

V. Social, Humanitarian and Cultural Questions¹

A. HUMAN RIGHTS

1. Universal Declaration of Human Rights

a. INTRODUCTION

One of the major actions of the General Assembly at its third regular session was the adoption of the Universal Declaration of Human Rights. In view of the importance of this Declaration, a brief survey is given here of its background and of the steps leading towards its adoption which were taken prior to 21 September 1948.

(1) Decision of the United Nations Conference on International Organization

At the United Nations Conference on International Organization, held at San Francisco in 1945, some representatives suggested that the United Nations Charter should contain a bill of rights. Committee I/1 of the Conference, which was charged with the task of considering the Preamble, Purposes and Principles of the Charter, received the idea with sympathy, but decided that

"the present Conference, if only for lack of time, could not proceed to realize such a draft in an international contract. The Organization, once formed, could better proceed to consider the suggestion and to deal effectively with it through a special commission or by some other method. The Committee recommends that the General Assembly consider the proposal and give it effect."²

At the final plenary session, on 26 June 1945, the President of the United States stated that

"under this document [the Charter] we have good reason to expect an international bill of rights, acceptable to all the nations involved."³

(2) Provisions of the United Nations Charter

One of the principal functions of the United Nations is to promote universal respect for, and observance of, human rights.

Prior to the United Nations, provisions for safeguarding human rights had been written into many national constitutions, and certain rights in limited fields had been guaranteed in treaties. The United Nations Charter, however, goes further in its emphasis on the general obligation of all the Members of the United Nations to provide and encour-

age respect for human rights, and in providing that machinery should be set up for this purpose.

Article 1 of the Charter declares that one of the principal purposes of the United Nations is:

"To achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion . . ."

Moreover, universal respect for human rights and fundamental freedoms is recognized as one of the conditions of stability and friendly relations among nations (Article 55). Its encouragement is one of the basic objectives of the trusteeship system (Article 76 c).

The General Assembly may initiate studies and make recommendations for the purpose of assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion (Article 13). The Economic and Social Council may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all (Article 62).

¹ For further information, see:

Official Records of the General Assembly for its third session (Parts I and II) and fourth session, including summary records of plenary meetings (separate vols. covering meetings 136-187, 188-219, 220-276, and separate annex to each vol.); summary records of meetings of the Third (Social, Humanitarian and Cultural) Committee (separate vols. covering meetings 84-180, 181-229, 230-269, and separate annexes to the first and last vols.); summary records of meetings of the Fifth (Administrative and Budgetary) Committee (separate vols. covering meetings 104-178, 179-183, 194-234, and separate annex to each vol.); summary records of meetings of the Joint Second and Third Committee (separate vols. covering meetings 25-39, 40-44, and separate annex to each vol.).

Official Records of the Economic and Social Council, fourth year, eighth session (meetings 226-82) and Supplement No. 1 Resolutions, and ninth session (meetings 283-343) and Supplement No. 1 Resolutions.

See also, in connexion with particular questions, publications and documents referred to in text (e.g., reports of the functional and regional commissions, reports of the Secretary-General, United Nations publications).

² United Nations Information Organization. Documents of the United Nations Conference on International Organization, San Francisco, 1945 (published in co-operation with the Library of Congress). Vol. 6, p. 456.

³ *Ibid.*, Vol. I, p. 683.

(3) Establishment of a Commission on Human Rights

The importance with which the question of human rights was regarded at the San Francisco Conference is illustrated by the provision in the Charter, obliging the Economic and Social Council to set up a commission or commissions for the promotion of human rights (Article 68). The Commission on Human Rights is thus the only Commission specifically named in the Charter.

The Economic and Social Council, on 15 February 1946, established a Commission on Human Rights in nuclear form.⁴ The Council decided that the work of the Commission should primarily be devoted to submitting proposals, recommendations and reports for an international bill of human rights. This Commission met at Hunter College, New York, from 29 April to 20 May 1946. At this meeting, the Commission studied its final composition and asked the Secretary-General to collect all possible information on the subject. At that stage, the Division of Human Rights was set up in the Secretariat. That Division began a study of various drafts submitted by the delegations of Panama, Chile and Cuba and by the American Federation of Labor, as well as private drafts, especially those of Dr. Lauterpacht of Cambridge University, Dr. Alvarez of the American Institute of International Law, the Rev. Parsons, of the Catholic Association for International Peace, Mr. McNitt of the Faculty of Law of South Western University, and Mr. H. G. Wells.

(4) First Session of the Commission on Human Rights

The Economic and Social Council, on 21 June 1946, adopted the terms of reference of the permanent Commission on Human Rights, and determined its membership. The Commission held its first session at Lake Success, New York, from 27 January to 10 February 1947.

The Commission, at its first session, had before it a number of working papers prepared by the Secretariat at the request of the nuclear Commission, and also a number of draft bills submitted by Governments and various organizations. The Commission devoted a great deal of its time to a discussion of the form and content of the proposed bill. It decided that the Chairman, together with the Vice-Chairman and Rapporteur, should undertake, with the assistance of the Secretariat, the task of formulating a preliminary draft international bill of human rights, to be submitted to the Commission at its second session for thorough examination. In view of the difficulties encountered by that small drafting group, it was suggested that it be expanded into a drafting committee, consisting of repre-

sentatives of the Philippines, the Ukrainian SSR, the USSR, the United Kingdom, the United States, Uruguay and Yugoslavia.⁵ The Council later endorsed this suggestion.⁵

(5) First Session of the Drafting Committee on the Bill of Human Rights

The Drafting Committee held its first session at Lake Success, from 9 to 25 June 1947. In addition to a Draft Outline of an International Bill of Human Rights prepared by the Secretariat (E/CN.4/AC.1/3 and Add.1), the Drafting Committee had before it the text of a letter from Lord Dukeston, the United Kingdom representative on the Commission on Human Rights, transmitting a draft International Bill of Human Rights and also a draft resolution which might be passed by the General Assembly when adopting the Bill (E/CN.4/AC.1/4). These two documents were considered and compared by the Drafting Committee, together with certain United States proposals for the rewording of some items appearing in the Secretariat Draft Outline (E/CN.4/AC.1/8 and Rev. 1 and 2). The Draft Outline prepared by the Secretariat was a compilation of all the rights proposed either in international drafts, or contained in national constitutions or suggested by members of the Commission on Human Rights.

Two views were put forward by the Drafting Committee regarding the form the preliminary draft Bill should take. Some representatives thought that the preliminary draft, in the first instance, should take the form of a declaration or manifesto; others felt that it should be in the form of a convention. (A declaration or manifesto would be a recommendation by the General Assembly to Member States, and, as such, would have moral weight but no legal compulsion on Members. On the other hand, a convention would be legally binding on Members which accepted it. Its application, however, would be limited to the signatories.)

It was agreed by those who favoured the declaration that it should be accompanied or followed by a convention or conventions on specific groups of rights. It was also agreed by those who favoured the convention that the General Assembly in recommending a convention to Member States might make a declaration wider in content and more general in expression. The Drafting Committee, therefore, while recognizing that the decision as to the form of the Bill was a matter for the full Commission on Human Rights, decided to pre-

⁴ See Yearbook of the United Nations, 1946-47, p. 523.

⁵ For further details on the establishment of the Drafting Committee, see Yearbook of the United Nations, 1946-47, p. 524.

pare two documents; one, a working paper in the form of a preliminary draft of a declaration or manifesto setting forth general principles, and the second, a working paper outlining a draft convention on those matters which the Committee felt might lend themselves to formulation as binding obligations.

The report (E/CN.4/21) submitted by the Drafting Committee to the Commission on Human Rights included, therefore, drafts for an international declaration and an international convention on human rights.

(6) Second Session of the Commission on Human Rights

The Commission on Human Rights met for its second session at Geneva, from 2 to 17 December 1947. It was in the course of that session that the conception of an international bill of human rights comprising three parts began to crystallize: a declaration, a convention, and measures for implementation. It had become evident that many Governments were prepared to accept a draft declaration if it were to precede and not to replace a convention. One result of that session was a report (E/600) on the measures for implementation which remained a basic document for all subsequent study in that field.

(7) Second Session of the Drafting Committee

The Drafting Committee met for its second session at Lake Success, New York, from 3 to 21 May 1948. It considered comments on the draft International Bill of Human Rights which had been received from a number of Member Governments. It also took into account (1) the suggestions of the United Nations Conference on Freedom of Information (held at Geneva in March and April 1948) concerning articles on freedom of information in the draft Declaration and the draft Covenant (E/CONF.6/79); (2) suggestions made by the Commission on the Status of Women on two articles in the draft Declaration (E/615); and (3) the American Declaration of the Rights and Duties of Man, as adopted by the Ninth International Conference of American States, held in Bogota, Colombia, in March-May 1948. It redrafted the entire draft Covenant, but had time to redraft only parts of the draft Declaration and did not consider the question of implementation.

(8) Third Session of the Commission on Human Rights

The third session of the Commission on Human Rights took place at Lake Success, from 24 May to 18 June 1948. The Commission, at that session, based its work on the report (E/CN.4/95) of the second session of its Drafting Committee. The in-

dividual articles of the draft Declaration were examined anew. The Commission was able to complete a re-draft of the Declaration, which was adopted without opposition, but had no time to consider the Drafting Committee's re-draft of the Covenant, nor to discuss implementation, as requested by the Economic and Social Council at its sixth session (February and March 1948).

(9) Decision of the Economic and Social Council at its Seventh Session

Because of pressure of business at its seventh session, the Economic and Social Council decided, on 17 August 1948, that the report (E/800) of the third session of the Commission on Human Rights, which had been referred to the Council's Human Rights Committee, should be recalled to the plenary session; and that in plenary meeting there would be an opportunity for each member to make one general statement of position.

Statements were made on 25 and 26 August by all members of the Council.⁶ The Council then decided, on 26 August, to transmit to the General Assembly the draft International Declaration of Human Rights submitted to it by the Commission on Human Rights in the report of its third session, together with the remainder of the report of the Commission and the records of the proceedings of the Council on the subject.

b. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS THIRD SESSION

(1) Discussion in the Third Committee

The General Assembly, at its 142nd meeting held on 24 September 1948, referred to the Third Committee the draft International Declaration of Human Rights (E/800).

The Third Committee considered the item at its 88th to 105th, 107th to 116th, 119th to 134th, 137th to 167th, and 174th to 179th meetings, held on 30 September to 18 October, 19 to 29 October, 30 October to 12 November, 15 to 30 November, and 4 to 7 December 1948. Altogether, the Third Committee spent eighty-one meetings in considering and discussing the draft Declaration prepared by the Commission on Human Rights. One hundred and sixty-eight formal draft resolutions containing amendments to the various articles of the draft Declaration were submitted during the course of the Committee's debate.⁷

Before beginning a detailed study of each of the

⁶ See Yearbook of the United Nations, 1947-48, pp. 576-78.

⁷ For texts of the draft resolutions submitted, see United Nations Official Records of the Third Session of the General Assembly, Part I. Third Committee. Annexes to the Summary Records of Meetings. 1948.

articles in the draft Declaration, the Third Committee engaged in a general debate on the draft as a whole. The representatives of the following countries, among others, supported the draft Declaration: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Cuba, the Dominican Republic, Ecuador, France, Greece, Guatemala, Haiti, Lebanon, Mexico, Norway, Pakistan, Panama, the Philippines, the United Kingdom, the United States, Syria and Uruguay. The following is a summary of the main points of view expressed by various representatives in the general debate.

(a) GENERAL VIEWS EXPRESSED IN THE THIRD COMMITTEE

The Chairman of the Commission on Human Rights (the representative of the United States) stated that the members of the Commission considered that the draft Declaration represented a great step forward in the protection and promotion of human rights and fundamental freedoms and in their application. As the Commission had pointed out in its report, the Declaration, she explained, was only the first step in the elaboration of the human rights programme called for by the Charter; it was essential that it should be followed by a covenant on human rights, drafted in the form of a treaty and containing provisions for implementation. The draft Declaration, she submitted, was not a treaty or international agreement and did not impose legal obligations; it was rather a statement of basic principles of inalienable human rights setting up a common standard of achievement for all peoples and all nations. Although it was not legally binding, the Declaration would, nevertheless, have considerable weight. Its adoption, she continued, would commit Member States, in the words of the preamble,

"to strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction."

A similar opinion was expressed by the representative of Norway. He declared that, while the Declaration was designed to set moral standards rather than to impose legal obligations, it would be of practical value, since it would undoubtedly serve as a basis for the discussion in the United Nations of any question of human rights. Human rights, he argued, should not be regarded as falling within the domestic jurisdiction of States.

The representative of Mexico remarked that his Government recognized that the draft Declaration

was of the greatest importance. It would not involve legal obligations, but that would not diminish the value of the document. He said that it would define the human rights which States undertook to recognize and would serve as a criterion to guide and stimulate them. At the moment, he contended, it would be difficult to go further.

The representative of Colombia observed that the authors of the draft Declaration did not intend to interfere in relations between Governments, or in relations between the Government and the citizens of any State; they intended simply to establish a set of principles, which should, if possible, be implemented.

Although not considering the Declaration to have legal authority as an interpretation of the relevant provisions of the Charter, the representative of the United Kingdom stated that the "moral authority of the document that would be adopted" by the General Assembly, nevertheless, "would serve as a guide to Governments in their efforts to guarantee human rights by legislation and through their administrative and legal practice."

Other representatives attributed a greater importance to the Declaration. According to the representative of Pakistan, it was imperative that the peoples of the world should recognize the existence of a code of civilized behavior which would apply not only in international relations but also in domestic affairs.

The representative of Bolivia expressed the opinion that the Declaration, when adopted, should provide protection against persecution.

Some representatives went even further. The representative of Panama objected to the "oft-repeated sophistry" that the United Nations was helpless to prevent violation of human rights because under Article 2, paragraph 7, of the Charter it could not interfere in matters which were within the domestic jurisdiction of States. He observed that the Charter also included provisions concerning human rights. Article 2, paragraph 7, he protested, dealt only with questions which fell exclusively within domestic jurisdiction, and could not apply to matters covered under international law. Consequently, he argued, it could not be invoked in the case under discussion.

According to the representative of Brazil, by making human rights international, the United Nations Charter had placed upon States positive legal obligations.

In the opinion of the representative of the Philippines, the primary purpose of the Declaration was not simply to achieve a moral success, but to enable man, all over the world, to develop his rights and, in consequence, his personality. It was

essential, he indicated, that man should feel confident that executive, legislative and judicial powers could not impair his fundamental rights.

The representative of Chile remarked that the draft Declaration merely stated, explicitly, rights granted by the Charter. While he agreed that the proposed covenant on human rights alone would be legally binding, violation by any State of the rights enumerated in the Declaration, he declared, would mean violation of the principles of the United Nations.

The representative of France said that the Declaration could be considered as an authoritative interpretation of the United Nations Charter. By the adoption of the Declaration, the question of human rights was a matter no longer of domestic, but of international concern.

A similar opinion was expressed by the representative of China who said that the Charter committed all Member States to the observance of human rights, and the Declaration stated those rights explicitly.

The representative of Australia also considered that the draft Declaration represented a considerable advance towards a satisfactory definition of the "fundamental human rights" referred to in the Charter.

The representative of Lebanon categorically stated that no State could violate the principles of the Declaration without also violating the terms of the Charter. In actual fact, he observed, the resolution for its adoption was more than a recommendation, because there already existed a place in the Charter for a declaration of human rights.

A few representatives—among them, the representative of Ecuador—regretted the fact that only the draft Declaration could be adopted at the present session of the Assembly, thus leaving to a future session the adoption of a proposed convention on human rights.

Other representatives, including those of Belgium, China and France, praised the universal character of the draft Declaration, considering it to be a compromise among the many points of view expressed by various States.

The representatives of New Zealand, the Union of South Africa, Saudi Arabia, the USSR, Poland, the Byelorussian SSR, the Ukrainian SSR, Yugoslavia and Czechoslovakia criticized the draft Declaration.

The representative of New Zealand felt that the Declaration should not be approved by itself, but together with documents which would provide means of implementation. In her opinion, the draft Declaration was not yet a mature document

which would reflect the views of all the Members of the United Nations.

The representative of the Union of South Africa stated that the Declaration should refer only to those fundamental rights, the universal applicability of which was recognized all over the world. The Declaration, as it stood, went beyond those generally accepted rights. He declared that his delegation could not possibly accept the thesis that human dignity would be impaired if a person were told he could not reside in a particular area. Such a thesis, he explained, would destroy the whole basis of the multi-racial structure of the Union of South Africa and would not be in the interests of the less advanced indigenous population. Similarly, the right to participate in government was not universal; it was conditioned not only by nationality but also by qualifications of franchise. The representative of South Africa wondered how many States were in a position to say that they could assume any international responsibility for the full exercise of certain economic rights mentioned in the Declaration.

The representative of Saudi Arabia called attention to the fact that the Declaration was based largely on Western patterns of culture, which were frequently at variance with the patterns of culture of Eastern States. That did not mean, however, that the Declaration went counter to the latter, even if it did not conform to them.

Although admitting that the Declaration contained many good points, the representative of Poland considered the Declaration in its existing form to be unsatisfactory, as it contained only one mention of the word "democracy" and made no provision for limiting the application of the rights. He thought that the application of those articles dealing with the right of asylum, the freedom of opinion and expression, and the granting of freedom of assembly and association should be limited so that fascists would not be able to profit by those provisions in order to overthrow democracy. He submitted that the adoption of the Declaration should not entail any interference in the domestic jurisdiction of sovereign States. He also felt that there were several omissions in the draft, such as the omission of the right of nations to use their own language and to develop their own culture.

The representative of the USSR considered that the draft Declaration did not satisfy the three conditions which were, in the opinion of the USSR delegation, indispensable to the completion of the Declaration, namely: a guarantee of basic freedoms for all, with due regard to the national sovereignty of States; a guarantee that human rights could be exercised with due regard to the particular eco-

conomic, social and national circumstances prevailing in each country; and a definition of the duties of citizens to their country, their people and their State. He regretted that fascism was nowhere condemned in the draft. He declared that the rights specified in the draft were illusory as they lacked effective guarantees.

Similar criticisms were expressed by the representatives of the Byelorussian SSR and the Ukrainian SSR.

The representative of Yugoslavia expressed the fear that, through lack of real substance, the Declaration might be forgotten even before the ink of the signatures affixed to the document had dried. For that reason, he urged the members of the Third Committee "to exert every possible effort to draw up a text which would fulfil the legitimate aspirations of the peoples."

The representative of Czechoslovakia also considered the Declaration too abstract.

(b) DETAILED CONSIDERATION OF THE ARTICLES OF THE DRAFT DECLARATION

After concluding the general debate on the draft Declaration, the Third Committee, at its 94th meeting, held on 5 October, decided by 41 votes to 3, with 7 abstentions, to consider only the draft Declaration, as the other two documents (the covenant and measures of implementation) were not yet in a state suitable for consideration. The Committee did not, however, exclude an exposition of views on the other parts of the International Bill of Rights.

The Committee, at its 95th meeting, held on 6 October, decided by 43 votes to 6, with 7 abstentions, to start by discussing article 1 of the draft Declaration. A detailed examination of each article and the preamble of the draft Declaration was then entered into by the Committee, which devoted eighty-one meetings to its task. One hundred and sixty-eight amendments were presented. The Committee's work lasted from 6 October until 7 December.⁸

(c) EXAMINATION OF THE ARTICLES BY SUB-COMMITTEE

At its 166th meeting on 30 November, the Third Committee adopted a Lebanese proposal (A/C.3/380) to set up a sub-committee "to examine the totality of the declaration of human rights, i.e., the twenty-nine articles and the preamble, adopted by the Third Committee, solely from the standpoint of arrangement, consistency, uniformity and style and to submit proposals thereon to the Third Committee." The Sub-Committee was also asked to "set up a language group

of five members, one for each of the official languages, to check and secure the exact correspondence of the text in the five official languages."

The Sub-Committee was composed of the representatives of the following eleven countries: Australia, Belgium, China, Cuba, Ecuador, France, Lebanon, Poland, the USSR, the United Kingdom and the United States. It held ten meetings, from 1 to 4 December, and examined in detail each article of the draft Declaration. Among other things, the Sub-Committee proposed the division into two parts of two of the articles of the draft—those dealing with (1) slavery and torture, and (2) equality before the law and right to an effective remedy by competent national tribunals. The Sub-Committee also proposed that the article of the draft dealing with the right to rest and leisure should be placed after the article dealing with the right to work rather than after the article dealing with the right to education.

(d) ADOPTION OF THE DRAFT DECLARATION BY THE THIRD COMMITTEE

The report (A/C.3/400/Rev.1) of the Sub-Committee was considered by the Third Committee at its 175th to 178th meetings, held on 4 and 6 December. At the Committee's 175th meeting, on 4 December, an oral proposal of the Chairman (the representative of Lebanon) to have the Committee proceed to an examination, paragraph by paragraph, of the text submitted by the Sub-Committee to make certain, first of all, that the sense had not been altered, was adopted by 31 votes to none, with 3 abstentions.

Only minor drafting changes in the text proposed by the Sub-Committee were made by the Committee. The arrangement of articles was discussed at the Committee's 178th meeting on 6 December, at which time a number of changes were agreed to.

After it had adopted separately the substance and the arrangement of the draft Declaration, it also, at its 178th meeting, voted on the text as a whole. The draft Declaration was adopted by a roll-call vote of 29 to none, with 7 abstentions.

The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Chile, China, Cuba, Denmark, Dominican Republic, France, Greece, Haiti, Honduras, India, Iran, Lebanon, Mexico, Netherlands, New Zealand,

⁸ For reasons of space, a detailed account of the Committee's work is not included in the present Yearbook. A full account of the Committee's debate may be found in United Nations, Official Records of the Third Session of the General Assembly, Part 1. Social, Humanitarian and Cultural Questions. Third Committee. Summary Records of Meetings, 21 September-8 December 1948.

