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FIFTH YEAR, TENTH SESSION
366th MEETING
TUESDAY, 28 FEBRUARY 1950, AT 11 A.M.
LAKE SUCCESS, NEW YORK

President: Mr. Hernán SANTA CRUZ (Chile).

**Survey of forced labour and measures for its abolition (E/1587, E/1588 and E/1636)
(continued)**

1. Mr. THORP (United States of America) said that the question of forced labour was without doubt the most harrowing item on the Council's agenda. Both as free individuals, and as spokesmen of Members of the United Nations, representatives on the Council could not remain silent when millions of their fellow human beings were forced to live and work under intolerable conditions of degradation.

2. The item was not new to the Council's agenda. The Council had heard complaints concerning labour conditions in many areas; in only one area, however, was forced labour a major element in the social and economic pattern, originated, endorsed and fostered by government policy. At earlier sessions, abundant evidence of the existence of forced labour in the USSR had been brought to the Council's attention by non-governmental organizations and individual Member Governments. The USSR had not disproved the charge that forced labour was an integral part of its system of subjugation of the individual and exploitation of labour. Its only defence had been that the system was in reality nothing but an educational project.

3. It was becoming increasingly clear that forced labour was not limited to only the territory of the Soviet Union. To cite but one example, the *Rheinische Zeitung* of 10 January 1950 had contained an article on the Erzgebirge uranium mines in the Soviet Zone of Germany, pointing out that working conditions there were as intolerable as those prevailing in Soviet forced labour camps.

4. The United States and other countries had expected that the USSR Government would have welcomed the opportunity of clearing itself of the charges and would have invited an investigation by an impartial commission. The USSR had made it clear however, that it would not allow any such investigation within its borders.¹ The Government of Czechoslovakia had even stated that such an investigation by a commission sponsored jointly by the United Nations and the International Labour Organization would be in flagrant contradiction to the principles of the United Nations Charter.² The USSR counter-proposal for a commis-

sion composed of over one hundred members, of whom the majority would come from the Soviet Union, showed that it was no more interested in a real inquiry into the forced labour situation than was the WFTU.

5. At the ninth session, the USSR had admitted the existence of statutes which provided the legal basis for forced labour in its territory, but had endeavoured to explain the forced labour system as a necessary form of "education".³ To describe the untold misery inflicted upon millions of persons as "education" showed a callousness beyond understanding. It could not conceal the basic fact that millions had been torn away from their homes, their families and their work because of the allegation that they needed to be "corrected".

6. He was unable to accept the suggestion that the item should be dropped from the Council's agenda. The practice of forced labour, which was in existence in the USSR on a tragically large scale, was violating the purposes and principles of the Charter and could not be disregarded. No nation could prevent the accumulation of evidence concerning its treatment of millions of innocent men and women. Governments and non-governmental organizations should continue their efforts to arouse the moral sense of mankind and the Council should seek to focus public attention upon so flagrant a denial of the dignity and worth of human beings. He consequently felt that the Council should continue its consideration of the item; but as the agenda for the eleventh session was already heavy, he moved that the item should be placed on the agenda of the Council's twelfth session.

7. Mr. CORLEY SMITH (United Kingdom) remarked that he would not reply in detail to the charges made at the preceding meeting by the WFTU representative; the French representative in his admirable statement (365th meeting) had clearly shown what they were worth. He would therefore deal with only two of the points raised.

8. The WFTU representative had stated that the USSR Government had agreed to an investigation of its concentration camps by a commission composed of trade unionists. It was true that the USSR representative — at least according to the interpretation given — had agreed to a visit to his country by such a commission; later however, the USSR delegation had sent in a correction to the summary record at the 263rd meeting of the Council, expunging that particular statement. Consequently, it must be assumed that the USSR Government was not prepared to allow an investigation

¹ See *Official Records of the Economic and Social Council*, Fourth Year, Eighth Session, 238th meeting, page 110.

² See document E/1337/Add. 22.

³ See *Official Records of the Economic and Social Council*, Fourth Year, Ninth Session, 319th meeting.

even by the commission which it had itself proposed. It was necessary to make that point clear, because statements to the contrary had frequently appeared in the Press and had indeed been echoed by the WFTU.

