its 757th meeting.

42. He put to the vote the draft resolution recommended by the Social Committee (E/2567).

The draft resolution was adopted by 16 votes to none, with 2 abstentions.

Statelessness: (a) Draft protocol relating to the status of stateless persons; (b) Problem of statelessness: consolidated report by the Secretary-General under Council resolution 352 (XII) and memorandum by the Secretary-General on the action taken by the International Law Commission: report of the Social Committee (E/2580)

[Agenda item 16]

43. The PRESIDENT presented the report of the Social Committee on agenda item 16, concerning the question of statelessness (E/2580). The item had been referred to the Social Committee in accordance with the decision taken by the Council at its 757th meeting.

44. He put to the vote consecutively draft resolutions A and B recommended by the Committee (E/2580).

Draft resolution A was adopted by 7 votes to 2, with 9 abstentions.

Draft resolution B was adopted by 11 votes to 2, with 5 abstentions.

45. Mr. KOTSCHNIG (United States of America) explained that his delegation had abstained in the vote on draft resolution A because the measures in force in the United States of America with respect to the protection and the rights of stateless persons were much more liberal than those in the Convention Relating to the Status of Refugees and those that it was proposed

to include in the protocol relating to the status of stateless persons.

46. His delegation had also abstained in the vote on draft resolution B, as it did not accept all the principles underlying the work of the International Law Commission. His Government had stated its position on the matter in the reply that it had recently addressed to the Secretary-General.

47. Mr. GARCIA OLANO (Argentina) said that his delegation had also abstained in the vote on draft reso-

lution A for the following reasons: first, the question of statelessness did not arise in Argentina, which was a land of immigration, where aliens and stateless persons could easily acquire Argentine nationality; secondly, his delegation felt, in view of the small number of countries that had submitted replies to the Secretary-General and the negative or conditional nature of most of the replies, that the time was not yet ripe for a conference of plenipotentiaries.

The meeting rose at 12 noon.