Peru, Philippines, Sweden, Syria, Turkey, United Kingdom, United States, Venezuela.
 Abstaining: Byelorussian SSR, Canada, Czechoslovakia, Poland, Ukrainian SSR, USSR, Yugoslavia.

(e) **DISSEMINATION OF THE DECLARATION**

After the Third Committee had adopted the Declaration of Human Rights, it adopted by 28 votes to none, with 8 abstentions, a French draft resolution (A/C.3/381), which was slightly amended by Cuba (A/C.3/402), the Dominican Republic, China, Lebanon and Syria, and which called upon the General Assembly to recommend that Member Governments publicize the text of the Declaration and cause it to be disseminated as widely as possible.

(f) **USSR DRAFT RESOLUTION**

At the 179th meeting of the Third Committee on 7 December, the representative of the USSR explained why his delegation had abstained from voting on the draft Declaration. He observed that most of the USSR amendments to the draft Declaration had been rejected, and the text adopted at the 178th meeting was practically identical with the original draft and was unsatisfactory. He therefore submitted a draft resolution (A/C.3/407) which stated that the text of the Declaration considered by the Third Committee required "serious improvements in a whole series of articles", and which requested the Assembly to postpone the final adoption of the Declaration to its next session. The USSR draft was supported by the representatives of the Byelorussian SSR and the Ukrainian SSR.

The representatives of the United States, the Philippines, France and Ecuador opposed the USSR draft. They maintained that the action contemplated in the USSR draft would be illegal in view of the fact that the Committee had already adopted the draft Declaration.

On being put to the vote, the USSR draft resolution was rejected by 6 votes in favour to 26 against, with 1 abstention.

(2) **Discussion by the General Assembly in Plenary Meeting**

The report of the Third Committee (A/777) was considered at the 180th to 183rd plenary meetings of the General Assembly, on 9 and 10 December. Altogether, thirty-five delegations spoke in the general debate, many of them raising points which they had previously raised in the Third Committee.

(a) **VIEWS EXPRESSED BY REPRESENTATIVES**

Various representatives underlined the importance of the Declaration. The representative of Lebanon stated that the Declaration was destined to

mark an important stage in the history of mankind. The representative of the United States said that the Declaration was inspired by a sincere desire for peace, and that it was based on the conviction that man must have freedom in order to develop his personality to the full and have his dignity respected. The representative of Chile maintained that once the Declaration were approved, no one could infringe upon the rights proclaimed in it without becoming an outcast from the community of nations. The representative of France considered the Declaration to be the most vigorous and the most urgently needed of humanity's protests against oppression. The representative of the Philippines pointed out that, during its third session, the United Nations had been on trial for its life and that it was at that very moment that it had justified its existence before an anxious world by producing the Declaration.

The representative of Cuba proclaimed that the Declaration expressed in particularly clear and precise terms the most noble aspirations of twentieth-century man. The representative of Iceland regarded the Declaration as a preamble to a future world constitution. The representative of the United Kingdom stressed the fact that the preparation of the draft Declaration was a milestone on the road of human progress. Never before, he said, had so many nations joined together to agree on what they considered to be the fundamental rights of the individual.

According to the representative of Mexico, the adoption of the Declaration was one of the most important actions in the history of the United Nations. The representative of Pakistan stated that his delegation fully associated itself with what had been said in praise of the Declaration. In the opinion of the representative of Denmark, the Declaration made the promises of the Charter regarding equality of men and women a living reality. The representative of India expressed the hope that the Declaration would pave the way to a new era of international solidarity, because the basis of rights was neither the State nor the individual, but the social human being, participating in social life, and striving for national and international co-operation. The representative of Canada stated that the Declaration was inspired by the highest ideals and expressed the most noble principles and aspirations. As a result of the Declaration, the representative of Bolivia said, humanity would enter upon a new phase which should lead to the establishment of a true international constitution, founded on the limitation of the sovereignty of States for the benefit of the individual. Though imperfect, the Declaration was the most harmonious, comprehensive and

universal that had been so far achieved, and its principles were very advanced, compared with the conditions prevailing in some countries, the representative of Paraguay declared.

The representative of Lebanon drew attention to the fact that eighteen articles of the Declaration had been adopted without any opposition. Of a total of 1,233 individual votes, 88.08 per cent had been affirmative, 3.73 per cent negative, and 8.19 per cent had been abstentions.

A number of representatives drew attention to the Declaration's universality and to the attitude of compromise shown by the delegations working on it. The representative of the United States stated that the Declaration represented a compromise which did not contain everything that each country would have wished it to contain; nevertheless, her country regarded it as a satisfactory document. The representative of Chile recalled that fifty-eight civilized nations had succeeded in overcoming ideological and juridical differences, and had agreed on a joint proclamation of human rights. Stressing that it was impossible to attain complete agreement on doctrine, the representative of France pointed out that an agreement based on the practical as well as the ideal had been achieved. The Declaration, he said, represented a considerable effort on the part of individuals, groups and States. To the French representative, the chief novelty of the Declaration was its universality. Because it was universal, he said, the Declaration could have a broader scope than national declarations.

The document, the representative of the Philippines pointed out, could make no claims to perfection since it had been the result of a compromise, but compromise, he stated, was the essence of democracy and the very basis of the United Nations. Nations which had taken part in the preparation of the Declaration, the representative of Australia observed, differed profoundly in their political, economic, social and religious points of view, and divergencies were bound to become apparent regarding the manner in which the various aspects of the question should be approached and treated. The Declaration, therefore, presented an effort at compromise and mutual understanding. He thought that, having been accepted and approved by the majority of Members of the United Nations, the Declaration would go forth to the world with much greater strength and authority.

The representative of Brazil said that the Declaration did not reflect the particular point of view of any one people or of any one group of peoples. Neither was it the expression of any particular political doctrine or philosophical system. It was, he declared, the result of the intellectual and moral

co-operation of a large number of nations. The preparation of the Declaration, explained the representative of New Zealand, had been a difficult task, since its authors had different social, economic and philosophical backgrounds, but it had proved that with good will and a sincere desire to co-operate, it was possible for divergent points of view to be reconciled. Thus, he submitted, the Declaration could justly be described as being "universal".

Another point covered in the general debate was the need to supplement the Declaration with a convention and measures for implementation. The representatives of Haiti, Lebanon, France, the United States, the United Kingdom and New Zealand, among others, spoke of this need.

Some representatives spoke of the effect that the adoption of the Declaration would have on men and nations. The representative of the United States considered it to be first and foremost a declaration of basic principles to serve as a common standard for all nations. Although the Declaration was not legally binding on Governments, it should have great moral force, the representative of the Netherlands submitted, and would serve as a guiding light to all those who endeavoured to raise man's material standard of living and spiritual condition. According to the representative of Mexico, the Declaration would serve as the basis for the realization of one of the highest aims of the United Nations, that of developing and encouraging universal respect for human rights. The representative of New Zealand expressed the opinion that the Declaration, as a statement of principles, had moral force only.

Other representatives attributed even far greater importance to the Declaration. The representative of Lebanon recalled that the Members of the United Nations had already solemnly pledged themselves, under the Charter, to promote respect for human rights and fundamental freedoms, but that it was the first time that human rights and fundamental freedoms had been set forth in detail. Hence, every Government knew, at that time, to what extent exactly it had pledged itself, and every citizen could protest to his Government if the latter did not fulfil its obligations. The Declaration, he claimed, would therefore provide a useful means of criticism, and would help to bring about changes in present legal practice. According to the representative of Chile, men everywhere would henceforth know what their rights and freedoms were. All States which were signatories to the Declaration undertook to respect and extend the basic rights proclaimed.

The representative of France explained that, while the Declaration was less powerful and binding than a convention, it had no less legal value,

for it was contained in a resolution of the General Assembly which was empowered to make recommendations; it was a development of the Charter which had brought human rights within the scope of positive international law. The Declaration, said the representative of Uruguay, was a natural complement to the Charter. Its enforcement and respect for its provisions would become one of the obligations of Member States. He argued that human rights would in the future be protected and defended by all the peoples of the States Members of the United Nations. The representative of Bolivia declared that he had been instructed by his Government to state that Bolivia would pledge itself solemnly to adhere to all the provisions of the Declaration.

Although supporting enthusiastically the Declaration, the representatives of, *inter alia*, the Netherlands, Belgium, Canada and Egypt criticized certain of its aspects. The representative of the Netherlands regretted that man's divine origin and immortal destiny had not been mentioned in the Declaration, for the fount of those rights was the Supreme Being. The representative of Belgium considered that it would have been desirable to acknowledge the real basis of the equality of rights, namely, the common origin and destiny of all men. He also viewed the order of the articles as being imperfect.

In the view of the representative of Canada, the Declaration was often worded in vague and unprecise language. The imperfections and ambiguities of the Declaration might have been removed, he remarked, if a body of jurists, such as the International Law Commission, had been asked to review the text before it had been submitted to the General Assembly.

Referring to the article in the Declaration concerning the freedom to contract marriage without any restrictions as to race, nationality or religion, the representative of Egypt explained that in his country, as in almost all Moslem countries, certain restrictions and limitations existed regarding the marriage of Moslem women with persons belonging to another faith. Those limitations, he contended, were of a religious character, sprung from the very spirit of the Moslem religion, and therefore could not be ignored. He also feared that, by proclaiming man's freedom to change his religion or belief, the Declaration would be encouraging, even though it might not be intentional, the machinations of certain missions, well-known in the Orient, which pursued their efforts to convert to their own beliefs the masses of the population of the Orient.

The draft Declaration was criticized by the

representatives of the Union of South Africa, the USSR, the Ukrainian SSR, Czechoslovakia, the Byelorussian SSR, Poland and Yugoslavia.

In the opinion of the representative of the Union of South Africa, the Declaration went far beyond the rights and freedoms contemplated in the Charter. He expressed doubt as to the wisdom of a declaration which would be honoured in the breach rather than in the observance of its provisions.

According to the representative of the USSR, the Declaration suffered from serious defects and omissions. Some of the articles dealing with extremely important questions—such as the article on slavery and the article on the right to education—were, in his opinion, in a very abstract form. He considered that the article dealing with the freedom to disseminate ideas did not solve the problem of freedom of expression, as the diffusion of dangerous ideas, such as war-mongering and fascist ideas, should be prevented. That same article, he submitted, made no provision for the free dissemination of just and lofty ideas. If freedom of expression was to be effective, the workers, he argued, must have the means of voicing their opinions, and for that they must have at their disposal printing presses and newspapers. The right to street demonstrations, he said, should be guaranteed. He declared that it was necessary to make certain that scientific research would not be used for war purposes which would obviously hinder progress. He drew the Assembly's attention to a defect in the Declaration which he considered to be fundamental: the absence of provisions guaranteeing the rights of national minorities. He also regretted the failure of the Declaration to mention the sovereign rights of States.

He submitted a draft resolution (A/785/Rev.2) recommending that the General Assembly postpone adoption of the Declaration until its fourth regular session. The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and Yugoslavia supported the Soviet draft resolution.

The representative of the Ukrainian SSR stated that the Declaration contained a series of rights which could not be exercised, in view of the existing conditions and the economic structure of a great number of countries. Several elementary democratic rights which could be realized even in a capitalist society had been deliberately omitted. Before the right to work, to rest and to education could be put into effect, he submitted, it was necessary to alter drastically the economic system of private enterprise. He said that there could be true equality among men only under an economic system which guaranteed to everyone equal condi-

tions and opportunities for the development of his own potentialities, and that was not the equality mentioned in the Declaration.

The Declaration, maintained the representative of Czechoslovakia, was not imbued with revolutionary spirit; it was neither bold nor modern. The abolition of the death sentence in peace time was not agreed to; nor were "fascism" and "aggression" denounced publicly and formally. The Declaration, he observed, took no account of the practical aspects of the question of the right to work; it simply expressed lofty ideals, making no provision for their implementation in the difficult daily life of the workers. He stressed the fact that there was no point in proclaiming the right to leisure, for example, if some men had no means of exercising that right.

According to the representative of the Byelorussian SSR, the Declaration was merely a proclamation of human rights, and it contained no guarantee of the rights it proclaimed. The right to national culture and democracy's struggle against fascism and nazism were not mentioned.

The Declaration stated only traditional freedoms and rights of the old liberal school, the representative of Poland asserted. It failed to mention that the counterpart of those rights was the duty of the individual towards his neighbours, his family, his group and his nation. It completely ignored the right of every person to speak his own language and to have the protection of his national culture ensured. He stated that the Declaration, in reality, represented a step backward if compared with the Declaration of the Rights of Man and the Citizen, which had been produced during the French Revolution; if compared with the Communist Manifesto, which had declared human rights as binding and necessary a hundred years ago; and if compared with the principles which had inspired the October Revolution.

The representative of Yugoslavia felt that the principles of human rights set out in the Declaration lagged behind the social progress achieved in modern times; and that they did not grant full juridical and social protection to man. He considered that the radical change in social conditions emphasized the necessity of widening the traditional categories of human rights—which generally included political and civil rights—and of establishing a system of social rights, including the collective ones for certain communities. He regarded the Declaration as an instrument of international codification rather than as an instrument which opened a new and bright future for the individual in the vast field of social rights.

The representatives of the United States, the

United Kingdom, India and Bolivia, among others, in opposing the USSR draft resolution proposing that the adoption of the draft Declaration be postponed, also spoke against the USSR amendments to the Declaration (see below).

Both the representatives of the United Kingdom and the United States examined critically the USSR amendments. To adopt these amendments, they argued, would limit the universal scope of the Declaration.

While paying a tribute to the USSR delegation for the tenacity with which it had defended its convictions, the representative of the United States remarked that people sometimes had to co-operate loyally with the majority even when they disagreed with its views. The first Soviet amendment, the United States representative said, dealt with the question of minorities, and the Third Committee had already decided that that question required further study, and had recommended that it be referred, for that purpose, to the Economic and Social Council and the Commission on Human Rights. According to the representative of the United States, it was clear from the second USSR amendment that the aim was to guarantee the rights of certain groups, and not the rights of individuals, with which alone the Declaration was concerned. The effect of the third USSR amendment would be to restrict freedom of opinion and expression, argued the representatives of the United States. That amendment, she declared, proposed to set up standards which would allow any State to deny freedom of opinion and expression without violating that article. The fourth USSR amendment, the United States representative explained, proclaimed the obligations of the State, a conception which the USSR delegation had tried to introduce into practically every article of the Declaration. She submitted that if that conception were adopted, the entire character of the Declaration would be changed.

The representative of India maintained that the right to hold different opinions was a sacred right and the prerogative of every truly democratic people. She declared that India, like other countries, would never agree to restricting political rights in order to realize social aims, however noble those aims might be.

According to the representative of Bolivia, two opposing schools of thought had confronted each other in the discussion on the Declaration. There had been, on the one hand, the thesis upheld by the USSR, characterized by the "desire to subordinate the individual to the State", and, on the other hand, the thesis supported by all the democratic countries, which was designed "to make the individual capable

of organizing a State which, in turn, would respect the rights of the individual." Referring to the objections formulated by the representative of the Ukrainian SSR, the representative of Bolivia stated that the democratic peoples abhorred the thesis that the happiness of mankind should be subordinated to the interests of the all-powerful communist State.

(b) PROPOSAL OF AMENDMENTS

The representative of the USSR repeated his objections to the Declaration, and again stated that the Declaration was directed against national sovereignty and was therefore entirely inconsistent with the principles of the United Nations. The independence and well-being of a nation, he argued, depended on the principle of national sovereignty, and this principle was the sole protector of the smaller countries against the expansionist dreams of more powerful States. He submitted a number of amendments (A/784) to the draft Declaration proposed by the Third Committee. These amendments, similar to those presented in the Third Committee—and which provided for, *inter alia*, (1) the extension to the population of Non-Self-Governing Territories of the provisions regarding the human and civic rights and fundamental freedoms set out in the Declaration; (2) a declaration that it was the inalienable right of every person freely to express and disseminate democratic views, and to combat fascism; (3) a declaration that every citizen of any State must have the right, among other rights, of access to any State or public office in his country; and (4) the insertion of a new article declaring that the rights and freedoms enumerated in the draft Declaration should be guaranteed by national laws—were all rejected by individual roll-call votes. The USSR draft resolution (A/785/Rev.2), calling upon the Assembly to refer the adoption of the Declaration of Human Rights to the fourth regular session, was also rejected, the vote being 6 in favour, 45 against, and 3 abstentions.

The President then put to vote a United Kingdom amendment (A/778/Rev.1) to delete the additional article of the draft Declaration (referred to as article 3), which declared that the rights proclaimed in the Declaration would also apply to any person belonging to the population of Trust and Non-Self-Governing Territories, and in its place to substitute the following text as an additional paragraph of the second article, regarding the application of the Declaration:

"Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs,

whether it be independent, Trust, Non-Self-Governing or under any other limitation of sovereignty."

The representative of the United Kingdom explained that article 2 of the draft Declaration laid down that every individual was entitled to the rights and freedoms proclaimed in the Declaration, without distinction of any kind. He argued that, if article 2 had any meaning and if its terms were sufficiently precise and enumerated sufficiently clearly the distinctions to be outlawed, there was no reason to add an additional article (article 3) stipulating that those rights applied to the inhabitants of the Trust and Non-Self-Governing Territories.

The United Kingdom amendment was adopted by 29 votes to 17, with 10 abstentions.

(c) ADOPTION OF THE DECLARATION

At the request of the representative of Poland, a separate vote was then taken on each recital of the preamble, and on each article.

The first recital of the preamble was adopted, with 2 abstentions.

The second, third, fourth, fifth, sixth and seventh recitals of the preamble were adopted unanimously.

Article 1 was adopted by 45 votes, with 9 abstentions.

The first paragraph of article 2 was adopted unanimously.

The second paragraph of article 2 (United Kingdom amendment) was adopted by 36 votes to 1, with 8 abstentions.

Article 3 was deleted; its content was covered by the second paragraph of article 2 (United Kingdom amendment).

Articles 4 to 13 were adopted unanimously.

Article 14 was adopted by 44 votes to 6, with 2 abstentions.

Articles 15 to 18 were adopted unanimously.

Article 19 was adopted by 45 votes, with 4 abstentions.

Article 20 was adopted by 44 votes to 7, with 2 abstentions.

Articles 21 to 26 were adopted unanimously.

Article 27 was adopted by 53 votes, with 3 abstentions.

Article 28 was adopted unanimously.

Article 29 was adopted by 47 votes, with 8 abstentions.

Articles 30 and 31 were adopted unanimously.

A roll-call vote was then taken on the draft Universal Declaration as a whole, including the United Kingdom amendment previously adopted. The President stated that, as a result of the deletion of article 3, the articles in the final text of the Declaration would have to be renumbered.

The Universal Declaration of Human Rights, as a whole, was adopted by 48 votes, with 8 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Siam (Thailand), Sweden, Syria, Turkey, United Kingdom, United States, Uruguay, Venezuela.

Abstaining: Byelorussian SSR, Czechoslovakia, Poland, Saudi Arabia, Ukrainian SSR, Union of South Africa, USSR, Yugoslavia.

The President of the General Assembly said that the adoption of that

"very important Declaration by a big majority without any direct opposition was a remarkable achievement . . . [that] the Declaration only marked a first step since it was not a convention by which States would be bound to carry out and give effect to the fundamental human rights; nor would it provide for enforcement; yet it was a step forward in a great evolutionary process. It was the first occasion on which the organized community of nations had made a declaration of human rights and fundamental freedoms. That document was backed by the authority of the body of opinion of the United Nations as a whole and millions of people, men, women and children all over the world, would turn to it for help, guidance and inspiration."

The text of the Declaration adopted (217(III) A) is as follows:

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

the General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair, and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall

further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedom may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

(e) DISSEMINATION OF THE DECLARATION

The draft resolution of the Third Committee relating to the dissemination and publication of the Universal Declaration of Human Rights was adopted by 41 votes, with 9 abstentions, its text (217 (III) D) being as follows:

"The General Assembly,

"Considering that the adoption of the Universal Declaration of Human Rights is an historic act, destined to consolidate world peace through the contribution of the United Nations towards the liberation of individuals from the unjustified oppression and constraint to which they are too often subjected,

"Considering that the text of the Declaration should be disseminated among all peoples throughout the world,

"1. Recommends Governments of Member States to show their adherence to Article 56 of the Charter by using every means within their power solemnly to publicize the text of the Declaration and to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories;

"2. Requests the Secretary-General to have this Declaration widely disseminated and, to that end, to publish and distribute texts, not only in the official languages, but also, using every means at his disposal, in all languages possible;

"3. Invites the specialized agencies and non-governmental organizations of the world to do their utmost to bring this Declaration to the attention of their members."

c. PUBLICATION AND DISSEMINATION OF THE DECLARATION BY THE SECRETARIAT

In order to carry out the above resolution, the United Nations began at once to develop a large-scale programme for disseminating the text of the Universal Declaration of Human Rights in various languages throughout the world, and for using every possible medium of publicity on behalf of this document. With the active co-operation of Member Governments, UNESCO and important non-governmental organizations, it was possible, during 1949, to prepare and disseminate the text of the Universal Declaration in fourteen languages in addition to the five official languages of the United Nations. The fourteen additional languages in which the Declaration was available at the end of 1949 were: Basque, Danish, Dutch, Esperanto, Finnish, German, Japanese, Norwegian, Portuguese, Sinhalese, Swedish, Tagalog, Tamil and Turkish.

The United Nations Secretariat also worked out ways and means of disseminating the Universal Declaration of Human Rights through regular national and international channels of information, in order to foster wider knowledge of the document. Among the channels used have been United Nations publications,⁹ posters, discussion guides, film strips, films, radio and television programmes, photo-features, picture presentations, human rights exhibits and special events, including an anniversary concert on 10 December 1949 at Carnegie Hall in New York City.

The Secretariat has also provided speakers on Human Rights for important educational and non-governmental organization meetings, and uses every means at its command to induce publication of the text and discussion of its importance by the world press, non-governmental organizations and private individuals.