9. So far as Mr. Corley Smith could follow them, the WFTU representative's comments on working conditions in British colonies in Africa had been based entirely on a report submitted by the United Kingdom Government to the Trusteeship Council and which the latter had highly commended. Mr. Corley Smith had been unable to find in those comments a single allegation that the Convention concerning Forced or Compulsory Labour, which the United Kingdom had ratified, had been violated in any territory for which the United Kingdom was responsible. Africa could no longer be termed the "dark continent", as it had been in the nineteenth century; a great deal of light had been shed there since, and conditions were improving. He agreed that working conditions in Africa—as elsewhere—could and should be improved still further; the question before the Council, however, was not labour conditions, but forced labour. Since the United Kingdom had not been accused of violating the Convention on forced labour, it had no charges to reply to.

10. He recalled that when the question of forced labour had been discussed at the Council's eighth session, it had been impossible to obtain a straight answer from the USSR representative on whether or not a United Nations commission of inquiry on forced labour would be allowed to visit his country. A circular letter from the Secretary-General to all the Governments concerned had produced an equally evasive and negative reply from Moscow. No reply at all had been received to the Secretary-General's second circular letter. At the ninth session, Mr. Corley Smith had asked the USSR representative point blank whether or not his Government would admit an impartial commission of investigation appointed by the Council.¹ The USSR representative, in two hours of reply, had not answered that question.

11. In those circumstances, the United Kingdom delegation saw little advantage in continuing to debate the question of forced labour at every session of the Council. It had no wish to underestimate the importance of the problem; indeed, the concentration camp and all that it implied in the history of human freedom might well prove to be the most fundamental social issue of the twentieth century, just as slavery had been that of the nineteenth century. The Council had, however, debated the question at three successive sessions. Evidence from refugees had been placed before it. It was in a position to draw its own conclusions by comparing that evidence with the statements of the USSR representative.

12. The United Kingdom delegation had also produced evidence from official Soviet sources regarding the organization of the forced labour system in the USSR; in particular, it had photostatic copies of the official USSR *Corrective Labour Codex*, the authenticity of which had not been questioned by the USSR representative. Consequently, members of the Council

could be in no doubt concerning the existence of concentration camps in the USSR or of the general purposes, principles and methods of administration of the Soviet forced labour system. As the United Kingdom delegation had presented a detailed analysis of the evidence on a previous occasion (319th meeting), he would do no more than recapitulate its principal points.

13. First, the main purpose of forced labour in the USSR was to deal with political heretics, as the first article of the Codex made abundantly clear. That was simply political oppression.

14. Secondly, as stated in articles 8 and 45 of the Codex, persons could be condemned to forced labour without trial in a court of law and, in fact, without any specific charges being made. That meant police dictatorship and that was in direct violation of articles 9 and 10 of the Universal Declaration of Human Rights.

15. Thirdly, throughout the Codex there was repeated evidence that political offenders were more rigorously treated than common criminals, and articles 86 and 87 made it plain that they were frequently placed under the control of armed criminals.

16. Fourthly, there were various indications in articles 129 to 147 of the Codex, dealing with administrative and financial matters, of the tremendous size and scope of the Soviet forced labour system and the immense number of persons subjected to it. It was clear that forced labour played a vast role in the economic system of the USSR, particularly in the exploitation of hitherto undeveloped areas. Thus, article 138 gave a hint of the economic importance of forced labour in the accumulation of capital in the USSR and indicated that bonuses were given to camp officials as an inducement to get the utmost possible production out of their prisoners. Obviously, what existed in the USSR was not an ordinary penitentiary system but a vast economic enterprise run by the police and apparently employing more labour than any other organization in the world.

17. The occasional statistics published by the USSR on its concentration camps were also highly illuminating. Thus, a Soviet publication entitled *From the White Sea to the Baltic in the Name of Stalin* contained the information that out of an unknown number of prisoners engaged in the construction of the Baltic-White Sea and Moscow-Volga canals, 127,000 had been amnestied. That number was nearly the same as the total prison population in the Russian Empire in 1914. The figure was staggering, when it was considered that it represented amnesties of persons connected with only two projects out of the hundreds of different enterprises undertaken by the MVD. Now that the concentration camps of Nazi Germany had been liquidated, no country on earth had anything remotely approaching the prison or camp population of the USSR. It was worthy of note that the charge of forced labour could be established in the sole basis of official USSR documents.

18. In view of that fact, the United Kingdom delegation considered that the only useful action which remained for the Council to take was to send a United Nations commission of inquiry to inspect on the spot some of the main centres of forced labour in the Soviet Union and to bring back an objective report on the scale of

¹ See *Official Records of the Economic and Social Council*, Fourth Year, Ninth Session, 319th meeting, page 512.

operations and the conditions of life and work in the camps. The United Kingdom Government was ready — as it had been in the past — to invite such a commission to visit and inspect all the territories under its control, provided that the commission was also allowed to visit and inspect the Soviet Union. Inasmuch as the representatives of the USSR and Czechoslovakia — the Powers principally concerned — were absent from the Council, it seemed improper to dismiss the question from the agenda without giving them a last chance to accept such an investigation. The United Kingdom delegation therefore felt that final action on the item of forced labour should be postponed to another session of the Council.