2. Draft Covenant on Human Rights and Draft Measures of Implementation

a. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY AT ITS THIRD SESSION

After adopting the Universal Declaration of Human Rights, the General Assembly, on 10 De-

⁹ See, in particular: *These Rights and Freedoms* (United Nations Publications. Sales No.: 1950.1.6); and *The Universal Declaration of Human Rights, a History and Commentary* (provisional title, scheduled for 1950 publication).

ember 1948, passed, by 44 votes to none, with 8 abstentions, the following resolution (217(III)E):

"The General Assembly,

"Considering that the plan of work of the Commission on Human Rights provides for an International Bill of Human Rights, to include a Declaration, a Covenant on Human Rights and measures of implementation,

"Requests the Economic and Social Council to ask the Commission on Human Rights to continue to give priority in its work to the preparation of a draft Covenant on Human Rights and draft measures of implementation."

During its eighth session, the Economic and Social Council, on 9 February 1949, transmitted (191 (VIII)) the above resolution to the Commission on Human Rights for action.

b. FIFTH SESSION OF THE COMMISSION ON HUMAN RIGHTS

The Commission held its fifth session from 9 May to 20 June 1949. In accordance with resolution 46(IV) of the Economic and Social Council, it invited a representative of the Commission on the Status of Women to be present and participate without vote in its deliberations, when sections of the draft Covenant on Human Rights concerning the particular rights of women were considered.

The Commission on Human Rights decided to complete the draft Covenant and draft measures of implementation, and to request the Secretary-General to transmit them to Member Governments for comments, fixing 1 January 1950 as the final date on which observations and additional proposals from Governments would be received. It further decided to revise the drafts at its sixth session in the light of the replies received, and to present the revised texts to the Council in time to enable the Council to submit them to the fifth session of the General Assembly.

In its work on the draft Covenant and measures of implementation, the Commission had before it documentation, referred to it by the Council and the General Assembly, relating to trade union rights (freedom of association), infringement of trade union rights, and surveys of forced labour and measures for its abolition. It also had before it proposals on measures of implementation submitted by various representatives of Member States.

(1) Draft Covenant

The Commission was able to prepare a draft Covenant on Human Rights, taking as a basis for its discussion the text drawn up by its Drafting Committee in May 1948. The Covenant is intended eventually to become an international convention

or treaty, providing for the practical realization of certain of the principles already proclaimed in the Universal Declaration of Human Rights. The substantive part of the draft Covenant as prepared at the Commission's fifth session is, in effect, an international code of human rights. It states in clear, precise language—some of it drawn directly from the Declaration—the human rights and fundamental freedoms which, in the opinion of the Commission, should become the common concern of all the covenanting States.

Each State, under the Covenant as drafted by the Commission, would undertake to ensure to all individuals within its jurisdiction certain human rights and fundamental freedoms. Where such rights are not already guaranteed, each State would undertake to adopt, within a reasonable time, the necessary legislative or other measures to give them practical effect. Each State would also undertake to ensure that any person whose rights or freedoms, as defined in the Covenant, are violated should have an effective remedy before competent national tribunals—even though the violation may have been committed by persons acting in an official capacity. Covenanting States would also agree that certain rights could not be taken away under any circumstances, but that certain others might, if absolutely necessary, be put aside, to the extent strictly limited by the exigencies of the situation, in time of war or other public emergency threatening the interests of the people.

The Commission did not have the time to examine a number of additional articles, dealing with such matters as self-determination, the question of minorities, participation in one's Government, and, in particular, with economic and social rights, proposed by various representatives for inclusion in the draft Covenant. However, since it considered it important to secure to everyone the enjoyment of such rights, it asked that a survey of the activities of other organs of the United Nations and the specialized agencies, in matters within the scope of articles 22 to 27 of the Declaration,¹⁰ should be prepared by the Secretary-General. The proposals were also forwarded to Governments with the draft Covenant for their comments.

(2) Draft Measures of Implementation

The Commission's work, at its fifth session, regarding draft measures of implementation was based upon the report of its Working Group on Implementation, established at the second session of the Commission, and various proposals and comments made by Governments and members of the Commission.

¹⁰See text of Declaration, pp. 535-37.

The principal proposals (E/1371, Annex III) put forward included those of Australia, France, Guatemala, India, and a joint proposal by the United States and the United Kingdom.

The Australian proposal called for the establishment of an International Court of Human Rights, to which States, non-governmental organizations, individuals and groups of individuals might appeal.

The French proposal suggested the setting up of an eleven-member commission of experts to supervise the observance of human rights, to examine petitions from private persons, non-governmental organizations and States, and to settle by negotiation any disputes arising out of alleged violations of human rights.

Guatemala was in favour of a conciliation committee, to be presided over by the Chairman of the Commission of Human Rights, which would deal with complaints submitted by non-governmental organizations, private individuals and States.

The Indian proposal expressed the view that in whatever system was established, individuals and groups, as well as States, should have the right to initiate proceedings in the case of violations of human rights.

The joint United States-United Kingdom proposal stated that initiation of proceedings should be by States, and that ad hoc committees should be set up to deal with cases that States were unable to settle by negotiation within six months. The findings of these ad hoc committees, whenever set up, were to be reported to the States concerned and also to the Secretary-General, who would publish them.

The French, Guatemalan and United States-United Kingdom proposals also envisaged reference of the matter to the International Court of Justice.

With regard to the proposals on implementation, the representative of the USSR on the Commission of Human Rights, on 18 May 1948, stated, *inter alia*, that it was clear from a study of them that such "implementation" might become a means of interfering in the internal affairs of a State party to the Covenant and of undermining the sovereignty and independence of particular States. He declared that he therefore disapproved of all the drafts and proposals on implementation presented to the Commission.

At the request of the Commission on Human Rights, the Secretariat prepared a Questionnaire based on all the various proposals, which was approved by the Commission after making two additions.

The first of these, suggested by the representative of the USSR, asked whether it was necessary

to have, in any form, articles providing for international measures and the setting up of international institutions for the implementation of human rights and freedoms, or whether these questions should be left within the competence of each State as the particular concern of each country and people.

The second question, which was proposed by the representative of Australia, referred to the various economic and social articles which had been suggested for inclusion in the draft Covenant, and asked what would be the most appropriate means of implementing such articles.

The Questionnaire also asked: (1) whether the provisions relating to implementation should be included in the Covenant, in a protocol annexed to the Covenant, or in a separate instrument; (2) who, and under what conditions, should have the right to initiate proceedings; (3) what bodies, if any, should be established to deal with violations of human rights, and what their powers should be; and (4) what general provisions should be laid down.

Although the Commission had intended to draft articles on measures of implementation, it felt that the views of as many Member Governments as possible should be considered before such an attempt were made.

The Commission sent the above Questionnaire to all Member States of the United Nations, with the request that they submit comments by 1 January 1950. All proposals made by the various representatives on the question of implementation, together with the summary records of the discussions which took place in the Commission on Human Rights on these two subjects, were also transmitted to Member Governments. The replies to the Questionnaire, as well as comments on the various proposals, were, it was decided, to be considered by the Commission on Human Rights at its sixth session, which was scheduled to convene in March 1950.

As the Commission did not complete its work on the draft Covenant and on measures of implementation at its fifth session, it therefore made no recommendation on these subjects to the Economic and Social Council for its consideration at the ninth session, held in July-August 1949-

3. Right of Petition

In its report to the Economic and Social Council (E/800) covering the third session (held in May 1948), the Commission on Human Rights included in the Draft International Declaration of Human Rights an article dealing with the right to

petition with the comment that the Commission had not considered the article, since measures of implementation had not been discussed at its third session. This draft article read as follows:

"Everyone has the right, either individually or in association with others, to petition or to communicate with the public authorities of the State of which he is a national or in which he resides, or with the United Nations."

During the seventh session, the Economic and Social Council did not consider the draft Declaration in detail, but decided (151 (VII)), on 26 August 1948, to transmit to the General Assembly the draft submitted by the Commission on Human Rights, together with the records of the proceedings of the Council at its seventh session on the subject.

a. CONSIDERATION BY THE GENERAL ASSEMBLY

The draft article included in the report of the Commission on Human Rights was considered by the General Assembly's Third Committee, at its 158th to 160th meetings on 25-26 November 1948, and by the Assembly, at its 183rd plenary meeting on 10 December.

Two amendments to the draft article concerning the right of petition were presented to the Third Committee by France (A/C.3/244/Rev.1/Corr.1) and by Cuba (A/C.3/261). The French amendment proposed substituting for the words ". . . or with the United Nations" the following sentence:

"He also has the right to petition or to communicate with the competent organs of the United Nations in matters relating to human rights."

The Cuban amendment read as follows:

"Every person has the right, either individually or in association with others, to petition or to communicate with any competent authority, for reasons of either general or private interest, and the right to obtain prompt action thereon."

In submitting his amendment, the representative of France explained that although the right of petition could not be accepted before measures of implementation had been studied, he had never held the view that the right of petition was in itself to be considered as a measure of implementation. He questioned whether the Declaration of Human Rights could be considered complete without the statement of the right of petition. That right, he argued, had been mentioned in all historical declarations on the rights of man, and it was recognized that the individual had the right to petition the public authorities of the State of which he was a national. He considered the right

of petition to be consonant with the spirit of the Charter, since several articles referred to the protection of human rights.

The representative of Cuba, in submitting his amendment, declared that he agreed with the representative of France in that the right of petition was a right in itself, not merely a measure of implementation. That right, the Cuban representative submitted, had already been recognized in the statutory and constitutional law of many countries, and should appear in the Declaration. He considered, however, that it was premature to include the right of appeal to the United Nations, as such a right might raise difficulties in the international field. This view was shared by representatives of several other countries, some of whom pointed out that the United Nations had no machinery to deal with petitions from States which were not Members. Such machinery, they indicated, would first have to be created, so that the Secretariat could deal with petitions, and this would imply implementation.

In the opinion of the representative of the USSR, the right of petition could not be considered as a fundamental right like, for example, the right to work, the right to vote or the right to an education. The right of petition by itself, he said, meant very little; it was, in fact, pointless to permit men to complain unless alleged wrongs could be redressed, which was generally done within the framework of each State. He stressed the fact that it would be a violation of national sovereignty to permit individuals to petition the United Nations. To include in the Declaration an article based on the assumption that the rest of the rights contained in it would be violated, was premature, he maintained.

The representative of Australia contended that if the theory that the principle of national sovereignty was inviolable in the field of human rights were accepted, it would lead to an anomalous situation. In such a case, the inhabitants of Trust Territories would be able to submit petitions to the Trusteeship Council and hence to the United Nations, while the inhabitants of metropolitan countries would be precluded from doing so. He declared that when measures of implementation were considered, his delegation would insist on the necessity of efficacious measures and, in particular, on the establishment of an International Court of Human Rights.

The representative of the United Kingdom, at the Committee's 158th meeting on 25 November, proposed (A/C.3/370) that the General Assembly "request the Economic and Social Council to ask the Commission on Human Rights to give further examination to the problem of petitions when studying the

draft Covenant on Human Rights and the implementation thereof."

The representatives of the Byelorussian SSR, Mexico, the Philippines, Syria, the United States and the USSR, among others, were also in favour of sending the question back to the Commission on Human Rights.

Amendments to the United Kingdom proposal by Australia and Cuba were adopted by the Third Committee. The Australian amendment (A/C.3/W.1) enabled the General Assembly

"to consider what further action, if any, should be taken at its next regular session regarding the problem of petitions".

The Cuban amendment (A/C.3/W.1) referred to the right of petition as

"an essential human right as is recognized in the constitution of a great number of countries".

The United Kingdom proposal, thus amended, was then adopted by 34 votes to 6, with 5 abstentions, by the Third Committee at its 160th meeting on 26 November. It was submitted for approval to the General Assembly.

The Assembly, at its 183rd plenary meeting held on 10 December, adopted (217(III)B) by 40 votes, with 8 abstentions, the resolution submitted by the Third Committee. Its text is as follows:

"The General Assembly,

"Considering that the right of petition is an essential human right, as is recognized in the Constitutions of a great number of countries,

"Having considered the draft article on petitions in document A/C.3/306 and the amendments offered thereto by Cuba and France,

"Decides not to take any action on this matter at the present session;

"Requests the Economic and Social Council to ask the Commission on Human Rights to give further examination to the problem of petitions when studying the draft covenant on human rights and measures of implementation, in order to enable the General Assembly to consider what further action, if any, should be taken at its next regular session regarding the problem of petitions."

b. SUBSEQUENT ACTION

During its eighth session, the Economic and Social Council, on 9 February 1949, adopted a resolution (191 (VIII)) transmitting the above resolution of the General Assembly (217(III)B) to the Commission on Human Rights for the action contemplated therein.

The Commission, at its fifth session (May-June 1949), discussed the question of the right of petition in its deliberations on measures of implementation, and agreed, by a vote of 12 for, none against, and 2 abstentions, on the principle

that States would have the right to petition. The Commission also considered (E/1371) a proposal by the representative of the Philippines that the Commission resolve that the Covenant on Human Rights should at this time include provisions for individual and group petitions. The representative of France submitted an amendment to the effect that the Commission decide that provisions for individual and group petitions should be included in the measure of implementation at this time. The representative of China asked that his proposal for a negative vote on the French amendment (i.e. that provisions should not be included at this time) be voted on first. This was rejected by 8 votes for and 8 against. (If a vote is equally divided on matters other than elections, the proposal is regarded as rejected.) The French amendment was also rejected by 8 votes for and 8 against. The Philippine proposal was rejected by 7 votes for to 8 against, with 1 abstention.

However, in noting the Assembly resolution on the right of petition transmitted to it by the Council, the Commission considered that the question of the right of individuals, groups and organizations to petition in the case of violations of human rights was both urgent and important, and believed that further study was desirable. It, therefore, adopted a draft resolution (E/1371) requesting the Council to ask the Secretary-General:

"(a) To prepare a study on this question, including the receivability and the preliminary examination of petitions, taking into consideration the comments of Governments on pertinent proposals put forward in the fifth session of the Commission; and

"(b) To examine the communications concerning human rights received by the United Nations with a view to submitting to the Commission on Human Rights for consideration at its next session such communications as may be receivable under the conditions suggested in the study referred to in paragraph (a)."

The representative of the USSR stated that he voted against the draft resolution because it virtually requested the Secretary-General to distort the provisions of the Charter, being contrary to Article 2, paragraph 7, which provided that there should be no interference in matters of domestic jurisdiction, and because its adoption would have the "deplorable result of making it possible for fascist organizations to call upon the United Nations to consider their complaints."

Explaining the reason for his abstention, the representative of China declared that the resolution gave too much weight to negative action, while every effort should first be made to find some practical measures to promote co-operation between nations.

The representative of the United Kingdom con-

sidered that to ask for further study at the present time would prejudice the issue. She declared that such a study could be made after the comments of Governments on that session's proceedings were available.

During its ninth session, the Economic and Social Council, on 3 August 1949, decided to take no action on the draft resolution submitted by the Commission on Human Rights. At the same time, the Council decided (236(IX)B), in view of the fact that the Commission on Human Rights had not yet taken a final decision on the problem of petitions, to recommend that the General Assembly take no further action on this matter at its fourth session.

4. Yearbook on Human Rights

By its resolution 9(II) of 21 June 1946, the Economic and Social Council requested the Secretary-General to make arrangements for the compilation and publication of a yearbook on law and usage relating to human rights, the first edition of which should include all declarations and bills of human rights now in force in the various countries.

At its third session in May to June 1948, the Commission on Human Rights expressed the view that court decisions, being as important as provisions of constitutions, ordinary laws and international treaties, should also be included in the Yearbook on Human Rights. Furthermore, the Commission recommended that the correspondents, appointed by each Government to provide the Secretariat with documentation for the Yearbook, should also report such decisions, it being understood that the Secretary-General would have the responsibility for deciding on the use to be made of them as well as of the other documents supplied to it, bearing in mind the size of the Yearbook, its general purpose, and budgetary implications.

The Council considered the question during its eight session (February to March 1949) and adopted, at the 231st meeting on 10 February 1949, by 10 votes to 7, with 1 absence, resolution 192 (VIII) B, originally proposed by the Chinese representative, to give the matter further consideration at its ninth session, and to request the Secretary-General to prepare sample studies for the Commission on Human Rights and the Council. The debate which preceded the vote revealed a major division of opinion.

Some delegations, including those of Lebanon, Denmark, Peru, France and the United States, broadly speaking, maintained that the inclusion of

court decisions was highly desirable, because by confining itself to the publication of purely theoretical material the Yearbook tended to convey a somewhat distorted picture, for there always existed a gap between theory and practice. Publication of relevant court decisions would go a long way toward correcting such a distortion and would render that picture full and complete. They further maintained that the Secretariat could be trusted with the selection of this material; only those court decisions should be selected which constituted authoritative "precedents" in the countries concerned.

On the other hand, a number of objections were raised by representatives of some other countries. The representatives of Poland, the United Kingdom and India considered that the very term, "court decisions concerning human rights," was vague since, in the last analysis, everything was connected with human rights. The representatives of Poland, the Byelorussian SSR and China thought that the problem of selecting the respective material would therefore give rise to enormous difficulties and would place the Secretary-General in a very difficult position. The representative of the USSR pointed out that, under the draft resolution, the authors of the Yearbook would be given full discretion as to the selection of court decisions. He considered that relevant material could not be included in the Yearbook without previous agreement with the Governments submitting that material. The Council should bear in mind that the Yearbook was not a private publication, but an official publication of the United Nations. On the other hand, in the opinion of the Lebanese representative, the terms of the draft resolution referring to the fact that the background information regarding various court decisions would be supplied by Governments themselves, meant that the information would be either distorted or incomplete.

Finally, some representatives, including those of the USSR and India, suggested that the contents of the Yearbook would be improved by the inclusion of the texts of laws on human rights in respect of Non-Self-Governing and Trust Territories.

The Commission on Human Rights examined this question at its fifth session from May to June 1949 and recommended (E/1371) that, as soon as circumstances permitted, a summary of the decisions or the decisions in extenso of the highest court in every country, relevant to human rights and of international interest, should be included in a special chapter of the Yearbook, and that in exceptional cases summaries of decisions by other courts should be included in the Yearbook, if

the information were of value to other countries. The Commission further recommended that as of 1949 the Yearbook should be published also in Chinese, Russian and Spanish, and that the Secretariat should collect and include in the Yearbook all the texts of laws on human rights in respect of Non-Self-Governing and Trust Territories.

No action was taken on the subject during the ninth session of the Council.

5. Communications Concerning Human Rights

The Economic and Social Council, at its fifth session in July to August 1947, had adopted in resolution 75 (V) a procedure for handling communications concerning human rights, and subsequently had modified this somewhat, at its sixth session in February to March 1948, by resolution 116 (VI)A.¹¹

Under this procedure, the Secretary-General was requested to compile a confidential list of communications received concerning human rights, containing a summary of each, and to furnish this list to the Commission in private meeting, without divulging the identity of the authors of the communications, except in those cases where the authors stated that they had already divulged or intended to divulge their names or that they had no objections to their names being divulged.

At its eighth session, the Council adopted on 9 February 1949 resolution 192(VIII)A, requesting the Secretary-General to ask Governments sending replies to communications brought to their attention in accordance with paragraph (e) of resolution 75 (V) whether they wished their replies to be transmitted to the Commission on Human Rights in summary form or in full.

The Commission on Human Rights, at its fifth session in May to June 1949, recommended (E/1371) that the Council amend its procedure for handling communications. It suggested that the Secretary-General should be requested to compile two lists of communications concerning human rights: (1) a non-confidential list containing a brief indication of the substance of each communication which deals with the principles involved in the promotion of universal respect for and observance of human rights; and (2) a confidential list containing a brief indication of the substance of other communications concerning human rights. In the non-confidential list, the identity of the authors of communications would be revealed, unless they indicated that they wished their names to remain confidential. In the confidential list,

their identity would not be divulged, except in cases where they stated that they had already divulged or intended to divulge their names, or had no objection to this being done.

The Commission also proposed that, in the future, the Secretary-General should furnish each Member State concerned, irrespective of whether it was represented on the Commission or not, with a copy (instead of "a brief indication of the substance") of any communication concerning human rights which referred explicitly to that State or to territories under its jurisdiction.

The Commission's recommendation was submitted to the ninth session of the Economic and Social Council which, however, took no action on this subject in the light of its decision to examine only those parts of the Commission's report which dealt with administrative and procedural matters.

6. Prevention of Discrimination and the Protection of Minorities

Progress in formulating practical measures for the prevention of discrimination and the protection of minorities, in abeyance during the greater part of 1948, was resumed in the course of debates concerning the Universal Declaration of Human Rights during the first part of the third regular session of the General Assembly, from September to December 1948. Some delegations wished to have included in the text of the Declaration not only a non-discrimination article (article 2), but also provisions regarding the protection of minorities.

The item was discussed by the Third Committee at its 161st to 163rd meetings on 27 and 29 November 1949. Three proposals relating to the protection of minorities were submitted by the delegations of the USSR, Denmark and Yugoslavia (A/C.3/307/Rev.2). Others which were introduced verbally during the discussion by the representatives of Cuba, Egypt, Haiti and Lebanon revealed a considerable division of opinion. In particular, some representatives (for instance, those of Brazil, France and Mexico) argued that the problem of minorities was greatly complicated by the different structure of the various States. They felt that some countries might not be able to agree to the inclusion of the minorities provisions in a declaration which was of universal scope because, should they try to apply them, they might find their national unity disrupted.

Other representatives, including those of the United Kingdom and the United States, took

¹¹ See Yearbook of the United Nations, 1947-48, pp. 579-80.

the view that it would not be possible in a single article to effect a compromise between the views of the New World, which in general wished to assimilate immigrants, and the Old World, in which racial and national minorities existed. In addition, the representative of the United Kingdom pointed out that the rights of all minorities were already fully protected in the proposed Declaration: thus, article 16 guaranteed to them freedom of religion; article 17 freedom of the press and opinion; article 18 freedom of assembly; article 23 the choice of education; article 25 the right to participate in the cultural life of the community; and article 2 expressly protected all minorities. There was consequently no need for any of the three draft proposals before the Committee.

The representative of Chile suggested that the problem should be referred to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities for further study. The delegation of Haiti submitted a draft resolution to that effect (A/C.3/373). It was adopted, with minor amendments, by a roll-call vote of 24 to none, with 16 abstentions, and submitted to the General Assembly for approval.

At its 183rd plenary meeting, held on 10 December 1949, the General Assembly adopted, by 46 votes to 6, with 2 abstentions, the resolution proposed by the Third Committee as its resolution 217(III)C:

"The General Assembly,

"Considering that the United Nations cannot remain indifferent to the fate of minorities,

"Considering that it is difficult to adopt a uniform solution for this complex and delicate question, which has special aspects in each State in which it arises,

"Considering the universal character of the Declaration of Human Rights,

"Decides not to deal in specific provision with the question of minorities in the text of this Declaration;

"Refers to the Economic and Social Council the texts submitted by the delegations of the Union of Soviet Socialist Republics, Yugoslavia and Denmark on this subject contained in document A/C.3/307/Rev.2, and requests the Council to ask the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to make a thorough study of the problem of minorities, in order that the United Nations may be able to take effective measures for the protection of racial, national, religious or linguistic minorities."

Consequently, the Economic and Social Council, at its 230th plenary meeting, held on 9 February 1949, transmitted the matter (191 (VIII)) to the Commission on Human Rights and to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities for further action.

The Commission, at its fifth session in May 1949, referred the texts in question to the Sub-

Commission for consideration in the light of the discussion on this subject by the General Assembly at its third session, and by the Commission at its fifth session. It decided to defer its own consideration of the subject until it had received the report of the Sub-Commission (E/1371).

Further, in accordance with the Sub-Commission's request, the Commission clarified and extended in scope the terms of reference of the Sub-Commission, to read as follows:

"(a) To undertake studies, particularly in the light of the Universal Declaration of Human Rights; and to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities; and

"(b) To perform any other functions which may be entrusted to it by the Economic and Social Council or the Commission on Human Rights."

At the same session, the Commission extended the term of office of the existing members of the Sub-Commission for a period of three years. It recommended that the Council add one additional member to make the Sub-Commission more representative from the point of view of geographical distribution. It also recommended that the Council request the Trusteeship Council to authorize the Sub-Commission to participate in visits to the Trust Territories arranged by the Trusteeship Council, with a view to the preparation of measures to extend the full enjoyment of human rights and fundamental freedoms to the non-self-governing populations.

The Sub-Commission devoted its second session, held in June 1949, largely to the question of minorities. It called for full and detailed information regarding the existence and status of recognized minorities in various States, and the legislative measures taken by such States for their protection. It asked the Commission on Human Rights to forward to the General Assembly a draft resolution recommending that, in the interest of enabling recognized minority groups to maintain their cultural heritage when they desire to do so, Member Governments should provide adequate facilities in districts, regions and territories, where these groups represent a considerable portion of the population, for the use of the languages of such groups in judicial procedure and for the teaching in State-supported schools. The draft resolution affirmed that such groups should have a right to these or other facilities only so long as they are not used for the purpose of threatening or undermining the unity or security of States (E/CN.4/351).

The Secretariat had prepared, for the Sub-

Commission's information, data relating to the causes and main types of discrimination. The report represented a systematic organization of the findings of many psychologists, sociologists, anthropologists, economists, historians, political scientists, jurists and statisticians in this field. Inter alia, the report dealt with the preliminary considerations necessary to prevent discrimination, sociological and juridical fundamentals for defining discrimination, prejudice as a source of discrimination, the definition and main classifications of discrimination, and legal and educational means for preventing it. The Sub-Commission welcomed this study (E/CN.4/Sub.2/40), decided to use it as a working paper, and placed a corresponding item on the provisional agenda of its third session. It also decided to study the definition and classification of minorities, the possibility of publishing a yearbook on minorities, and the provisions to be included in the draft Covenant on Human Rights relating to the prevention of discrimination and the protection of minorities.

At its ninth session in July to August 1949, the Economic and Social Council approved the decision of the Commission on Human Rights to add one additional member to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities "to make it more representative from the point of view of geographical distribution." This action took place at the 320th plenary meeting of the Council on 3 August 1949, when resolution 236 (IX) A was adopted by 17 votes to 1. However, the Council, having decided to examine only those parts of the report of the fifth session of the Commission which dealt with administrative and procedural matters, took no action on its recommendation concerning the participation of the Sub-Commission in visits to Trust Territories.

7. Survey of Forced Labour and Measures for its Abolition

At its eighth session, in February and March 1949, the Economic and Social Council considered the item, "Survey of Forced Labour and Measures for its Abolition," proposed by the American Federation of Labor, which had been deferred owing to pressure of business at both the sixth and seventh sessions of the Council.

The American Federation of Labor (AF of L), in its letter of 24 November 1947, requesting that the item be placed on the Council's agenda, had suggested that the Council should ask the International Labour Organisation (ILO) to undertake a comprehensive survey on the extent of forced

labour in all Member States of the United Nations, and to suggest positive measures, including a revised convention and measures for its implementation, with the goal of eliminating forced labour (E/596).

The subject was under consideration at the Council's plenary meetings 236th to 238th, 242nd to 244th, 254th, 262nd and 263rd, held, respectively, on 14 to 15, 17 to 18 and 28 February, and on 4 and 7 March 1949. During the debate, charges and countercharges were made of the existence of forced labour in certain States, and the view was generally expressed that some kind of impartial inquiry was desirable. Some delegations emphasized the interest of the Commission on Human Rights in the matter, particularly in the light of the adoption of the Universal Declaration of Human Rights and of the preparation of the draft Covenant and draft Measures of Implementation. Other delegations stressed the competence of the International Labour Organisation, in view of the action which that agency had already taken in adopting a convention on forced labour and associated recommendations. The suggestion was also made that there were three aspects of the problem: the matter of principle, which was being dealt with by the Commission on Human Rights; the point of view of labour, which was being taken up by the International Labour Organisation; and the question of the prevention of crime and the treatment of offenders, which might be referred to the Social Commission.

The representative of the United States submitted a draft resolution (E/1150 and Rev.1) which would note the memorandum submitted by the AF of L and state that the Council had considered that the International Labour Organisation had adopted international regulations on the question of forced labour, and that Members of the United Nations had solemnly pledged themselves under Article 55 of the Charter to promote universal respect for, and observance of, human rights. In its operative part, the draft resolution proposed that the Council: (1) invite ILO to give further consideration to the nature and extent of forced labour, in the light of all possible information, including the memorandum of the AF of L and the records of the Council's discussions on the subject; (2) request the Secretary-General to work in close co-operation with ILO; and (3) transmit the memorandum of the AF of L and the records of the Council's discussions to the Commission on Human Rights, for consideration in connexion with the drafting of the Covenant on Human Rights.

The representative of Australia proposed (E/-

1173 and Rev.1) an amendment which would: (1) add a statement of the Council's belief that an impartial inquiry into the charges of forced labour was desirable; (2) ask the Secretary-General to approach all Governments and ask them "in what manner and to what extent they would be prepared to co-operate in an impartial inquiry into the extent of forced labour in their countries, including the reasons for which persons are made to perform forced labour, and the treatment accorded them"; and (3) request the Secretary-General to keep ILO informed, and consult with it, on the progress being made on this question, and report to the next session of the Council on the result of his consultations.

The Council, at its 263rd plenary meeting on 7 March 1949, adopted, by 14 votes to 3, the draft resolution (E/1150 and Rev.1), as amended by Australia (E/1173 and Rev.1), as its resolution 195 (VIII).

At the same meeting, the Council, by 3 votes in favour to 15 against, rejected a proposal by the USSR (E/1194 and E/1222) which called for the establishment of a comprehensive international commission made up of representatives of all existing trade unions, "without distinction as to the political or religious convictions of their members". This commission was to: (1) study the situation of unemployed and semi-employed persons in all countries where unemployment had not been eliminated; (2) investigate working conditions in the colonies and dependent territories; (3) collect as complete and objective information as possible; and (4) draw up reports and recommendations for the Council on the basis of the information received, wide publicity being given to the results of the commission's work.

This proposal was criticized by several representatives on the grounds that the proposed size of the commission would make it too unwieldy, and that it did not provide for on-the-spot investigations.

In accordance with the Council's request, the Secretary-General, in March and May 1949, respectively, addressed a letter to Governments of Member and non-member States, inquiring in what manner and to what extent they would be prepared to co-operate in an impartial inquiry. In September, at the request of the Council's ninth session (see below, resolution 237(IX)), the Secretary-General addressed a further letter to some of the Governments.

By the end of 1949, twenty-three Member States (Australia, Brazil, Burma, Canada, China, Colombia, Denmark, Ethiopia, France, Greece, Iceland, India, Israel, Lebanon, Netherlands, New Zea-

land, Norway, Pakistan, Philippines, Sweden, Syria, United Kingdom and United States) and four non-member States (Austria, Italy, Nepal and Switzerland) had indicated that they were prepared to co-operate in an impartial inquiry or to render assistance in some manner.

Six countries—the Member States of Chile, Egypt and Saudi Arabia, and the non-member States of Ceylon, Finland and Germany (French, United Kingdom and United States High Commissioners)—did not make any comments on the question of an inquiry. The Government of Iran did not find itself in a position to advise on the manner of such an inquiry. The Government of the USSR reiterated its views as embodied in its proposals submitted to the eighth session of the Council. The Byelorussian SSR supported the proposals made by the USSR to the Council. The Yugoslav Government submitted its own proposal on the matter. The Governments of Bulgaria, Czechoslovakia and Iraq stated that they were unable to co-operate.

In preparing, at its fifth session¹² in May-June 1949, the draft Covenant on Human Rights, the Commission on Human Rights took into account the memorandum of the American Federation of Labor and the records of the Council's discussions on the subject. It decided (E/1371) to incorporate in the draft Covenant the following article dealing with forced or compulsory labour.

Article 8

"3. No one shall be required to perform forced or compulsory labour except pursuant to a sentence to such punishment for a crime by a competent court;

"4. For the purpose of this article, the term 'forced or compulsory labour' shall not include: (a) any work, not amounting to hard labour, required to be done in the ordinary course of prison routine by a person undergoing detention imposed by the lawful order of a court; (b) any service of a military character or, in the case of conscientious objectors, in countries where they are recognized, exacted in virtue of laws requiring compulsory national service; (c) any service exacted in cases of emergencies or calamities threatening the life or well-being of the community; (d) any work or service which forms part of the normal civic obligations."

The Governing Body of the International Labour Office considered the question at its 109th session, in June 1949, and concluded that there should be an impartial inquiry into the nature and extent of forced labour, including the reasons for which persons are made to perform forced labour, and the treatment accorded such persons. The Governing Body considered that the question was of direct concern to, and within the competence, of, ILO in carrying out the proposed impartial inquiry,

¹² See pp. 538-39.

particularly in view of the desirability of including within the scope of the inquiry Members of the United Nations which are not members of ILO. Finally, the Governing Body recommended that the Director-General of ILO establish close contact with the Secretary-General, with a view to the establishment of an impartial commission of inquiry to investigate the whole question at the earliest possible moment.

The Council, at its ninth session, debated the question, at its 319th to 324th meetings on 3 to 5 August 1949. Charges and countercharges of the existence of forced labour were again made.

At the beginning of the debate, the representative of the United States submitted a draft resolution (E/1484) proposing the creation of an eleven-member commission of inquiry. Five members would be appointed by the Council, five by the International Labour Organisation, and one elected by the other ten members. The commission would be charged with inquiring into the nature and extent of forced labour, the reasons for which persons are made to perform forced labour, and the treatment accorded such persons, with primary emphasis being placed on situations involving large numbers of persons or widespread practice of forced labour.

Some members of the Council stressed that any commission of inquiry should be allowed to carry out on-the-spot investigations of charges made. Certain representatives said that, before taking any further action, the Council should have a clear definition of the meaning of the term "forced labour". It was also pointed out that after the Covenant on Human Rights had been completed, signed and ratified, the United Nations would have operative machinery which it lacked, and that consequently any decision regarding the establishment of a commission of inquiry was premature.

By a vote of 10 to 5, with 3 abstentions, the Council adopted a joint Brazilian-Danish-Indian amendment (E/1489) to the United States draft resolution, which deleted the proposal to set up a commission of inquiry and stated that the replies from Governments so far received did not provide the conditions under which a commission of inquiry could operate effectively. It instructed the Secretary-General to request Governments which had not as yet stated that they would be prepared to co-operate in such an impartial inquiry to consider whether they could give a reply to that effect before the next session of the Council in February 1950.

The USSR proposal for a comprehensive international mission, composed of from 110 to 125 representatives of national and international trade

union federations, which had been rejected at the previous session, was again put before the Council (E/1485) and again rejected by 3 votes in favour to 14 votes against, with 1 abstention.

The Council, at its 324th plenary meeting on 5 August 1949, adopted the amended draft resolution (E/1484) by 10 votes to 3, with 5 abstentions. Resolution 237 (IX) reads as follows:

"The Economic and Social Council,

"Recalling its resolution 195 (VIII) on the survey of forced labour and measures for its abolition,

"Taking note of the communication of the International Labour Organisation transmitting the resolution adopted by the Governing Body of the International Labour Office at its one hundred and ninth session, which resolution calls for an impartial enquiry into the nature and extent of forced labour and for consultation between the Director-General of the International Labour Office and the Secretary-General of the United Nations on this matter,

"Considering that the replies received up to the present from Governments, in answer to the enquiries made by the Secretary-General in accordance with the seventh paragraph of resolution 195(VIII), do not provide the conditions under which a commission of enquiry could operate effectively,

"Instructs the Secretary-General to request Governments which have not as yet stated that they would be prepared to co-operate in such an impartial enquiry to consider whether they can give a reply to that effect before the next session of the Council."

8. The Problem of Slavery

The item, "The Problem of Slavery," was put on the agenda of the first part of the third regular session of the General Assembly on the initiative of the Belgian delegation. The matter was considered at the 179th meeting of the Third Committee, held on 7 December 1948. The Belgian representative stated that his proposal for the appointment of a committee of experts on the problem of slavery had been inspired by two types of considerations: first, the practice followed by the League of Nations, which had set up a committee to study the problem of slavery; second, article 4 of the Declaration of Human Rights, dealing with the abolition of slavery and slave trade in all their forms. He agreed with the remarks of the representatives of India and France to the effect that there was not enough time left to examine this important question in all the details of its substance and that, consequently, the matter should be referred to the next session of the Economic and Social Council.

The Committee then adopted, by 30 votes to none, with 3 abstentions, the Belgian proposal and submitted it (A/783) for approval to the General Assembly. At its 211th plenary meeting on 13 May 1949, at the second part of the third reg-

ular session, the Assembly adopted, without objection and without discussion, resolution 278(III), as follows:

"The General Assembly

"Requests the Economic and Social Council to study the problem of slavery at its next session."

The Council, at its ninth session in July-August 1949, considered the problem of slavery at its 298th, 300th and 301st plenary meetings, held between 16 and 20 July.

Members of the Council were unanimous in condemning slavery and in urging that immediate steps should be taken to abolish it wherever it was still allowed to persist. The representative of Belgium again pointed out his reasons for having initiated the proposal at the previous session of the General Assembly. He suggested four possible courses of action which the Council might take in studying the problem: (1) appoint a small committee of experts on the lines of the League of Nations committee; (2) establish an ad hoc committee of Council members; (3) refer the question to the Commission on Human Rights, for consideration in connexion with the implementation of the International Covenant on Human Rights; or (4) request the Secretary-General to undertake a comprehensive study of the whole problem before deciding on any further action.

The representative of the United Kingdom, after giving an historical resume of the problem of slavery, introduced a draft resolution (E/1418) instructing the Secretary-General to appoint a small ad hoc committee of not more than five experts, to report to the Council within twelve months on the nature and extent of slavery (including peonage and mui tsai), and to suggest methods of attacking the problems involved as well as an appropriate division of responsibility among the interested bodies within the United Nations.

Differences of opinion were expressed regarding the definition of slavery and the terms of reference of any committee which might be established. Some representatives thought that a restricted juridical definition of the word should be adhered to; others thought that it should be interpreted more freely to include "other institutions or customs resembling slavery". It was said that in certain economically under-developed countries workers had to accept, in order to live, conditions of employment which virtually constituted slavery. The point was made that slavery could not be abolished by legislation alone, and that one of the best ways to combat it would be to extend financial help to poor countries.

The representative of Poland felt that the

Council, rather than the Secretary-General, should at its present session appoint the committee. He also proposed (E/1435) that the committee should give special attention to the problem of slavery and slave and labour trade in colonies and Non-Self-Governing Territories, and should consult with international and national democratic organizations like trade unions and others which might express their desire to collaborate with the committee. These views were opposed by the majority, and the amendment was rejected.

The representative of the United Kingdom accepted an Australian amendment to delete the terms "peonage" and "mui tsai", in view of the difficulties of defining them, but he did not think that the League's definition of slavery should be changed. He felt that the ad hoc committee should report in due course to what extent the League's definition remained satisfactory. In principle, he agreed that the social and economic background of the problem of slavery should also be studied, but it would be premature at this stage to go beyond a careful investigation into the extent to which slavery currently existed.

On 20 July 1949, the Council adopted, by 12 votes to none, with 6 absentions, the amended draft resolution. Resolution 238 (IX) instructed the Secretary-General, after consulting with bodies having special competence in this field, to appoint an ad hoc committee of not more than five experts to: (1) survey the field of slavery and other institutions or customs resembling slavery; (2) assess the nature and extent of these problems; (3) suggest methods of attacking them; (4) suggest an appropriate division of responsibility among the competent bodies within the framework of the United Nations; and (5) report to the Council within twelve months of their appointment.

On 12 December 1949, the Secretary-General appointed the following members to the ad hoc Committee of Experts on Slavery: Charles W. W. Greenidge (United Kingdom), Bruno Lasker (United States), Moises Poblete Troncoso (Chile) and Madame Jane Vialle (France).

9. Trade Union Rights

a. TRADE UNION RIGHTS (FREEDOM OF ASSOCIATION)

At its fourth session, the Economic and Social Council referred (52 (IV)) to the International Labour Organisation proposals by the World Federation of Trade Unions and the American Federation of Labor concerning the protection of

trade union rights (freedom of association). The proposals were also submitted to the Commission on Human Rights, in connexion with the drafting of the International Bill of Human Rights.

The International Labour Organisation, at its 30th Conference in June and July 1947, adopted resolutions on the principles of freedom of association and protection of the right to organize and to bargain collectively. It also adopted a programme for further action at its next session.

The Economic and Social Council, at its fifth session, in resolution 84(V), endorsed the principles proclaimed by ILO, asked it to continue its efforts, so that one or several international conventions on the subject might be quickly adopted, and stated that it considered that the question of the enforcement of rights, whether of individuals or associations, raised common problems which should be considered jointly by the United Nations and the International Labour Organisation.

The principles proclaimed by ILO were also endorsed by the General Assembly, at its second regular session, in resolution 128(II). The Assembly recommended ILO to pursue urgently, in collaboration with the United Nations, the study of the control of the practical application of trade union rights.

At its 31st Conference in June-July 1948, the International Labour Organisation adopted the Convention on Freedom of Association and Protection of the Right to Organize, 1948. It also agreed on a list of points to be covered at its next Conference in a convention or recommendation to implement the right to organize and bargain collectively.¹⁵

Owing to pressure of business, the Council, at its seventh session, postponed consideration of the question of trade union rights (freedom of association).

(1) Action Taken by the General Assembly at its Third Session

The question of trade union rights was considered by the General Assembly at its third regular session, in connexion with the Assembly's consideration of the report of the Economic and Social Council. Due to pressure of business, discussion on the question was postponed to the second part of the session, in April and May 1949, when it was discussed at the 226th meeting of the Third Committee on 11 May 1949, and the 211th plenary meeting on 13 May 1949.

The representative of France reintroduced two draft resolutions (A/C.3/290). The first would have the General Assembly call on Governments to take prompt action for the early ratification of

the Convention on Freedom of Association and Protection of the Right to Organize, adopted on 6 July 1948 by the International Labour Conference at San Francisco. The second would have the Economic and Social Council, as suggested by the International Labour Conference, actively pursue the consultations concerning the international machinery necessary for safeguarding trade union rights and freedom of association in all its aspects. However, the French representative withdrew the second draft resolution in view of the action taken by the Council at its eighth session (see below).

The majority of the Committee supported the French proposal. On the other hand, the representatives of Afghanistan, Belgium, the United Kingdom and the United States questioned the advisability of the United Nations singling out a convention adopted by one of its specialized agencies for special recommendation to Member Governments. The representative of the United Kingdom stated that his Government would support the French proposal, with the understanding that the adoption of such a draft resolution would neither set a precedent nor imply that other conventions, not so recommended, were unimportant. He suggested that the resolution express the earnest hope that Governments take prompt action rather than call upon them to do so. This was accepted by the representative of France.

The representatives of the Byelorussian SSR, the USSR and Yugoslavia were opposed to the French proposal, on the grounds that the Convention was, in fact, intended to safeguard the interests of employers rather than those of trade unions. The ILO Convention established equality between labour unions and employers' unions and, while safeguarding the already secure interests of the latter, afforded no protection to labour. The USSR representative also stressed that under the Convention the Metropolitan Powers could determine the extent to which the terms of the Convention should be applied to Non-Self-Governing Territories, thus encouraging a colonial policy under which the native populations were completely unprotected.

The Third Committee approved the French draft resolution, as amended by the United Kingdom, by 27 votes to 2, with 9 abstentions. The General Assembly, on the Committee's recommendation, at its 211th meeting on 13 May 1949, adopted resolution 279(III), without further discussion, by 24 votes to none, with 14 abstentions.