19. Mr. PIERCE (Canada) said that his Government had informed the Secretary-General, in reply to the latter's inquiry, that it agreed in principle to the proposal for an inquiry into forced labour and that it would be prepared to co-operate in such an undertaking. Many Member States had done likewise, but not all. Several Governments accused of either sponsoring or tolerating inhuman practices of forced labour had replied in a most unsatisfactory manner. The USSR Government, for instance, had made it abundantly clear that it would not allow even an impartial United Nations commission of inquiry to investigate on the spot conditions of forced labour in Eastern Europe. The Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR had displayed the same unco-operative attitude.

20. It would seem clear, therefore, that any commission of inquiry would be able to deal at first hand only with a few isolated cases of forced labour. The heart of the problem could not be reached because the USSR and the Governments it controlled would not allow any investigation within their territories. Thus it was obvious that the thorough investigation which had been envisaged by the Council could not be carried out. A mere study of documents and testimonials and the hearing of escaped persons could not lead to action on the part of the Council likely to really improve the working and living conditions of those who suffered most from forced labour.

21. The Council had no choice but to postpone further action, as suggested by the United States representative, especially in view of the absence of the delegations of several countries which had refused to co-operate in that field. In the meantime, through existing machinery, other appropriate United Nations organs and specialized agencies could try to eliminate forced labour where it existed and where they could enlist the co-operation of Member States.

22. The Council had attempted to deal with the problem in a broad and fair manner. The responsibility for its failure to do so rested with the USSR and its satellites.

23. Mr. PENTEADO (Brazil) felt that it was hardly necessary to state that forced labour neither did, nor indeed could, exist in his country, by reason both of Brazil's Constitution and of the Christian tradition of its people. The Economic and Social Council had noted in resolution 237 (IX) that the replies received from Governments in answer to the inquiries made by the Secretary-General — in accordance with the seventh paragraph of resolution 195 (VIII) — did not provide

the conditions under which a commission of inquiry could operate effectively. By the same resolution, the Council had instructed the Secretary-General to request Governments which had not stated whether they would be prepared to co-operate in an impartial inquiry into the nature and extent of forced labour in their countries to consider whether they could give a reply to that effect before the tenth session of the Council. The Brazilian delegation had supported that decision because it believed that the Council should try to secure the maximum possible support for its actions. That did not mean, however, that the Brazilian delegation considered that unanimous support by all parties concerned was the indispensable prerequisite to any action by the Council. Such an attitude would indeed condemn the Council to complete inaction.

24. The Brazilian delegation, therefore, did not wish the setting up of any commission of inquiry to be subordinated to the practically impossible condition of unanimity. The Members of the United Nations were only too painfully aware of what the principle of unanimity meant in practice. By adopting that principle as a basis for its action, the Council would only be playing into the hands of those who, for one reason or another, were opposed to the investigation of labour conditions in various parts of the world. The indefinite postponement of the establishment of the commission of inquiry would prove a great disappointment to world public opinion. Consequently, while supporting the United States proposal that the item should be retained on the agenda, the Brazilian delegation wished to make it quite clear that it hoped that the Council would take some definite and constructive action in the matter as soon as possible.

25. Mr. DEHOUSSE (Belgium) said that his Government's position regarding the problem of forced labour was well known to all. His delegation was in favour of the setting up of a commission of inquiry on two conditions: first, that such a commission should investigate forced labour conditions in all countries without exception, and, second, that it should bear in mind the provisions of the 1930 Convention on forced labour when investigating conditions in Africa.

26. In his opinion, the debate in the Council had reached a stalemate. Accusations had been levelled against certain countries which refused to avail themselves of the opportunity to refute them. Consequently, he could see no other course of action than that outlined in the United States proposal, namely to maintain the item on the agenda of the Council.

27. Mr. LARRAÍN (Chile) emphasized once more the great importance which his delegation attached to the problem of forced labour. In his opinion, the studies and investigations undertaken thus far had proved very useful to the work of the Council.

28. He wished to emphasize two primary points. In the first place, the latest information received only served to confirm the existence of forced labour in the USSR as a basic factor of the country's economy as well as a means of punishing and silencing political opponents — a state of affairs which was a crying outrage to humanity. The second point was that, being unable to refute the concrete charges made against it, the USSR had resorted to the well-known system of

counter attacks, through an organization under its control, as the Council had already had opportunity to note.

29. In those circumstances, his delegation thought that the time had not yet come to appoint the proposed commission of inquiry. The item should, however, be kept on the Council's agenda. The sole method of considering it was on the basis of the principle of universality, and that could not be done in existing circumstances. It was inconceivable, illogical and unjust that, while Member States were opening their doors to a commission of inquiry, a group among them—including those against whom most of the charges with regard to forced labour had been brought—should keep their frontiers hermetically sealed.

30. It was significant, as the representative of France had pointed out, that the WFTU should paint a grossly exaggerated picture of violations of human rights in certain parts of the world and should then refuse to recognize the truth regarding conditions in the countries of Eastern Europe. He wished to register a most emphatic protest against the content and the tone of the statement made at the previous meeting by the representative of the WFTU. During the discussion of the NGO Committee's report he had had occasion to point out (364th meeting) how that organization had abused the privileges granted to it. That point had been fully confirmed by the way in which the WFTU representative had spoken at the previous meeting. He therefore urged representatives to consider seriously whether the Council could continue to grant hearings to an instrument of political propaganda in the hands of a certain Power. There should be no half measures against such abuses; they should be eradicated.

31. In conclusion, he agreed with the representatives of the United States and the United Kingdom that the item should be kept on the Council's agenda and taken up again at the twelfth session. He also fully endorsed the remarks made by the representative of France at the previous meeting and felt sure that all the other representatives would do the same.

32. Mr. MAKIN (Australia) said that it was difficult to see how the Economic and Social Council could take any further useful action for the time being on the question of forced labour. The detailed charges levelled against a certain number of countries had been thoroughly discussed at two previous sessions of the Council, when it had been found that they deserved investigation. The USSR, however, which was the principal country against which those charges had been made, was refusing to co-operate in an impartial inquiry to study conditions on the spot. In the face of that refusal it would be useless for the Council to set up a commission of inquiry at that stage.

33. The ILO had already adopted a Convention on forced labour, which had been ratified by a large number of countries. Any charges of forced labour against those countries could be investigated in the normal way by the ILO, which was an expert and impartial organization. It was to be hoped, therefore, that States which had not already ratified that Convention would do so as soon as possible.

34. The spotlight of world publicity had been thrown upon the countries where forced labour existed on a vast

and inhuman scale. Although their refusal to co-operate in an impartial inquiry prevented the Council from taking any effective action for the time being, other countries could show their good faith by ratifying and applying the ILO Convention and thus promoting respect for human rights throughout the world.

35. Mr. ENTEZAM (Iran) would merely say that forced labour was prohibited by law in his country. Although it had thus no experience in the matter, it was prepared to co-operate in any action initiated by the United Nations to abolish forced labour wherever it existed.

36. Mr. PADILLA NERVO (Mexico) said that forced labour neither did nor could exist in Mexico, where it was forbidden under the Constitution of the country.

37. It was clear from the Charter of the United Nations and from the Universal Declaration of Human Rights that all Member States were in duty bound to take all necessary measures to abolish forced labour wherever it existed and to prevent it from ever occurring in the future. In his opinion, that aim could be effectively achieved only by means of an international convention. All Member States were under an obligation to eradicate forced labour since it was opposed to fundamental human rights. It was probable, therefore, that none of them would be able to refuse to adhere to such a convention.

38. He then turned to the type of action which might be initiated by the Economic and Social Council in that field. He considered that since all Members of the United Nations were under an obligation to respect human rights, the Council should take action despite the fact that some countries were refusing to co-operate. The Council might eventually make recommendations to the General Assembly, proposing either that all countries should ratify the existing ILO Convention on forced labour or that another international agreement should be concluded. It could not, however, take any concrete action before it had agreed on a definition of forced labour and laid down some definite criteria in that field. Indeed, it could embark upon that task without even awaiting the result of the Secretary-General's further efforts to secure unanimous agreement on the setting up of a commission of inquiry.

39. While agreeing, therefore, with the United States representative that a discussion on the question should be deferred to the twelfth session of the Council, he suggested that, in the meantime, the Secretariat might continue its studies and investigations on the basis of data supplied by Member States. The Council would thus be better equipped when the time came to make appropriate recommendations.

40. In conclusion, he wished to emphasize that the obligation of Member States to abolish forced labour was not of contractual character, i.e. it was not based on the principle of reciprocity. The obligation was binding on States irrespective of what might occur in other States.