Resolution 279(III) reads as follows:

¹⁵ For further details, see Yearbook of the United Nations, 1946-47, p. 665, and Yearbook of the United Nations, 1947-48, pp. 129-33, 583-86, 823.

"The General Assembly,

"Recalling that at its second regular session it endorsed the principles proclaimed by the International Labour Conference at its thirtieth session in respect of trade union rights and approved the request made by the Economic and Social Council at its fifth session that the International Labour Organisation should continue its efforts in order that one or several international conventions on the subject might be adopted, and

"Noting that the International Labour Conference at San Francisco in the course of its thirty-first session adopted, on 9 July 1948, a Convention on Freedom of Association and Protection of the Right to Organize, and that this Convention has now been communicated to Governments for ratification,

"Expresses the earnest hope that Governments will take prompt action for the early ratification of the Convention on Freedom of Association and Protection of the Right to Organize adopted by the International Labour Conference at San Francisco."

(2) Action Taken by the Economic and Social Council at its Eighth and Ninth Sessions

Meanwhile, the Council, at its eighth session in February and March 1949, considered the question of trade union rights (freedom of association), which it had postponed at its seventh session. In its examination of the question, the Council had before it a note from ILO transmitting the decisions concerning freedom of association taken by the International Labour Conference at its 31st session (E/863). This included the text of the substantive provisions of the Convention concerning freedom of association and protection of the right to organize, and a resolution concerning international machinery for safeguarding freedom of association. The latter requested the Governing Body: (1) to enter into consultations with the competent organs of the United Nations for the purpose of examining the developments in existing international machinery that might be necessary to ensure the safeguarding of freedom of association, and (2) to report back to the International Labour Conference at an early session.

The Council discussed the question of trade union rights (freedom of association), at the 79th and 80th meetings of its Social Committee on 9 March, and at the 242nd, 252nd and 280th plenary meetings on 17 and 25 February and 17 March 1949, respectively. The Council had before it a suggestion, submitted by the Secretariat (E/1093 and E/W.6), that an ad hoc committee of Council members be appointed to enter into consultations with the Governing Body of ILO to consider jointly the question of the enforcement of trade union rights (freedom of association) as provided in resolution 84(V) of the Council. The committee would also study jointly the control of the practical application of these rights, as provided for in resolution 128(II) of the General Assembly.

The representative of the United States considered that the Secretariat proposal for consultations between ILO and the organs of the United Nations might lead to administrative difficulties. He therefore proposed an amendment (E/AC.7/W.63) to the Secretariat draft resolution (E/W.6) to the effect that, prior to the appointment of such an ad hoc committee, the Secretary-General should explore the situation by entering into consultation with the Director-General of the International Labour Office. He was to report to the Council on the results of his consultations with a view to enabling it to give further consideration to the question of co-operation with the Governing Body of ILO.

Certain representatives, inter alia, those of the Byelorussian SSR, Poland and the USSR, criticized the work of ILO on trade union rights on the grounds that the Convention on Freedom of Association and Protection of the Right to Organize protected the rights of employers rather than the rights of workers in Non-Self-Governing Territories.

They supported a proposal by the USSR (E/AC.7/W.62 and E/1264) which would have the Council (1) recommend that all States Members of the United Nations take urgent steps for the protection of trade union rights by the passage of domestic legislation, (2) set up a commission on trade union rights, and (3) instruct the commission, with the participation of the WFTU, to draft specific proposals for the protection of trade union rights, and to submit them to the ninth session of the Council. The proposal was rejected in the Social Committee, at its 80th meeting, by 3 votes in favour to 14 against, and at the 280th plenary meeting on 17 March, in paragraph by paragraph votes. The majority of representatives expressed the opinion that ILO had made progress in its study of trade union rights, particularly by its adoption of the convention recognizing principles endorsed both by the Council and by the Assembly.

The Secretariat draft resolution (E/W.6), as amended by the United States and with several drafting changes, was adopted in the Social Committee by 14 votes to 3. At the 280th plenary meeting, on 17 March 1949, the Council, in resolution 193(VIII), adopted the recommendation of the Social Committee (E/1274), by 15 votes to 3.

The Council, in this resolution, observed the action taken and proposed by ILO within its recognized competence, in particular the adoption by the International Labour Conference of the 1948 Convention on Freedom of Association and

Protection of the Right to Organize, and also the resolution of the Conference concerning international machinery for safeguarding freedom of association. It instructed the Secretary-General, in consultation with the Director-General of ILO, to explore the question of enforcement of trade union rights (freedom of association), as provided in resolution 84(V) of the Council, and to study jointly the control of the practical application of trade union rights (freedom of association), as provided in resolution 128(II) of the General Assembly. It further requested the Secretary-General to report to the Council on the results of his consultations, with a view to enabling the Council to give the matter further consideration, including consideration of the question of further co-operation with the Governing Body of ILO. Finally, the Council transmitted to the Commission on Human Rights the decisions taken at the 31st session of the International Labour Conference in order that it might consider the contents of the 1948 Convention on Freedom of Association and Protection of the Right to Organize and the resolution concerning international machinery for safeguarding freedom of association, when drawing up its final proposed text of the International Covenant on Human Rights and draft articles of implementation.

The documents and actions mentioned above were considered by the Commission on Human Rights at its fifth session, in its work on the draft Covenant and draft Measures of Implementation. Article 19 of the draft Covenant as adopted by the Commission, contains provisions concerning freedom of association (E/1371 (Annex I)).

In pursuance of the Council's resolution, the Secretary-General entered into consultation with the Director-General of ILO, and presented to the ninth session of the Council a report (E/1405) in which he recommended the setting up of a joint United Nations-ILO commission of inquiry and conciliation.

The Council also had before it, at its ninth session, a letter from the Director-General of ILO to the Secretary-General (E/1401), informing him that the Governing Body of ILO, at its 109th session, had adopted a resolution, in which it approved the establishment of a fact-finding and conciliation commission on freedom of association for the purpose of international supervision of freedom of association. The Governing Body requested the Director-General to continue his consultations with the Secretary-General with regard to the manner in which such a commission could most appropriately be established, and requested him, in the light of these consultations, to submit to the Gov-

erning Body, at an early session, detailed proposals concerning the terms of reference, procedure and composition of such a commission.

The Council discussed the question at its Social Committee's 108th to 112th meetings on 28 to 30 July, and at its 317th and 318th plenary meetings on 2 August 1949. Members of the Council were agreed that the question of trade union rights was one of the most important and urgent items on its agenda. Most members expressed their approval of the suggestion that a commission of some kind should be established. Opinions differed, however, as to whether the commission should be a commission of the Council, of ILO, or a joint United Nations-ILO commission.

The representatives of the United States and the United Kingdom proposed, *inter alia*, (E/AC.7/W.97) that ILO should proceed on behalf of the United Nations, as well as on its own behalf, with the establishment of the fact-finding and conciliation commission on freedom of association.

In opposing this recommendation, the representative of the USSR said that the safeguarding of trade union rights was bound up with the protection of such fundamental human rights as freedom of speech, freedom of assembly and the right to work; and the protection of these rights was the concern of the United Nations itself. Moreover, many States which were Members of the United Nations were not members of ILO, and, consequently, ILO decisions could not be binding on them.

He proposed (E/AC.7/W.98/Rev.1 and Corr.1) the establishment of a commission consisting of three to five, members of the Economic and Social Council and one representative each from ILO, WFTU, the Latin American Labour Confederation and the International Federation of Christian Trade Unions. Its functions would be:

- (1) To study existing legislation and the practical application of trade union rights in Member States of the United Nations;
- (2) To investigate communications received from trade union organizations concerning infringements of trade union rights;
- (3) To prepare recommendations aimed at securing trade union rights, and to submit them to the Economic and Social Council for its consideration.

When examining questions affecting trade unions of individual countries, the commission would invite the national trade union bodies concerned to participate. This proposal was supported by the representatives of the Byelorussian SSR and Poland. They maintained that the proposal that ILO should act on behalf of the United Nations would constitute an improper relinquishment of the Council's responsibility and an illegal dele-

gation of authority to a specialized agency. Those Members of the United Nations which were not members of ILO might not recognize a transfer of United Nations powers to a specialized agency, and therefore the jurisdiction of the proposed commission would be unduly limited.

In response, the members supporting the United Kingdom-United States proposal (*inter alia*, the representatives of Belgium, Brazil, Chile, India, Peru, Turkey and Venezuela) stated that the phrase "on behalf of the United Nations" did not mean that the Council was waiving its rights or that it was delegating its powers to ILO. In their view, it was simply a recommendation to a specialized agency to take certain action within the competence of that agency, the Council reserving to itself the right to review the matter and make further recommendations. It was noted that the legal basis for the Council's recommendations to ILO could be found in Articles 57 and 62 of the Charter and, more particularly, in the provisions of the relationship agreement between the two organizations.

The representative of France agreed with the USSR representative that Members of the United Nations which were not members of ILO would question the authority of a commission operating solely under ILO. The reverse was also true. Members of ILO which were not members of the United Nations might question the decisions of a commission operating under the sole authority of the United Nations. The result would be that eighteen countries might question the powers of the proposed commission. He, therefore, objected to the joint draft resolution and proposed, *inter alia*, (E/AC.7/W.99) that the Secretary-General (1) continue consultations with ILO, with a view to making provisional arrangements for collaboration, (2) study the ways and means of setting up a fact-finding and conciliatory commission, (3) consider with ILO the composition of the proposed commission, and (4) report back to the Council.

Those opposing this draft resolution, among them the representatives of Belgium and Australia, objected to the provisional character of the solution. They felt that the resolution did not recognize the urgency of the problem.

The Social Committee, at its 112th meeting on 30 July, rejected the USSR proposal by 3 votes in favour to 15 against. The primary objections were that the proposal did not provide for use of the machinery already available to the United Nations under the terms of the relationship agreement with ILO, and was too narrow in concept since it did not call for conciliation activities.

The joint draft resolution (E/AC.7/W.97), with a few amendments, was adopted by roll-call by 13 votes to 3, with 2 abstentions.

The representative of France, in view of the adoption of the joint proposal, withdrew his draft resolution.

The Economic and Social Council discussed the report of the Social Committee (E/1475) at its 317th and 318th meetings on 2 August 1949, and, by roll-call vote, adopted by 13 votes to 3, with 2 abstentions, resolution 239 (IX), as follows:

"The Economic and Social Council,

"Having examined the report of the Secretary-General on his consultations with the Director-General of the International Labour Office with regard to the question of enforcement of trade union rights (freedom of association),

"Having noted the communication from the International Labour Organisation transmitting the resolution adopted by the Governing Body at its one hundred and ninth session, which approves the establishment of 'a fact-finding and conciliation commission on freedom of association for the purpose of international supervision of freedom of association',

"Requests the International Labour Organisation to proceed, on behalf of the United Nations, in accordance with its relationship agreement, as well as on its own behalf, with the establishment of the Fact-finding and Conciliation Commission on Freedom of Association referred to in the resolution mentioned above;

"Requests the Secretary-General and the Director-General to consult together with a view to exchanging information and formulating a procedure for making the services of the Commission available to the appropriate organs of the United Nations with respect to Members of the United Nations which are not members of the International Labour Organisation;

"Requests the Secretary-General and the Director-General to report progress to the next session of the Council; and

"Requests the Secretary-General to transmit the progress report to all Member Governments and to present any comments they may have to make to the next session of the Council."

A proposal (E/1478) by the USSR, substantially the same as that submitted in the Committee, was rejected by the Council in plenary session by 3 votes in favour to 15 against, in a roll-call vote.

The first progress report by the Secretary-General and the Director-General of ILO was made available on 9 December 1949 (E/1566). The Director-General had informed the Secretary-General that he intended to lay before the Governing Body of the International Labour Office, meeting at Mysore, India, from 4-7 January 1950 for its 110th session, a memorandum entitled "Questions relating to Freedom of Association". This memorandum constituted part I of the progress report. Its part II contained comments by the Secretary-General on these proposals, in particular, on the

establishment of a fact-finding and conciliation commission on freedom of association.

b. INFRINGEMENT OF TRADE UNION RIGHTS

The World Federation of Trade Unions (WFTU), in memoranda submitted to the Council at its seventh and eighth sessions (E/822 and Add. 1 & 2), stated that trade union rights were being violated in certain Member States, namely: Argentina, Brazil, Burma, Chile, Cuba, Egypt, Greece, India, Iran, Lebanon, Portugal, Spain and the Union of South Africa. It based its accusations on complaints received from trade union organizations within these countries, and called on the Council to guarantee to trade unions the exercise and development of their rights.

The American Federation of Labor also submitted memoranda to the Council in June and December 1948 (E/841 and E/1085), claiming that trade union rights were being violated in certain other member countries (Czechoslovakia, Peru, Poland, USSR and Yugoslavia), and called for an investigation on broad lines of the situation in all Member States.

At its seventh session, in July-August 1948, the Council deferred consideration of the question of the infringement of trade union rights, which had been proposed as an agenda item by the World Federation of Trade Unions.

At its eighth session, the Council discussed the question at its 252nd, 256th and 264th to 266th meetings on 25 February and 1, 7 and 8 March 1949, respectively. Statements were made by representatives of the World Federation of Trade Unions and of the American Federation of Labor, and all the countries were invited to answer the charges made against them. Those countries which were not represented on the Council were invited to attend in accordance with Article 69 of the Charter (which authorizes non-members of the Council to take part, without the right to vote, in debates on questions of particular concern to them).

Of these States, Greece, Egypt and Argentina made statements.

The Union of South Africa, in a letter (E/1225) addressed to the Secretary-General on 4 March,

urged that the item be dismissed from the agenda. The "irresponsible charges" made by the World Federation of Trade Unions rested on a "distortion of facts", the letter said.

All representatives on the Council of the countries concerned denied that trade union rights were being violated in their respective countries.

On 8 March 1949, the Council, at its 266th meeting, adopted by 14 votes to 3, with 1 abstention, with minor amendment, a draft resolution (E/1208) as proposed by the representative of New Zealand. Resolution 194(VIII) reads as follows:

"The Economic and Social Council,

"Having received the statements made by the World Federation of Trade Unions and the American Federation of Labor, and the answers given before the Council by the representatives of the countries mentioned in those statements,

"Draws the attention of all Member States to the importance of ensuring within their respective territories the full exercise of trade union rights and in particular to the principles contained in the Freedom of Association and Protection of the Right to Organize Convention, 1948, adopted by the International Labour Organisation; and

"Transmits for their information the above-mentioned statements and the records of the discussion to the ILO and the Commission on Human Rights, particularly in connexion with the latter's work in the preparation of a draft covenant on human rights and draft measures of implementation."

The Council, on the same day, rejected by 3 votes in favour to 13 against, with 2 abstentions, a proposal (E/1224) by the representative of the USSR which, inter alia, would have recommended that the States mentioned by WFTU, which are Members of the United Nations, take effective measures at the earliest possible date to implement the principles governing trade union rights proclaimed by the organs of the United Nations, and submit reports to the ninth session of the Council on the measures taken.

The Commission on Human Rights, at its fifth session, accordingly considered the documents submitted to it by the Council when it worked on the draft Covenant on Human Rights and draft Measures of Implementation. Article 19 of the draft Covenant, as adopted by the Commission, contains provisions concerning the freedom of association.

B. FREEDOM OF INFORMATION

The General Assembly, at its first session, adopted resolution 59(I), requesting the Economic and Social Council to call an international conference on freedom of information. The Confer-

ence, held in Geneva in the spring of 1948, formulated convention on (a) the gathering and international transmission of news, (b) the institution of an international right of correction, and

(c) freedom of information. The Conference also adopted forty-three resolutions dealing with various aspects of freedom of information, and drafted articles on freedom of information for the Declaration of Human Rights and the Covenant on Human Rights.¹⁴

The recommendations of the Conference were transmitted to the Council, which, at its seventh session, revised the draft Convention on the Gathering and International Transmission of News, but did not find time to consider the two remaining draft conventions. By its resolution 152 (VII), the Council decided to transmit to the General Assembly all three draft conventions, together with the remainder of the Final Act of the Conference, except resolution 39 (dealing with new terms of reference for the Sub-Commission on Freedom of Information and of the Press), consideration of which was postponed until the eight session of the Council.

1. Consideration by the General Assembly at its Third Session

The General Assembly did not have time during the first part of its third session to examine the report of the Council. The item, "Freedom of Information: Report of the Economic and Social Council" (A/631), was therefore considered during the second part of the Assembly's third session.

a. DISCUSSIONS IN THE THIRD COMMITTEE

(1) Convention on the International Transmission of News and the Right of Correction

The Third Committee, to which the matter was referred, began examination of the draft Convention on the Gathering and International Transmission of News on 6 April 1949, at its 181st meeting. At the 195th meeting, the Committee decided, on the suggestion of the representative of France, to amalgamate this draft convention with the draft Convention on the Institution of an International Right of Correction and, at the 208th meeting, held on 29 April 1949, the Committee adopted the following title for the amalgamated draft, as proposed by the United Kingdom representative: "Convention on the International Transmission of News and the Right of Correction".

In order to arrive at a satisfactory conclusion of its work, the Third Committee discussed the draft conventions, separately and in amalgamated form, at its 181st to 208th and 219th to 226th meetings, held, respectively, on 6 to 29 April, and

6 to 11 May 1949. Over sixty resolutions, proposals and amendments were submitted by delegations; in addition, over twenty documents were prepared by the Secretariat, mainly recapitulating amendments and changes to be made in the text of the draft convention.¹⁵ The International Telecommunication Union also submitted its observations, and its representative took part in the discussions.

The debate centred mainly around: (a) the definition of the term "correspondent"; (b) the inclusion of a statement concerning the obligations and responsibilities of correspondents and information agencies; and (c) the widening of an article specifying the types of news dispatches for which correction may be sought to include dispatches capable of injuring the "national prestige or dignity" of a country.

As originally interpreted by the Conference, the term "correspondent" was defined as "an individual employed by an information agency, or a national of a Contracting State, who in either case is regularly engaged in the collection and reporting of news (including opinion) to the general public, and who is the holder of a valid passport identifying him as a correspondent or of a similar document internationally accepted identifying him as such."¹⁶

A difference of opinion was expressed in the Committee as to whether this text also covered correspondents who were nationals of the State in which they worked. The representatives of China and India argued that the text did not cover such nationals. The representatives of the United Kingdom, the United States, the Philippines, Australia, Egypt, the Union of South Africa, the Netherlands, Canada, Pakistan, Norway and France thought that it did.

The representatives of the United States and Pakistan considered that such nationals should be protected by the convention, as, otherwise, information agencies would be reluctant to employ them and the quality of the news would thereby suffer, foreigners not having the same expert knowledge of the country. The Philippine representative also considered that the convention should apply to nationals working as foreign correspondents, since they would only be covered when actually engaged on their work; he thought this might be more clearly stated in the text.

The representatives of Mexico, Chile and Iraq, on the other hand, argued that if the broader interpretation were accepted, nationals of a coun-

¹⁴ See E/CONF.6/79.

¹⁵ See A/INF/28/Add.1, pp. 44-49.

¹⁶ See E/CONF.6/79.

try who were foreign correspondents would enjoy a separate privileged position, protected by an international convention. The representative of Mexico proposed (A/C.3/424) to amend the article by adding "no Contracting State shall be obliged to consider any of its nationals as foreign correspondents under the terms of the Convention." The representatives of China, India and Poland agreed that nationals who acted as foreign correspondents should not be given special privileges over other categories of nationals.

The Committee voted, 22 to 17, with 7 abstentions, in favour of including both nationals and non-nationals in the definition. The Mexican amendment was regarded as rejected.

The representative of Lebanon, supported by the representatives of Belgium, Mexico, Uruguay and Colombia, emphasized that an information agency established in the territory of a State other than that of its origin should conform with the laws and regulations of the State in which it was operating. After a lengthy debate, the Committee amended and then adopted a Uruguayan proposal (A/C.3/423) defining an information agency as "created and organized under the laws and regulations of the Contracting State in which the central organization is domiciled and which functions under the laws and regulations of every State in which it operates." It decided that the term "correspondent" should be taken to include newspapers and news agencies acting as such.

The Committee also debated at length on the third paragraph of article 1 of the draft Convention on the International Transmission of News and the Right of Correction, which defines "news material" as including "all news material, whether of information or opinion and whether visual or auditory, for dissemination to the public." Discussion on this matter revolved around two amendments. Peru proposed (A/C.3/415) that (1) "those facts" should be substituted for "news material, whether," (2) the word "authentic" should be inserted between "or" and "opinion", and (3) the phrase "and whether visual or auditory" should be deleted.

Poland proposed (A/C.3/416) the addition of a clause which would specify that "news material" was "neither designed nor likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and not intended as a dissemination of false or distorted reports likely to injure friendly relations between States".

The Peruvian representative explained that the objective of his amendment was to define the sources of news and to ensure its authenticity. He urged that only trustworthy information com-

ing from responsible sources should be considered as news material under the terms of the proposed convention.

Support for this proposal came from the USSR and, for most of it, from the Philippines. The representative of Mexico suggested that the phrase "balanced expression of opinion" might be substituted for "authentic opinion". However, the Peruvian representative replied that this did not fully reflect his intention; the appropriate clause should convey the requirement that the opinion transmitted had emanated from a responsible and identifiable source and was not merely a product of the correspondent's own imagination.

Among those opposing the Peruvian proposal were the representatives of Cuba, Canada, Lebanon, Chile, Uruguay and Syria. In the opinion of the representative of Cuba, Governments could not decide what opinion was authentic or what news material was likely to provoke a threat to the peace. Newspapers and information agencies themselves were able to decide on the reliability of news material. The representative of Canada considered that, in the absence of a disinterested international authority, the decision on what was authentic would be left to Governments, which would use widely divergent criteria; this would open the door to confusion.

Support for the Polish amendment came from Czechoslovakia, the USSR and Yugoslavia. The representative of Czechoslovakia said that news material should be truthful and should serve the ends of peace. The USSR representative stressed that freedom of information should be exercised in the interests of the people. It should encourage friendly international relations and thus contribute to the maintenance of peace; in no case should it be possible to use it to justify the propagation of false news and incitement to war. In this connexion, he charged that "in capitalist countries powerful financial concerns owned the means of information and were free to engage unrestrainedly in their work of propaganda and hatred."

The representative of France stated that he was, of course, in favour of the idea behind the Polish amendment, i.e., the discouragement of false and distorted reports or reports designed to provoke war. But he thought that the proper place for such a provision was in the preamble to the convention, where it would serve as one of the general guiding principles. This view was supported by the representatives of Canada, Greece and the United Kingdom, the latter emphasizing the necessity for absolute freedom in the gathering and

transmission of news, subject only to the exigencies of national security and public morality.

The representative of the United States maintained that readers must be able to choose between different sources of information. Freedom of information was not a right of the press, but of the people. The Polish proposal that Governments should determine what news constituted a threat to peace would, in his opinion, infringe upon the people's right to freedom of information.

The Committee rejected both the Peruvian and Polish amendments. After adopting article 1, in paragraph by paragraph votes, it adopted the amended text at its 187th meeting, by 31 votes to 7, with 6 abstentions.

The inclusion of a statement regarding the obligations and responsibilities of a correspondent or an information agency arose out of a Mexican proposal (A/C.3/417) to add a paragraph to article 3 of the draft Convention on the Gathering and International Transmission of News (which provided that Contracting States should encourage access to news for all correspondents of other Contracting States), outlining the duties of information agencies and correspondents and requiring them "to accept, distribute and publish any corrections requested by the Government concerned." This proposal was subsequently amended by Mexico to read (A/C.3/431/Corr.1):

"It is the duty of information agencies and foreign correspondents to report the facts without discrimination, to promote respect for human rights and fundamental freedoms, to further international understanding and co-operation and to contribute to the maintenance of international peace and security. To this end, information agencies and correspondents benefitting by this Convention shall be required to accept and distribute through their usual distribution channels any corrections requested by the Contracting State directly concerned and in whose territory the report requiring correction originated."

The Committee rejected this proposal but later, by a roll-call vote of 24 to 15, with 10 abstentions, accepted the first sentence of the proposal as an addition to article 9 (on the rights of Contracting States).

A number of representatives, however, expressed objections to what they described as the mandatory character of this paragraph, and it was re-drafted in preambular form, on the proposal of the representatives of Colombia, France, Mexico, Peru, the United Kingdom and the United States, and inserted as the first paragraph of article IX of the final Convention.

(After the Committee had decided, at its 195th meeting on 20 April, to amalgamate the two Conventions on the Gathering and International

Transmission of News and on the International Right of Correction, article IX of the final Convention embodied the substance of article 1 of the draft Convention on the International Right of Correction, and article XII the substance of article 9 of the Convention on the Gathering and International Transmission of News.)

With regard to the other paragraphs of the final article IX, Mexico proposed (A/C.3/417) an amendment to provide for the correction of reports injurious to a country's "national prestige and dignity" as well as to its relations with other States. This was welcomed by some delegations, among them those of Lebanon and Saudi Arabia, while other delegations considered that it would be difficult to decide when a country's prestige suffered. The proposal was accepted by the Committee by a roll-call vote of 20 to 13, with 15 abstentions. The Committee, however, rejected by a roll-call vote of 6 in favour to 28 against, with 13 abstentions, a Polish proposal (A/C.3/452) to have the article cover reports "designated or likely to provoke or encourage a threat to the peace, breach of the peace or act of aggression".

The other article of the draft Convention on the Gathering and International Transmission of News which involved lengthy debate was article 9 (which later became article XII of the final Convention). As submitted to the Assembly by the Economic and Social Council it read:

"Nothing in this Convention shall be construed as depriving any Contracting State of its right to make and enforce laws and regulations for the protection of national security and public order.

"Nothing herein contained shall be construed as depriving any Contracting State of its right to make and enforce laws and regulations prohibiting obscene news material.

"Nothing in the present Convention shall limit the discretion of any Contracting State to refuse entry into its territory to any particular person, or to restrict the period of his residence therein, provided any such restriction does not conflict with the provisions of article 5."

(Article 5 provides that correspondents may not be expelled on account of any lawful exercise of their duties.)

Mexico proposed an amendment (A/C.3/417) to this article to the effect that a Contracting State should also have the power to enforce laws in the interest of its prestige and dignity. It also proposed that a Contracting State should have the power under its legislation to reserve to its own nationals the right to establish information agencies, and to guarantee its nationals the right to work in foreign agencies situated in its territory.

The United States proposed (A/C.3/437) the deletion of the reference to "public order" in the

article, and suggested that a new paragraph be added emphasizing that no Contracting State shall impose peace-time censorship on outgoing news material, except in the interest of national defence, as provided for in other articles of the convention. It further proposed the deletion of the paragraph referring to the right of a Contracting State to refuse entry of any particular person to its territory or to limit the period of his residence.

A French amendment (A/C.3/447) proposed the insertion of a paragraph which would give Contracting States the power to take suitable steps to facilitate the development of news agencies as independent bodies, and to make it impossible for foreign news agencies to develop by unfair means, and to prejudice the normal development of domestic agencies.

Subsequently, the Mexican representative declared that the purpose of his proposal was not "to establish a national news monopoly and to nullify nearly all the provisions of the Convention", as implied by the statements of the United States and the United Kingdom representatives, but to prevent "powerful foreign monopolies from being able to engage in ruinous competition with national information agencies to the extent of eliminating the latter completely".

Mexico and France later submitted a joint amendment to article 9 (A/C.3/479), incorporating the points made in their separate proposals, which was accepted by the Committee. The Committee also accepted United States amendments concerning peace-time censorship and concerning the refusal of entry, and restriction of the period of residence, of a correspondent. It rejected the United States proposal to delete the reference to "public order".

Subsequently, a redraft of this article was submitted to the Committee by the representatives of Colombia, France, Mexico, Peru, the United Kingdom and the United States (A/C.3/502) in an effort to reconcile conflicting views. This wording was accepted by the Committee by 30 votes to 7, with 9 abstentions.

The other articles of the convention occasioned less debate in the Committee. The following were some of the points which were dealt with.

In connexion with article 10 (regarding the settlement of disputes concerning the interpretation or application of the convention between two or more Contracting States), two amendments were considered by the Third Committee. A Norwegian proposal (A/C.3/429), corresponding to what was originally article 5 of the draft Convention on the Institution of an International Right

of Correction, would have the Contracting States recognize the compulsory jurisdiction of the International Court of Justice; while a United Kingdom amendment (A/C.3/435 and Corr.1) contained detailed suggestions concerning the following procedure for settling disputes: (a) negotiations between parties concerned which may include reference to the Court; (b) reference to a committee of five nationals of Contracting States—one member each of the States concerned and three members to be designated by agreement between the parties; (c) the Secretary-General to publish the findings of the Committee.

The United Kingdom amendment was rejected, and the Norwegian text was adopted by 20 votes to 11, with 6 abstentions.

Article 15 (article XVIII in the final text) dealt with the application of the convention to colonies and Trust Territories. The draft text, as submitted by the Council (E/1065), affirmed that each Contracting State would take as soon as possible the necessary steps to extend the provisions of the convention to territories for the foreign relations of which it was responsible. To this text, amendments were submitted by the delegations of Egypt, Poland, the United States and India (A/C.3/445).

Egypt proposed that this text should be amended so that the convention should automatically apply to territories under the authority or administration of the Powers signatory to the convention. Poland proposed: (1) that the convention should be communicated by the Secretary-General to Non-Self-Governing and non-autonomous territories through the States responsible for their foreign policy and international relations; and (2) that it should enter into force in respect of any such territory on the date of deposit of the instrument of accession, even if the State responsible for the foreign relations of the territory had not ratified the convention.

Supporters of these amendments (for instance, Mexico, Saudi Arabia, Pakistan, Syria, the USSR) charged the metropolitan Powers with hiding behind the term "constitutional difficulties," and argued that it was up to these Powers to remove such difficulties if they actually existed.

On the other hand, the representatives of the United Kingdom, France, the United States and the Netherlands stressed their Governments' responsibility toward the peoples of Non-Self-Governing and Trust Territories; they could not decide on the application of the proposed convention in such territories without first submitting it to their respective parliaments. This course of action was the only one compatible with the responsibility of

the metropolitan Powers gradually to lead the dependent peoples toward full sovereignty.

The Committee rejected the Egyptian amendment and the second part of the Polish amendment. It, however, adopted, by 36 votes to 1, with 11 abstentions, the second part of the Polish amendment. It also adopted a redraft of the article, proposed by the United States (A/C.3/437). According to this redraft, Contracting States undertook to take the necessary steps, as soon as possible, to extend the application of the convention to the territories for the international relations of which they were responsible, "subject, where necessary for constitutional reasons, to the consent of the Governments of such territories". This phrase was adopted in a roll-call vote by 24 votes to 12, with 14 abstentions.

At its 224th meeting on 10 May 1949, after the Committee had successively voted on the form of the preamble and the twenty-three articles of the draft convention, the text as a whole, as amended, was adopted by a roll-call vote of 27 to 4, with 12 abstentions.

On 11 May, at its 226th meeting, the Third Committee adopted, by 27 votes to 4, with 7 abstentions, a draft resolution submitted by the United Kingdom delegation (A/C.3/495/Rev.1), recommending that the General Assembly approve the draft Convention on the International Transmission of News and the Right of Correction, and urging all Member States of the United Nations and other States to accede to it when the Convention is opened for signature. It further requested States that do not accede to this Convention to communicate their reasons for not doing so to the Secretary-General within twelve months of such opening date; finally, it contained two paragraphs relating to the application of the Convention to Non-Self-Governing Territories.

(2) Convention on freedom of Information

At its 208th to 219th meetings, held between 29 April and 6 May 1949, the Third Committee examined the remaining draft convention, namely, that on freedom of information. Altogether, twenty-six proposals were submitted by the delegations, ten documents were prepared by the Secretariat, and the International Telecommunication Union presented its observations.¹⁷ Since there was no discussion concerning this item in the Assembly's plenary meetings, a somewhat detailed account is given here of the debates in the Third Committee concerning this draft convention.

Generally speaking, there were two lines of thought in the Committee. Some delegations, such as those of Chile, Mexico and the United States,

considered that the provisions of the draft convention under consideration were very general in scope and were closely related to domestic matters, and that their implementation would therefore necessitate legal adjustments. Therefore, while adopting the principle that the right to freedom of expression should be as broad as possible, the delegations in this group were in favour of certain restrictions. Other delegations, however, particularly that of the United Kingdom, argued that "if a State became a party to a convention, it had to adapt its domestic legislation to its obligations under that convention. States which wished to ratify the convention should be willing to modify their legislation before signing it." The representatives in this group thought that the best way of combatting false propaganda campaigns was to ensure complete freedom of information and to leave it to the people to discriminate between truths and falsehoods.

The Third Committee began its work of re-drafting by a detailed examination of article 1. The article deals with domestic legislation within each Contracting State and the freedom of individuals to receive and impart information without governmental interference. Several countries submitted amendments to this article (see A/C.3/471 for all amendments). The Haitian amendment proposed the inclusion of safeguards against incitement to violence by means of press or radio campaigns. The Lebanese and the United Kingdom proposals were presented with the view of giving the original text a greater clarity and a more concise and logical form. The United States amendment, by mentioning adequate safeguards, aimed at preventing the difficulties that might arise when an international convention is linked up with the domestic legislation of the Contracting Parties. The Mexican amendment proposed insertions that would emphasize that the convention would be "without prejudice to legal provisions and reasons of public order". It proposed the inclusion of a sentence which would state that media of information shall not be subject to monopolistic, ideological and commercial influences.

In the course of the debate, the Mexican representative withdrew his proposal, but the Chilean delegation reintroduced it with an additional amendment (A/C.3/490), which would permit the enjoyment of freedom of information, without prejudice to legal provisions intended to limit or control the means of propaganda of sections or groups, which notoriously engage in or carry on activities contrary to the principles and freedoms affirmed in the Declaration of Human Rights.

¹⁷For all these documents, see A/INF/28/Add.1.

The Chairman of the Committee explained that the amendment which the Chilean representative proposed was a substantive change, and therefore the vote of a two-thirds majority of the members of the Committee would be required to decide whether or not it was in order. When a vote was taken by roll-call, with 15 votes in favour, 11 against, and 21 abstentions, the Chilean amendment was rejected, having failed to obtain the required two-thirds majority.

Objections to the United States amendment were expressed by the United Kingdom and Australian delegations, on the ground that certain States would permit only limited rights to be enjoyed by other Contracting Parties, while enjoying all the rights in States which had already brought their domestic laws into line with the convention.

The representative of the USSR stated that the primary purpose of the Convention on Freedom of Information should be to protect this freedom in the interest of the peoples of the world. The convention should therefore ensure that international news should contribute to the maintenance of peace and security, and to the struggle against warmongers and all those who carried on fascist propaganda. The draft convention, however, envisaged no such measures; all it would do would be to enable those agencies which had the monopoly of news in the world to penetrate even more thoroughly into small countries which lacked the means to combat such seizure.

After the United States proposal had been withdrawn, and the Lebanese, Haitian and Chilean amendments rejected, the Committee adopted, by 28 votes to 6, with 7 abstentions, the text proposed by the United Kingdom delegation (A/C.3/459), which made only a few drafting changes in the original text of the United Nations Conference on Freedom of Information.

Amendments to article 2 were submitted by the Netherlands, France, Lebanon, Poland and Egypt (A/C.3/472). They all sought to add or amend the list of limitations to the freedoms listed in article 1 (freedom to seek, receive and impart information), while the United Kingdom amendment would reword the article in a more concise form, without setting out the limitations in detail. Support for the United Kingdom text was expressed by the representatives of Sweden, Norway, South Africa, Ecuador, Chile, Belgium, Egypt, the Netherlands, the Philippines and Venezuela. On the other hand, the delegations of France, Australia, Haiti, Mexico and Argentina found it too vague. Finally, a number of representatives spoke in favour of the text prepared by the Conference

which, in their view, had been prepared with great care.

The USSR and the Yugoslav delegations championed the Polish amendment (A/C.3/462), which would extend the list of limitations to include fascist propaganda and reports fostering hatred of religious, racial and language groups, and propaganda for a third world war. The representatives of Argentina and Chile stated that the Polish amendment would have some merit if it referred to all types of totalitarian propaganda, not only to the fascist variety.

Paragraph 1 of article 2, as finally formulated after the incorporation in it of amendments suggested by Mexico, Poland and the United States, was adopted by 18 votes to 12, with 12 abstentions. Although the United Kingdom amendment (A/C.3/459) to the original text, as contained in the Final Act of the Conference was taken as the basis, the representative of the United Kingdom stated that he was unable to support its new "mongrel" version. Several other delegations voiced their dissatisfaction with the text just adopted. The text, as submitted in the United Kingdom amendment, read as follows:

"The exercise of the freedoms referred to in Article 1 carries with it duties and responsibilities and may therefore be subject to certain penalties, liabilities and restrictions provided by law and necessary in the interest of national security, for the prevention of disorder or crime, for the protection of public safety, health or morals, for the protection of the rights of other persons, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary."

The text adopted by the Third Committee read as follows:

"The exercise of the freedoms referred to in Article 1 carried with it duties and responsibilities and may therefore be subject to certain penalties, liabilities and restrictions clearly defined by law and necessary only in the interest of public order and national security; for the prevention of the diffusion of reports for racial, national or religious discrimination; for the prevention of disorder or crime; for the protection of public safety, health and morals; for the protection of the rights of other natural or legal persons; for preventing the disclosure of information received in confidence; for maintaining the fair administration of justice; for preventing the diffusion of false or distorted reports which undermine friendly relations between peoples or States; or for the removal of economic obstacles which may hamper the free dissemination of information."

Discussion of paragraph 2, article 2, was based on a Mexican proposal (A/C.3/417) which, however, was subsequently withdrawn. The Committee adopted by 25 votes to 4, with 16 absences, the following original text proposed by the Conference: "A Contracting State may establish a right

of reply or a similar corrective remedy." It was decided that this sentence should constitute a new article 3 of the draft convention.

When the Third Committee examined article 4 (originally article 3), concerning the establishment and functions of non-official organizations for the dissemination of information to the public, an amendment was submitted by Poland (A/C.3/462). It consisted in the addition of the words "to combat any form of propaganda for a third world war" to the proposed text. The Polish proposal was adopted by a roll-call vote of 20 to 7, with 19 abstentions, after the words "a third world" had been struck out upon the suggestion of Saudi Arabia. Another Polish amendment, for the deletion of the word "non-official", was rejected because the majority thought that, were this word deleted, the implication would be that the organizations concerned could be controlled by Governments. Thereupon, article 4 was adopted as a whole, by 33 votes to none, with 12 abstentions.

Article 5 (originally article 4) specified that nothing in the present convention shall affect the right of any Contracting State to take protective measures which it deems necessary, "provided such measures may not be used as a means of preventing the entry, movement or residence of nationals of other Contracting States engaged in the gathering and transmission of information and opinions for dissemination to the public." During the debate, amendments submitted by the United States, United Kingdom, Afghanistan and Australia were incorporated into the original text adopted by the United Nations Conference on Freedom of Information, at Geneva 1948. However, when put to the vote, the amended article was rejected by 11 votes in favour to 14 against, with 8 abstentions. The Chairman pointed out that a reconsideration of article 5, or the introduction of a substitute text, could be effected only if a two-thirds majority voted in favour of such a proposal.

At this point, it became clear that the Third Committee would not be able to complete its examination of the draft Convention on Freedom of Information. An increasing number of representatives abstained when different proposals were voted upon. There were, moreover, too many conflicting viewpoints concerning various provisions of the text under consideration. Several delegations expressed the opinion that it was essential to have a carefully drafted convention which would be likely to attract the greatest possible number of ratifications. Failure to draft a sound convention would be more dangerous than delay. The majority of the members of the Committee were favourably inclined toward a procedural proposal previously sub-

mitted by the Netherlands delegation (A/C.3/498), to the effect that

"the General Assembly refer to its fourth session the draft Convention on Freedom of Information, together with the records of debates on this subject held in the Third Committee and other organs of the United Nations."

The Netherlands proposal was submitted and first considered at the 215th meeting of the Committee, held on 4 May 1949. Sweden, Argentina, Greece, Belgium, the United States, Saudi Arabia and Norway were among those who supported the proposal. The representatives of the United Kingdom and France asked the Netherlands delegation not to insist on it, while the representatives of India and the USSR asked for more time to consult their Governments on the developments in the Committee.

When the Chairman reopened the discussion on the Netherlands proposal at the next meeting of the Committee, on 5 May 1949, the United Kingdom representative stated that he was now in favour of action being taken on the proposal for deferment. In fact, the Committee had before it on this occasion a revised text of the Netherlands proposal as amended by the United Kingdom (A/C.3/500).

The representative of the United Kingdom thought that the best solution would be for an ad hoc committee, comprising the members of the Third Committee, to meet two weeks before the opening of the fourth session of the General Assembly for the specific purpose of completing the draft convention on freedom of information. When the representative of Australia subsequently moved that the Third Committee itself, rather than an ad hoc committee, should be charged with this task, the suggestion was accepted by both the representatives of the Netherlands and the United Kingdom. This new version of the Netherlands draft resolution was also supported by the delegations of the United States and China. On the other hand, it was opposed by the delegations of the Byelorussian SSR, the Ukrainian SSR, Syria and the USSR. The representative of the USSR stated that both conventions formed a single instrument; however, while the first convention dealt merely with the gathering and transmission of news, the second convention dealt with the very nature of freedom of information. He charged that the first convention was adopted because it might be useful to the United States and the United Kingdom monopolies which controlled the information agencies; a similar political motive, he believed, was now behind the motion for deferment because the Convention on Freedom of Information might impose restrictions upon such monopolistic activities.

The representative of India, also, thought that the two conventions formed part of a single whole. He stated, therefore, that if the Netherlands proposal were adopted, the delegation of India would reserve the right to propose that the first convention should also be deferred until the fourth session.

To meet his objections, the United States representative suggested that the first convention should be submitted to the General Assembly at the current session, but that Member States should not be asked to sign it until work had been completed on the second convention at the next session.

In the course of the discussion which ensued and which was of a procedural nature, the United Kingdom representative announced that if there were any serious procedural difficulties involved in convening the Third Committee before the opening of the fourth session, he would revert to his original proposal that an ad hoc committee should be convened (A/C.5/501).

In general, although on different grounds and to a different degree, the United Kingdom proposal was opposed by Belgium, China, Egypt, India and France. The representative of France, reiterating that the draft conventions before the Committee formed a homogeneous whole, stated that "a moral obligation had been assumed by the Committee to complete the examination of the second convention and to vote on it," and suggested that a decision might be taken to defer the signing of the first convention until after the vote had been taken on the second.

On the other hand, the representative of the United States supported the United Kingdom proposal, and urged that the first convention should not be referred to the fourth session of the General Assembly.

The representative of Saudi Arabia explained that he would vote against the United Kingdom proposal, unless the representative of that country agreed to make it clear that the rules of procedure in force for the Third Committee, would also apply to the proposed ad hoc committee (with respect to the two-thirds majority rule relating to the question of re-opening the discussion on items already adopted). The representatives of the Netherlands and the United Kingdom agreed to add this Saudi Arabian amendment to their proposals.

When put to the vote, the original Netherlands draft resolution (A/C.3/498), as amended by Saudi Arabia, was adopted by 28 votes to 9, with 9 abstentions.

At the next (219th) meeting of the Third Committee, on 6 May 1949, the representative of India formally proposed (A/C.3/503) that the draft Convention on the International Transmission of

News and the Right of Correction should not be considered by the General Assembly until its fourth session, so that the Assembly would be able to discuss it at the same time as the draft Convention on Freedom of Information.