41. Mr. BORBERG (Denmark) thought that the question of forced labour was too serious to be deferred for a whole year. Moreover, if the absent Member States were to return to the Council table by the following session, they should be given an opportunity to reply to

the charges brought against them. Consequently, the Council should retain the item for consideration at the eleventh session.

42. Sir Ramaswami MUDALIAR (India) said that his Government did not countenance forced labour in any form and was anxious to eliminate it if it should exist anywhere in India. Subject to the financial implications involved, it was prepared to co-operate with any international agency appointed to conduct an inquiry.

43. In connexion with the points raised by the representative of Mexico, Sir Ramaswami thought it would be unfortunate to create the impression that some States would be willing to accept an inquiry on their territory only if other States which had thus far refused to co-operate permitted such an investigation. Forced labour was anathema to all civilized peoples and nowhere could its existence be justified. The obligation of all Members of the United Nations to eliminate it could not be shirked by invoking considerations of reciprocity or universality. The allegations made against a particular country should determine whether an inquiry should be made in the area concerned. Those allegations could be effectively confirmed or refuted only by a field survey.

44. The Council was however prevented from taking immediate action towards that end by the fact that the States against which the most serious charges had been brought had refused to co-operate. There appeared to be little hope that they would alter their positions. Nevertheless, the *Ad Hoc* Committee on Slavery had decided to carry on its work in spite of that, and it had drawn up a new questionnaire to be addressed to Governments and had planned meetings for September 1950 and early in 1951.

45. In the view of the Indian delegation, the ILO was the competent body to undertake an inquiry, in spite of the absence from its membership of those countries against which the gravest charges had been brought. On the other hand, less serious charges had been directed against other Member States. It was in the interest of the latter to dispel the impression that they wished to avoid an investigation in the territories for which they were responsible. Pending the establishment of a commission of inquiry, they could usefully re-examine conditions prevailing there with a view to determining the validity of those charges.

46. For those reasons, the Indian delegation supported the suggestion of the United States that the item should be retained on the Council's agenda for consideration at its twelfth session.

47. The PRESIDENT declared the debate on item 15 closed. He considered the Danish proposal for deferment until the eleventh session as an amendment to the United States motion and accordingly put it to the vote first.

The Danish amendment was rejected by 8 votes to 3, with 4 abstentions.

The United States proposal was adopted unanimously.

World economic situation: studies and data relating to the economic situation of Africa (E/L.31 and E/L.32) (continued)

48. The PRESIDENT recalled that the general debate on the items had been closed (362nd meeting). He invited the sponsors of the two draft resolutions on the subject to explain their proposals.

49. Sir Ramaswami MUDALIAR (India) submitted his draft resolution (E/L.31) for the Council's approval. He recalled the benefits of earlier economic surveys carried out by the Secretariat and *ad hoc* committees in many parts of the world. Those surveys had greatly facilitated the efforts of the Economic Commission for Europe, the Economic Commission for the Far East and the Economic Commission for Latin America in improving the economic conditions of the areas for which they were responsible.

50. He wished to make quite clear that the Council's request for an economic survey of Africa should not be construed as a condemnation of the Governments concerned for lack of initiative in promoting economic development. The Council bore responsibility for improving economic conditions throughout the world. An economic survey of Africa would, in fact, benefit the States which were Administering Authorities there and guide them in integrating the economies of those areas in the framework of the world economy.

51. All the facts regarding conditions of life in Africa had not really been brought to light as yet. It was in fact still an unfathomed "dark continent". Even after long association and sympathetic inquiry, it was almost impossible for foreigners to gain a full knowledge of the customs, manners and economic and social standards of the African peoples.

52. The Indian draft resolution did not call for a field survey. It merely asked the Secretary-General to collect and collate material readily available. Much of that data could be found in the reports of Administering Authorities to the Trusteeship Council on Trust Territories and to their own national parliaments on other dependent territories. That draft resolution urged the Governments concerned to co-operate in supplementing that information, and Sir Ramaswami was confident that they would not hesitate to do so. The proposal had no political implications; it was in complete conformity with the Council's practice of entrusting surveys and research to the Secretary-General as the most impartial authority.

53. Mr. LARRAÍN (Chile) introduced his draft resolution (E/L.32), bearing upon the Secretary-General's report "Major Economic Changes in 1949" (E/1601). The proposal was self-explanatory and similar in so far as the text was concerned to the resolution adopted by the Council at its eighth session in connexion with the Secretariat survey of the world economic situation.

54. The PRESIDENT announced that the two draft resolutions, together with possible amendments, would be discussed at the following meeting.

The meeting rose at 12.50 p.m.