The delegation of Brazil submitted an alternative proposal (A/C.3/504) to the effect that the first convention should not be open for signature until the second convention had been completed; he hoped that his proposal would succeed in reconciling opposing views. The representative of Colombia subsequently moved the deletion of the words "so that both should be signed simultaneously, since they complement each other and constitute an integrated, indivisible whole" from the Brazilian proposal. The representative of Brazil accepted this amendment.

France, the Netherlands, Venezuela, China and the United States accepted the Brazilian proposal, as amended by Colombia, but the representative of the USSR stated that, at the Committee's 217th meeting, he had mentioned the possibility that the draft Convention on Freedom of Information might not be accepted by the United States and the United Kingdom. He further recalled that the United States representative had subsequently asserted that that convention would indeed be completed. The resolution under consideration, however, as it had just been amended, seemed to suggest that the Convention on Freedom of Information might or might not be prepared and adopted. The new wording was too vague and gave rise to the possibility of this draft convention being dropped altogether.

After the Committee had decided, by 36 votes to none, with 8 abstentions, to reconsider the text adopted at the previous meeting, it adopted by 38 votes to 4, with 6 abstentions, the Venezuelan suggestion that the operative part of the Brazilian proposal should be added to the Netherlands draft resolution adopted at the previous meeting. The vote was taken by a roll-call, and the draft resolution, as amended, was adopted by 37 votes to 5, with 5 abstentions.

(3) Remainder of the Final Act

At its 225th meeting, held on 11 May 1949, the Third Committee examined the remainder of the Final Act of the United Nations Conference on Freedom of Information.¹⁸ The Committee had before it three draft resolutions containing suggestions as to how to deal with more than forty resolutions adopted by the Conference. In the first place, a joint draft resolution was proposed by Argentina, Brazil, Bolivia, China, Denmark, France, Mexico, the Netherlands, the Philippines, Sweden and

¹⁸ For text of Final Act, see E/CONF.6/79.

the United States (A/C.3/374 and Corr.1); it suggested that the General Assembly should decide to convene a second United Nations Conference on Freedom of Information, and that it

"refers the resolutions contained in Annex C of the Final Act of the first Conference on Freedom of Information to the Economic and Social Council for appropriate action, with the request that the Council re-submit to the General Assembly, with its recommendations, only such of them as in its opinion require action by the Assembly."

Secondly, a draft resolution submitted by the USSR (A/C.3/389) proposed that the General Assembly

"resolves to transfer to the Economic and Social Council the draft conventions on freedom of information not considered by it, for consideration and for submission of a report to the fourth session of the General Assembly."

Thirdly, a United States draft resolution (A/C.3/511) was submitted. This was the only draft actually discussed by the Committee.

In introducing it, the representative of the United States said that, upon examining the forty-three resolutions in question, he came to the conclusion that most of them fell into two definite categories: those which required action by the Economic and Social Council, and those which did not call for action either by the Council or by the General Assembly. The United States representative pointed out that his list did not include resolution 9, which was dealt with separately (A/C.3/497); resolution 39, which related to the terms of reference of the Sub-Commission on Freedom of Information and of the Press, had already been taken up by the Council at its eighth session;¹⁹ and resolutions 41, 42 and 43 of the Final Act, which were purely procedural.

There was only a brief discussion, after which the United States draft resolution was adopted by 32 votes to none, with 5 abstentions, and, on the Chairman's suggestion, the Committee included in its text also a reference to resolution 9 of the Final Act.

b. RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

The Committee's report (A/858) was before the General Assembly at its 209th to 211th plenary meetings, held on 13 May 1949. Amendments to the draft Convention on the International Transmission of News and the Right of Correction, as proposed by the Third Committee, were offered by France (A/859/Rev.1), Chile and India (A/861), Chile, India and Lebanon (A/862), the Soviet Union (A/864) and the United States (A/870). Representatives of over twenty countries took part

in this final discussion on the proposed text of the amalgamated convention.

The debate revealed the same general division of opinion as the discussions of the Third Committee. There were two main points of view: one favouring complete freedom, and one which would have certain restrictions placed upon it, particularly on the press agencies and other information services. Many felt that the solution of the complex questions under consideration lay along the lines of governmental action. Others thought that the solution lay precisely in avoiding any such action. Again, some insisted that the best corrective to false and distorted reports lay in a free and increased flow of information. Others urged that information media should conform to directives which would force them to publish only what is true, objective and socially desirable.

Consequently, as several speakers emphasized, the proposed draft Convention on the International Transmission of News and the Right of Correction was essentially a compromise text. However, while voicing certain reservations, some representatives pointed out that the adoption of the convention would mark an important first step toward an international statute of freedom of information. Specifically, in the words of the Lebanese representative, the convention contained three main points. First, the Contracting States would bind themselves to give the correspondents of other nations access to all sources of news on an equal basis with their nationals. They would agree, in effect, to cut down the formalities connected with their entry, to facilitate their travel and residence, and not to expel them except for offences unrelated to their efforts to seek, gather and report information. Secondly, the Contracting States would agree not to censor outgoing dispatches in peace time except upon the grounds of national defence. However, should it be found necessary to introduce peacetime censorship, they would further agree that it would be carried out only in accordance with previously established regulations, and then under clearly defined limitations. Thirdly, an international right of correction would be established for the first time under the terms of the proposed convention. Although the domestic law of many States includes provisions for the right of correction, for the first time in history it was now proposed to extend this right to the international level.

On the other hand, complete disapproval of the draft convention was expressed by the USSR representative, who declared that the convention aimed merely at safeguarding the "freedom to

¹⁹ See pp. 567-69.

spread with impunity slander about the Soviet Union".

On 13 May 1949, at its 211th plenary meeting, the General Assembly voted on the draft resolutions submitted to it concerning the subject of freedom of information. By 40 votes to 6, with 6 abstentions, it adopted resolution 277 (III) A, as follows:

"The General Assembly

"1. Refers to its fourth regular session the draft Convention on Freedom of Information, together with the records of the debates on this subject in the Third Committee and other organs of the United Nations;

"2. Invites the General Assembly, at its fourth session, to give high priority to this item;

"3. Invites the General - Assembly, at its fourth session, to take into full consideration all the substantive amendments to the draft Convention already adopted by the Third Committee in order to reconcile divergent views;

"4. Resolves that the draft Convention on the International Transmission of News and the Right of Correction shall not be open for signature until the General Assembly has taken definite action on the draft Convention on Freedom of Information."

Next, the Assembly adopted, by 41 votes to none, with 10 abstentions, the following resolution 277(III)B, by which it took action on the remainder of the Final Act of the United Nations Conference on Freedom of Information:

"The General Assembly,

"Considering that it lies within the competence of the Economic and Social Council to implement certain resolutions adopted by the United Nations Conference on Freedom of Information,

"Considering further that the provisions of some of the resolutions adopted by the Conference have been incorporated in the draft Convention on the International Transmission of News and the Right of Correction, while others require no further action,

"1. Decides that resolutions Nos. 2, 3, 6, 11, 14, 23, 24, 26, 30-34, 36, 37 and 40, as well as resolution No. 9 together with the account of the debates thereon in the Third Committee, be referred to the Economic and Social Council for appropriate action, at the Council's discretion; and

"2. Takes note of resolutions Nos. 1, 4, 5, 7, 8, 10, 12, 13, 15-22, 25, 27-29, 35 and 38."

Then the Assembly proceeded to take a separate vote on a covering resolution for the Convention on the International Transmission of News and the Right of Correction. This draft resolution urged all Members and other States invited to the United Nations Conference on Freedom of Information, held in Geneva in 1948, to sign or accede to the Convention, and to take, as soon as possible, the necessary steps to extend its application to territories for which they have international responsibilities. However, the Assembly had first to vote on several amendments submitted to the text of the draft convention.

France and Saudi Arabia introduced amendments to the third paragraph of the preamble which, as adopted by the Third Committee, read as follows:

"The Contracting States,

"Desiring thereby to protect mankind from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression."

The French amendment (A/859/Rev. 1) would have added, after the words "from any source", the words "whether Nazi, Fascist or other". This was rejected by 15 votes in favour to 16 against, with 19 abstentions.

The Saudi Arabian amendment (A/874) proposed, after the word "from", the insertion of "Nazism, Fascism, perverted democracy or any other source". It was rejected by 5 in favour to 19 against, with 23 abstentions.

Next, the USSR delegation proposed an amendment (A/864) which would replace article V of the draft convention (see below) by the following text:

"The Contracting States shall, in the interests of disseminating honest information, afford to telegraphic agencies, broadcasting organizations and newspapers the right of a generous access to sources of information and to communication facilities both in their own territory and in other countries, to the extent compatible with the interest of state security. The Contracting States shall evolve measures to ensure increasingly wide dissemination of genuinely honest and objective information."

The USSR proposal was rejected by 7 votes in favour to 30 against, with 15 abstentions.

Chile and India submitted an amendment (A/861) to the effect that paragraph 3 in article XII be transferred to article VII, dealing with censorship in peace time, and the conditions governing its imposition. However, the Indian representative, speaking also on behalf of his Chilean colleague, withdrew this amendment.

The next amendment, submitted jointly by Chile, India and Lebanon (A/862), would have deleted the words "except to the extent required to enable that information agency fully to enjoy the benefits of this Convention" in paragraph 8 of article XII. The Chairman declared that this proposal, being purely consequential on the amendment which had just been withdrawn, would not be considered.

A United States amendment (A/870) proposed to add to the original text of paragraph 8 of article XII, as adopted by the Third Committee, the following sentence after the words ". . . enjoy the benefits of this Convention":

"provided, however, that no provision of this Convention shall be construed as entitling another Contracting State to intercede on behalf of such national with his

Government, as distinguished from interceding on behalf of the information agency by which he is employed."

It was adopted by 32 votes to 6, with 11 abstentions.

Next, the General Assembly adopted, by 32 votes to 6, with 10 abstentions, the covering resolution 277(III)C.

The President suggested that the draft Convention on the International Transmission of News and the Right of Correction be voted on separately. It was adopted by 33 votes to 6, with 11 abstentions.

At the request of the representative of Lebanon, the draft resolution and the draft Convention were voted on together, and adopted by 33 votes to 6, with 13 abstentions, by roll call, as follows:

In favour: Australia, Bolivia, Brazil, Canada, Chile, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Haiti, Honduras, Lebanon, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Philippines, Sweden, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela.

Against: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR, Yugoslavia.

Abstaining: Afghanistan, Argentina, Belgium, Burma, China, Egypt, Guatemala, India, Iran, Pakistan, Saudi Arabia, Syria, Thailand.

Resolution 277 (III)C and the draft Convention, as adopted, read as follows:

"The General Assembly

"1. Takes note of the recommendations contained in resolution 152 (VII) of the Economic and Social Council;

"2. Approves the draft Convention on the International Transmission of News and the Right of Correction and recommends it for early adoption to all Members of the United Nations and other States invited to the United Nations Conference on Freedom of Information held at Geneva in 1948;

"3. Urges these States to sign or accede to this Convention when it has been opened for signature, and requests any Member which does not so sign or accede to communicate its reasons therefor to the Secretary-General of the United Nations within twelve months of such opening date as well as the further steps, if any, it intends to take;

"4. Urges each Contracting State to take as soon as possible the necessary steps in order to extend the application to territories for which it has international responsibility, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories;

"5. Urges each Contracting State which does not make a declaration under article XVIII (1) of this Convention in respect of any territories for which it has international responsibility to communicate to the Secretary-General within twelve months of the opening of this Convention for signature the names of all such territories together with the reasons for not making a declaration as well as the further steps, if any, it intends to take."

ANNEX

DRAFT CONVENTION ON THE INTERNATIONAL TRANSMISSION OF NEWS AND THE RIGHT OF CORRECTION

PREAMBLE

The Contracting States,

Desiring to implement the right of their peoples to be fully and reliably informed,

Desiring to improve understanding between their peoples through the free flow of information and opinion,

Desiring thereby to protect mankind from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression,

Considering the danger to the maintenance of friendly relations between peoples and to the preservation of peace, arising from the publication of inaccurate reports,

Considering that at its second regular session the General Assembly of the United Nations recommended the adoption of measures designed to combat the dissemination of false or distorted reports likely to injure friendly relations between States,

Considering, however, that it is not at present practicable to institute, on the international level, a procedure for verifying the accuracy of a report which might lead to the imposition of penalties for the publication of false or distorted reports,

Considering, moreover, that to prevent the publication of reports of this nature or to reduce their pernicious effects, it is above all necessary to promote a wide circulation of news and to heighten the sense of responsibility of those regularly engaged in the dissemination of news,

Considering that an effective means to these ends is to give States directly affected by a report, which they consider false or distorted and which is disseminated by an information agency, the possibility of securing commensurate publicity for their corrections,

Considering that the legislation of certain States does not provide for a right of correction of which foreign Governments may avail themselves, and that it is therefore desirable to institute such a right on the international level, and

Having resolved to conclude a Convention for these purposes,

Have agreed as follows:

Article I

For the purposes of the present Convention:

1. "News material" means all news material, whether of information or opinion and whether visual or auditory, for dissemination to the public.

2. "News despatch" means news material transmitted in writing or by means of telecommunications, in the form customarily employed by information agencies in transmitting such news material, before publication, to newspapers, news periodicals and broadcasting organizations,

3. "Information agency" means a Press, broadcasting, film, television or facsimile organization, public or private, regularly engaged in the collection and dissemination of news material, created and organized under the laws and regulations of the Contracting State in which the central organization is domiciled and which, in each

Contracting State where it operates, functions under the laws and regulations of that State.

4. "Correspondent" means a national of a Contracting State or an individual employed by an information agency of a Contracting State, who in either case is regularly engaged in the collection and the reporting of news material, and who when outside his State is identified as a correspondent by a valid passport or by a similar document internationally acceptable.

GATHERING AND INTERNATIONAL TRANSMISSION OF NEWS

Article II

In order to facilitate the freest possible movement of correspondents in the performance of their functions, the Contracting States shall expedite, in a manner consistent with their respective laws and regulations, the administrative procedures necessary for the entry into, residence in, travel through and egress from their respective territories of correspondents of other Contracting States together with their professional equipment, and shall not impose restrictions which discriminate against such correspondents with respect to entry into, residence in, travel through or egress from such territories.

Article III

The Contracting States, while recognizing that correspondents and information agencies must conform to the laws in force in the countries in which they are operating, agree that correspondents of other Contracting States legally admitted into their territories shall not be expelled on account of any lawful exercise of their right to collect and report news material.

Article IV

The present Convention shall not apply to any correspondent of a Contracting State who, while not otherwise admissible under the laws and regulations referred to in article II into the territory of another Contracting State, is nevertheless admitted conditionally in accordance with an agreement between that other Contracting State and the United Nations or a specialized agency thereof, in order to cover their proceedings, or pursuant to a special arrangement made by that other Contracting State in order to facilitate the entry of such correspondents.

Article V

Each Contracting State shall, to the extent compatible with its national security, permit and facilitate access to news for all correspondents of other Contracting States so far as possible on the same basis as for the correspondents employed by its domestic information agencies, and shall not discriminate among correspondents of other Contracting States as regards such access.

Article VI

Correspondents and information agencies of a Contracting State operating in the territories of other Contracting States shall have access to all facilities in such territories generally and publicly used for the international transmission of news material and shall be accorded the right to transmit news material from each such territory on the same basis and at the same rates applicable to all users of such facilities for similar purposes.

Article VII

1. The Contracting States shall permit egress from their territories of all news material of correspondents

and information agencies of other Contracting States without censorship, editing or delay; provided that each Contracting State may make and enforce regulations relating directly to national defence. Such of these regulations as relate to the transmission of news material shall be communicated by the State to all correspondents and information agencies of other Contracting States operating in its territory and shall apply equally to them.

2. If the requirements of national defence should compel a Contracting State to establish censorship in peace-time it shall:

(a) Establish in advance which categories of news material are subject to previous inspection; and communicate to correspondents and information agencies the directives of the censor setting forth forbidden matters;

(b) Carry out censorship as far as possible in the presence of the correspondent or a representative of the information agency concerned; and when censorship in the presence of the person concerned is not possible:

(i) Fix the time-limit allowed the censors for the return of the news material to the correspondent or information agency concerned;

(ii) Require the immediate return of news material submitted for censorship direct to the correspondent or information agency concerned, together with the marks indicating the portions thereof that have been deleted and any annotations;

(c) In the case of a telegram subjected to censorship:

(i) Base the charge on the number of words composing the telegram after censorship;

(ii) Return the charge, in accordance with the relevant provisions of the international telegraph regulations currently in force, provided that the sender has cancelled the telegram before its transmission.

Article VIII

1. Each Contracting State shall permit all news despatches of correspondents and information agencies of other Contracting States to enter its territory and reach information agencies operating therein on conditions which are not less favourable than those accorded to any correspondent or information agency of any other Contracting or non-Contracting State.

2. As regards the projection of newsreels or parts thereof, the Contracting State shall take measures to prevent monopolistic practices in any form, whether open or concealed, in order to avoid restrictions, exclusions or privileges of any kind.

INTERNATIONAL RIGHT OF CORRECTION

Article IX

1. Recognizing that the professional responsibility of correspondents and information agencies requires them to report facts without discrimination and in their proper context and thereby to promote respect for human rights and fundamental freedoms, to further international understanding and co-operation and to contribute to the maintenance of international peace and security,

Considering also that, as a matter of professional ethics, all correspondents and information agencies should, in the case of news despatches transmitted or published by them and which have been demonstrated to be false or distorted, follow the customary practice of transmitting through the same channels, or of publishing, corrections of such despatches,

The Contracting States agree that in cases where a Contracting State contends that a news despatch capable of injuring its relations with other States or its national prestige or dignity transmitted from one country to another by correspondents or information agencies of a Contracting or non-Contracting State and published or disseminated abroad is false or distorted, it may submit its version of the facts (hereinafter called "communiqué") to the Contracting States within whose territories such despatch has been published or disseminated. A copy of the communiqué shall be forwarded at the same time to the correspondent or information agency concerned to enable that correspondent or information agency to correct the news despatch in question.

2. A communiqué may be issued only with respect to news despatches and must be without comment or expression of opinion. It should not be longer than is necessary to correct the alleged inaccuracy or distortion and must be accompanied by a verbatim text of the despatch as published or disseminated, and by evidence that the despatch has been transmitted from abroad by a correspondent or an information agency.

Article X

1. With the least possible delay and in any case not later than five clear days from the date of receiving a communiqué transmitted in accordance with provisions of article IX, a Contracting State, whatever be its opinion concerning the facts in question, shall:

(a) Release the communiqué to the correspondents and information agencies operating in its territory through the channels customarily used for the release of news concerning international affairs for publication; and

(b) Transmit the communiqué to the headquarters of the information agency whose correspondent was responsible for originating the despatch in question, if such headquarters are within its territory.

2. In the event that a Contracting State does not discharge its obligation under this article with respect to the communiqué of another Contracting State, the latter may accord, on the basis of reciprocity, similar treatment to a communiqué thereafter submitted to it by the defaulting State.

Article XI

1. If any of the Contracting States to which a communiqué has been transmitted in accordance with article IX fails to fulfil, within the prescribed time-limit, the obligations laid down in article X, the Contracting State exercising the right of correction may submit the said communiqué, together with a verbatim text of the despatch as published or disseminated, to the Secretary-General of the United Nations and shall at the same time notify the State complained against that it is doing so. The latter State may, within five clear days after receiving such notice, submit its comments to the Secretary-General, which shall relate only to the allegation that it has not discharged its obligations under article X.

2. The Secretary-General shall in any event, within ten clear days after receiving the communiqué, give appropriate publicity through the information channels at his disposal to the communiqué, together with the despatch and the comments, if any, submitted to him by the State complained against.

MISCELLANEOUS PROVISIONS

Article XII

1. Nothing in the present Convention shall be construed as depriving a Contracting State of its right to make and enforce laws and public regulations for the protection of national security and public order.

2. Nothing in the present Convention shall be construed as depriving any Contracting State of its right to make and enforce laws and public regulations prohibiting news material which is blasphemous or contrary to public morals or decency.

3. No Contracting State, shall, however, impose censorship in peacetime on news material leaving its territory except on grounds of national defence, and then only in accordance with article VII.

4. Nothing in the present Convention shall be construed as prejudicing the adoption by a Contracting State of any legislation requiring that a portion of the staff employed by foreign enterprises operating in its territory shall be composed of nationals of that State.

5. Nothing in the present Convention shall be construed as preventing a Contracting State from taking measures to help the establishment and development of independent domestic information agencies or to prohibit practices tending to create monopolies.

6. Nothing in the present Convention shall limit the power of a Contracting State to reserve to its nationals the right to establish and direct in its territory newspapers, periodicals, and radio-broadcasting and television organizations.

7. Nothing in the present Convention shall be construed as limiting the discretion of a Contracting State to refuse entry into its territory to any particular person or to restrict the period of his residence therein; provided that any such refusal or restriction is based on grounds other than that such person is a correspondent, and that any such restriction as to residence does not conflict with the provisions of article III.

8. Nothing in the present Convention shall oblige a Contracting State to consider one of its own nationals employed by a foreign information agency operating in its territory as a correspondent, except when he is functioning on behalf of that information agency and then only to the extent required to enable that information agency fully to enjoy the benefits of this Convention; provided, however, that no provision of this Convention shall be construed as entitling another Contracting State to intercede on behalf of such national with his Government, as distinguished from interceding on behalf of the information agency by which he is employed.

Article XIII

1. In time of war or any other public emergency, a Contracting State may take measures derogating from its obligations under the present Convention to the extent strictly limited by the exigencies of the situation.

2. Any Contracting State availing itself of this right of derogation shall promptly inform the Secretary-General of the United Nations of the measures which it has thus adopted and of the reasons therefor, and shall also inform him as and when the measures cease to operate.

Article XIV

Any dispute between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiations shall be referred to the International Court of Justice for

decision unless the Contracting States agree to another mode of settlement.

Article XV

1. The present Convention shall be open for signature to all States Members of the United Nations, to every State invited to the United Nations Conference on Freedom of Information held at Geneva in 1948, and to every other State which the General Assembly may, by resolution, declare to be eligible.

2. The present Convention shall be ratified by the States signatory hereto in conformity with their respective constitutional processes. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article XVI

1. The present Convention shall be open for accession to the States referred to in article XV (1).

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article XVII

When any six of the States referred to in article XV (1) have deposited their instruments of ratification or accession, the present Convention shall come into force among them on the thirtieth day after the date of the deposit of the sixth instrument of ratification or accession. It shall come into force for each State which ratifies or accedes after that date on the thirtieth day after the deposit of its instrument of ratification or accession.

Article XVIII

1. Any State may, at the time of signature or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that the present Convention shall extend to all or any of the territories for the international relations of which it is responsible. This Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the day of receipt by the Secretary-General of the United Nations of this notification.

2. Each Contracting State undertakes to take as soon as possible the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

3. The Secretary-General of the United Nations shall communicate the present Convention to the States referred to in article XV (1) for transmission to the responsible authorities of:

- (a) Any Non-Self-Governing Territory administered by them;
- (b) Any Trust Territory administered by them;
- (c) Any other non-metropolitan territory for the international relations of which they are responsible.

Article XIX

1. Any Contracting State may denounce the present Convention by notification to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

2. Any Contracting State which had made a declaration under article XVIII (1) may at any time thereafter, by notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend

to such territory six months after the date of receipt of the notification by the Secretary-General.

Article XX

The present Convention shall cease to be in force as from the date when the denunciation which reduces the number of Parties to less than six becomes effective.

Article XXI

1. A request for the revision of the present Convention may be made at any time by any Contracting State by means of a notification to the Secretary-General of the United Nations.

2. The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XXII

The Secretary-General of the United Nations shall notify the States referred to in article XV (1) of the following:

- (a) Information received in accordance with article XIII (2);
- (b) Signatures, ratifications and accessions received in accordance with articles XV and XVI;
- (c) The date upon which the present Convention comes into force in accordance with article XVII;
- (d) Notifications received in accordance with article XVIII and article XIX (2);
- (e) Denunciations received in accordance with article XIX (1);
- (f) Abrogation in accordance with article XX;
- (g) Notifications received in accordance with article XXI.

Article XXIII

1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy to each State referred to in article XV (1).

3. The present Convention shall be registered with the Secretariat of the United Nations on the date of its coming into force.

2. Action by the Economic and Social Council and Work of the Sub-Commission on Freedom of Information and of the Press

a. DECISIONS OF THE COUNCIL AT ITS EIGHTH SESSION

In the meantime, at its eight session, the Economic and Social Council accepted, with certain amendments, the recommendations contained in resolution 39 of the Final Act, adopted by the United Nations Conference on Freedom of Information, concerning the life and terms of reference of the Sub-Commission on Freedom of Information and of the Press.

The item was considered by the Social Committee at its 64th to 68th meetings, held from 15 to 17 February 1949. Its report (E/1170), together

with the text of draft resolution suggested for adoption by the Council, was examined at the Council's plenary meetings 248, 249 and 282, respectively, on 23 and 24 February, and on 18 March 1949.

Objections to the proposed draft were expressed by the representatives of the Byelorussian SSR, the USSR and Poland. Broadly speaking, they argued that the Council should directly state that the Sub-Commission should occupy itself, in the first place, with the dissemination of true information to counteract nazi, fascist and other propaganda of aggression. Secondly, the Sub-Commission should be composed of authorized representatives of Member States elected on the basis of equitable geographical distribution rather than experts serving in their personal capacities. The basis of the Sub-Commission's activities should be resolution 110(II) of the General Assembly, according to which measures are to be taken against propaganda and the inciters of a new war. Finally, they were opposed to making the Sub-Commission a permanently functioning organ.

Other delegations did not voice any objections, although a reservation was stated by the Belgian representative regarding the expenses which would inevitably arise from the implementation of the resolution in question.

Consequently, when put to the vote, the draft resolution submitted by the Social Committee, slightly amended, was adopted, by 15 votes to 3, as the Council's resolution 197(VIII) of 24 February 1949. It read as follows:

"The Economic and Social Council,

"Considering that the work of the United Nations Conference on Freedom of Information has shown the need to set up continuing international machinery to carry on the work undertaken by the Conference and, in particular, to study the problems involved in the application of the resolutions adopted by the Conference and the implementation of the draft conventions recommended by it, and

"Considering that it is expedient, in order to avoid the multiplication of specialized agencies, to entrust this task to the Sub-Commission on Freedom of Information and of the Press,

"Resolves

"1. That the Sub-Commission on Freedom of Information and of the Press be continued until 31 December 1952;

"2. That the Sub-Commission shall continue to be composed of twelve members selected by the Commission on Human Rights, subject to the consent of their Governments, serving as experts in their personal capacities and not as official representatives, whose terms of office shall expire on 31 December 1952;

"3. That the terms of office of the present members of the Sub-Commission are hereby terminated; and

"4. That a special meeting of the Commission on Human Rights be held as early as possible during the second part of the third session of the General Assembly for the purpose of electing the new members of the Sub-

Commission. This meeting shall not be considered the first meeting of the Commission on Human Rights for the purposes of rule 14 of the rules of procedure of functional commissions of the Economic and Social Council;

"Requests the Secretary-General

"1. To invite all Member Governments to nominate, not later than 20 March 1949, not more than two persons, who may either be their own nationals or nationals of other States, to serve as members of the Sub-Commission, and to indicate briefly their qualifications as specialists in the field of freedom of information;

"2. To notify those Governments which are members of the Commission on Human Rights of the special meeting to be held during the General Assembly in order that they may designate alternates in case their representatives on this Commission are not members of their delegations to the General Assembly; and

"3. To take such steps as he deems appropriate to provide the additional staff required to enable the Sub-Commission to implement its programme of work;

"Decides

"That the present terms of reference of the Sub-Commission, as set forth in Council resolution 46 (IV), are hereby cancelled and the following substituted therefor:

"The Sub-Commission on Freedom of Information and of the Press shall consider issues and problems involved in the dissemination of information by newspapers and news periodicals, radio broadcasts and newsreels, and shall perform any other functions which may be entrusted to it by the Council or by the Commission on Human Rights.

"In accordance with such working priorities as the Sub-Commission may adopt, it may:

"(a) Study and make reports as well as recommendations to the Council on:

"(i) Political, economic and other barriers to the free flow of information;

"(ii) The extent to which freedom of information is accorded to the various peoples of the world;

"(iii) The adequacy of the news available to them;

"(iv) The development of high standards of professional conduct;

"(v) The persistent dissemination of information which is false, distorted, or otherwise injurious to the principles of the Charter of the United Nations;

"(vi) The operation of any inter-governmental agreements in the field of freedom of information;

"(vii) The promotion of a wider degree of freedom of information and the reduction or elimination of obstacles thereto;

"(viii) The promotion of the dissemination of true information to counteract nazi, fascist or any other propaganda of aggression or of racial, national, religious or any other discrimination;

"(ix) The conclusion or improvement of inter-governmental agreements in the field of freedom of information; and

"(x) Measures to facilitate the work of foreign news personnel, and to assist them in disseminating true information on political, economic and other events in their countries of residence and in promoting friendly relations between States in such a way as to further the cause of strengthening international peace and security;

"(b) Receive communications from any legally constituted national or international Press, information,

broadcasting or newsreel enterprise or association relating to the items enumerated in paragraph (a) above, with a view to assisting it in the formulation of general principles and proposals in the field of freedom of information;

"(c) Discharge, with the approval of the Council, such other functions in the field of freedom of information as may be entrusted to the United Nations by inter-governmental agreements on information"; and

"Decides

"1. That normally the Sub-Commission shall report to the Council, except that in matters relating to freedom of information as a fundamental human right it shall be bound in the first instance to report to the Commission on Human Rights; and

"2. That in planning its programme of work, the Sub-Commission shall take into account section 7.2212 of the Programme of UNESCO as adopted by the third General Conference of UNESCO, which the Council notes with approval, in order to utilize as fully as possible the assistance which UNESCO has agreed to make available."

b. WORK OF THE SUB-COMMISSION

In accordance with the above decision of the Council, the Commission on Human Rights held its (one-meeting) fourth session on 11 April 1949, and elected the following as the new members of the Sub-Commission for a term of three years, expiring on 31 December 1952 (E/1315):

Azkoul, Karim (Lebanon)	Gandhi, Devadas (India)
Azmi, Mahmoud (Egypt)	Geraud, Andre (France) ²⁰
Binder, Carrol (United States)	Lopez, Salvador P. (Philippines) ²⁰
Chang, P. H. (China) ²⁰	Silva Carvallo, Alfredo (Chile)
Dedijer, Stevan (Yugoslavia)	Williams, Francis (United Kingdom)
Fontaina, Roberto (Uruguay) ²⁰	Zonov, Vasily M. (USSR)

At its third session (31 May to 14 June 1949), the Sub-Commission on Freedom of Information and of the Press considered a suggested programme of work and priorities, prepared by the Secretary-General in accordance with the request made at the Council's seventh session (152(VII)A), and adopted an "Agenda of the third session of the Sub-Commission and Programme of Work and Priorities for the three-year period of the life of the Sub-Commission". This was divided into two parts and read as follows:

1st Part—Methods of Work

"1. Consideration of means by which the Sub-Commission may receive from governmental and other sources information concerning current legislation and practices in the field of its competence.

"2. Establishment of procedure for liaison with information enterprises and professional organizations.

"3. Consideration of means by which the Sub-Commission may regularly be kept informed regarding the

application of the resolutions of the United Nations Conference on Freedom of Information.

"4. Establishment of procedure for dealing with communications.

"5. Establishment of procedure for close liaison between the Sub-Commission and UNESCO."

2nd Part—Substantive Tasks of the Sub-Commission

"6. The adequacy of the news available to the peoples of the world and the obstacles to the free flow of information to them.

"7. Classification and analysis of existing agreements in the field of freedom of information.

"8. Study of constitutional provisions, national legislation and administrative practices affecting the free dissemination of news.

"9. Promotion of the dissemination of true information to counteract Nazi, Fascist, and other propaganda of aggression or of racial, national, religious, and other forms of discrimination.

"10. Problems concerning news personnel:

"(a) Law and practice governing the status and work of foreign news personnel;

"(b) Measures to facilitate the work of foreign news personnel;

"(c) Definition and identification of professional foreign correspondents;

"(d) Independence of news personnel;

"(e) Interchange of news personnel;

"(f) Schools of journalism and related problems.

"11. The International Institute of Press and Information.

"12. Examination of what measures are necessary and desirable to improve the professional standards and to define the obligations and responsibilities of journalists or news and information personnel, including the possibility of drafting an international code of honour and of establishing an international court of honour.

"13. Implementation of the conventions proposed by the Conference.

"14. The operation of provisions in the proposed covenant on human rights concerning freedom of information.

"15. The 'day of friendship.'"

The Sub-Commission considered and made recommendations concerning items 1, 2, 4 and 5 regarding methods of work. It also devoted some time to a discussion of the first substantive item of its work programme, the adequacy of the news available to the peoples of the world and the obstacles to the free flow of information to them.

The Sub-Commission requested the Secretary-General:

"(a) to produce, for the Fourth Session of the Sub-Commission, adequate documentation of the Programme of Work and Priorities for the Three Year Period of the Life of the Sub-Commission (E/CN.4,Sub.1/80) giving priority in the first instance to Items 6, 7, 8 and 9 and being guided by the discussions which have taken place during the Third Session of the Sub-Commission;

"(b) to concentrate his efforts, in connexion with the documentation on Items 7 and 8, upon collecting information concerning governmental measures, administrative, legislative and judicial, concerning freedom of

²⁰ Previous members of the Sub-Commission who were re-elected.

information which have been effected since 1 January 1948; to undertake a detailed study of existing inter-governmental agreements concerning freedom of information; and, to report to the Sub-Commission concerning the conventions on freedom of information which may be approved by the General Assembly; and

"(c) to consult with the Director-General of UNESCO with a view to apportioning the work of documenting the above-mentioned items in such a way as to utilize the resources of both Secretariats to the best possible advantage."

c. DECISIONS OF THE COUNCIL AT ITS NINTH SESSION ON THE SUB-COMMISSION'S RECOMMENDATIONS

The Council, at its ninth session, took note, in resolution 240(IX) A of 28 July 1949, of the Sub-Commission's report and recommendations (E/1369), and requested the Secretary-General

"to take all possible steps within the limits of the 1949 budget to arrange immediately for the recruitment or assignment of additional qualified staff for the execution of the programme of work of the Sub-Commission."

Further, the Council, in resolution 240 (IX) B, adopted, with some amendments, the Sub-Commission's recommendations concerning the means by which it might receive information concerning current legislation and practices in the field of its competence. The Council requested the Secretary-General:

"1. To solicit additional information on the matters included in the request for information [E/Conf.6/2] based on the provisional agenda of the United Nations Conference on Freedom of Information from Governments, including those which have either not replied to it or have supplied incomplete information;

"2. To request Governments to submit a list, with names, addresses and full particulars, of legally constituted official and non-official national Press, information, broadcasting or newsreel enterprises or associations from which information or opinion relevant to the aims and objects of the Sub-Commission could be elicited;

"3. To obtain on behalf of the Sub-Commission, on its request and through such channels of communication and in accordance with such procedure for consultation as may be approved by the Member State concerned, the information referred to under paragraph (2) from the enterprises or associations included in these lists;

"4. To obtain such information from any other legally constituted non-governmental organizations which the Sub-Commission may decide to consult."

The Council also examined the Sub-Commission's proposal regarding the procedure for handling communications relating to freedom of information. Certain objections were raised by members of the Council to the Sub-Commission's recommendations on this subject; in particular, it was said, the Sub-Commission had exceeded its terms of reference in recommending that the Secretary-General be requested to submit communications containing complaints, and also communications

from individuals, namely "any member of a professional organization" and "any legally constituted body with competence in the field of public opinion". The criticism was also made that the Sub-Commission had departed from the procedure governing communications concerning human rights, which had been fixed by the Council for the Commission on Human Rights.

By resolution 240(IX)C, the Council decided to request the Secretary-General to compile and distribute twice a year to members of the Sub-Commission a list containing a brief summary of each communication received from any legally constituted national or international press, information, broadcasting, or newsreel enterprise or association, relating to principles and practices in the field of information; he was to include in the list the names and addresses of the authors of such communications. The Secretary-General was further requested to inform the authors that their communications had been received and would be brought to the attention of the Sub-Commission, and, on request, to make available to members of the Sub-Commission the full text of such communications. However, if a communication contained a specific criticism or complaint, in the field of freedom of information, against a Government, the Secretary-General was requested to deal with it according to whatever procedures and principles might be laid down by the Commission on Human Rights. Finally, the Council decided to transmit the Sub-Commission's resolution regarding the procedure for handling communications (E/1369, chapter V) to the Commission on Human Rights, for its consideration when it reviewed the procedure for dealing with communications, and to transmit also to the Commission the records of discussions which took place at the third session of the Sub-Commission (E/CN.4/Sub.I/SR.57 to 59) and the ninth session of the Council (E/AC.7/SR.96 to 98, and E/SR.314) on the subject.

The Sub-Commission had also recommended that the Council request the Secretary-General to ask UNESCO to consider inviting one or more members of the Sub-Commission to participate in the proceedings of any expert committee convened by UNESCO for the purpose of studying questions related to mass communications. However, members of the Council expressed the opinion that it was not necessary to adopt formally such a resolution; consequently, the Council decided to take no action thereon.

The Council also took note, in resolution 240-(IX)D, of the Sub-Commission's resolution relating to the question of developing domestic information agencies in countries where such agencies

are undeveloped, and referred it to the proposed Technical Assistance Committee of the Council (TAC) for consideration.

Resolution 240 (IX) A, B and Q referred to above, were all adopted by 15 votes to 3, at the Council's 314th plenary meeting on 28 July 1949. Resolution 240 (IX) D was adopted by 12 votes to 2, with 3 abstentions, at the 343rd plenary meeting of the Council on 15 August 1949, upon a suggestion of the Lebanese delegation (E/1551) verbally amended by India.

d. DISPOSAL BY THE COUNCIL AT ITS NINTH SESSION OF CERTAIN RESOLUTIONS OF THE FINAL ACT

As mentioned above, the General Assembly referred to the Council for appropriate action, at its discretion, a number of resolutions of the Final Act of the United Nations Conference on Freedom of Information.²¹ The Council, at its ninth session, examined these resolutions under the following six groups: (1) resolution no. 9; (2) resolutions nos. 2 and 3; (3) resolutions nos. 6, 24, 36 and 40; (4) resolutions nos. 14, 23 and 31; (5) resolutions nos. 11, 26, 32 and 37; (6) resolutions nos. 30, 33 and 34.

The matter was discussed at the 87th to 94th meetings of the Social Committee, held between 11 and 15 July 1949, and at the Council's 302nd and 305th plenary meetings, held on 21 and 22 July 1949, respectively. The debate centered principally around resolutions no. 9 (concerning the access to information of accredited news personnel); nos. 2 and 3 (concerning war propaganda and false and distorted reports); no. 26 (concerning laws of libel); and no. 37 (concerning social security for news personnel).

Resolution no. 9 had been referred back to the Council by the Assembly, because in the Third Committee it was thought that the text adopted by the Conference was not sufficiently clear. Certain representatives expressed in the Council their preference for the text of the resolution as adopted by the Conference (Poland, the USSR). The majority, however, were in favour of a draft submitted by the United States (E/AC.7/W.74), which urged all Member States, irrespective of whether or not they had signed agreements with the United Nations or the specialized agencies, to grant free access to news personnel, and which emphasized that access to all public sources of information must be equal and without discrimination for all accredited news personnel. The question was raised as to the exact meaning of the term "news personnel", but it was agreed that this was adequately defined by the use of the phrase

"accredited to the United Nations or the specialized agencies".

The Council consequently decided, in resolution 241 (IX) A, adopted without objection, to recommend the following draft resolution for the consideration of the General Assembly:

"The Economic and Social Council,

"Having considered resolution No. 9 adopted by the United Nations Conference on Freedom of Information, "Recommends the following draft resolution for the consideration of the General Assembly:

" The General Assembly,

" Considering that the United Nations, in accordance with the aims and purposes of its Charter, should be prepared to grant all the necessary facilities for enabling media of information to function with full freedom and responsibility in following the course of its work and that of conferences called by it and its specialized agencies,

" Urges all States Members of the United Nations to grant news personnel of all countries who have been accredited to the United Nations or specialized agencies, as the case may be, free access:

" (a) To countries where meetings of the United Nations or specialized agencies or any conferences convened by them take place, for the purpose of covering such meetings, in accordance with the terms and conditions of agreements made by the United Nations or its specialized agencies with the Governments of such countries, or, in the absence of such an agreement, on terms and conditions similar to those contained in agreements made by the United Nations or its specialized agencies with other Member States; and

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

In discussing resolutions nos. 2 and 3, members of the Council were unanimous in denouncing war propaganda and the dissemination of false and distorted reports, and were agreed on the desirability of arriving at practical results in the shortest possible time. Some representatives, however, thought that the Council should go further and expressly condemn Press and information organs which violated or failed to implement these resolutions, and should recommend that Member States take legislative and other measures to prevent the dissemination of propaganda inciting to racial, national or religious hatred or contempt, and to aggression. Objections were raised that legislation might not be the most appropriate method of preventing distorted information, and the proposal was rejected by the majority.

In resolution 241 (IX) B, adopted unanimously, the Council recommended that, in carrying out the functions defined in its terms of reference, the Sub-Commission on Freedom of Information and of the Press should study such means as it might

²¹ For text of the Final Act, see E/CONF.6/79.

consider most effective for ensuring and co-ordinating the implementation of the principles and the decisions contained in resolutions nos. 2 and 3 of the Final Act.

The Council then decided, in resolutions 24 (IX) C, D, E, F and G, to refer all the resolutions in the third group under consideration, e.g., no. 6 (definition of news personnel and foreign correspondents, as well as the establishment of an international card for journalists), no. 24 (concerning the establishment of governmental and semi-governmental services), no. 36 (concerning an international code of honour and an international court of honour) and no. 40 (concerning a "Day of Friendship and Mutual Understanding in the Press") to the Sub-Commission on Freedom of Information and of the Press; and those in the fourth group, e.g., no. 14 (concerning teleprinter lines), no. 23 (concerning international communications) and no. 31 (concerning private reception of multiple-address newscasts) to the International Telecommunication Union. Resolutions 241 (IX) C, F and G were adopted unanimously; resolution D by 14 votes to 3, with 1 abstention; and resolution E by 15 votes to 3.

Of the fifth group of resolutions under consideration, two in particular, nos. 26 and 37, were discussed. Some representatives thought that the study of the laws of libel of the various countries, called for in resolution no. 26, should be carried out. Opinions differed as to the most appropriate body to undertake the study. A committee of jurists, the Commission on Human Rights, an international organization such as the International Association of Criminal Law, and the Secretariat were suggested. The majority, however, feeling that the question was extremely complex, rejected all these proposals. The Council consequently decided, in resolution 241 (IX) I, adopted by 10 votes to 5, with 2 abstentions, "to take no action thereon at this time."

In discussing resolution no. 37, representatives agreed on the importance of providing adequate social security measures for news personnel. Some delegations were in favour of including detailed provisions as in the resolution adopted by the Conference. Others objected that this singled out one profession for the enjoyment of social benefits which should extend to all sections of the community. It was, moreover, stressed that it was impossible to lay down a standard pattern of social legislation for all countries; the majority of the representatives were of the opinion that Governments should be free to adapt their legislation to the particular requirements of their social structure. The Council unanimously adopted resolution 241

(IX) K, by which it was decided to invite Governments which had not yet done so to adopt useful measures, with due regard to the standards laid down by the International Labour Organisation, to meet the purpose of guaranteeing to news personnel social security for the proper exercise of their functions, and of assuring them freedom from want in their old age, in the case of sickness or unemployment, or for their families in the event of death.

With regard to the other two resolutions in this group, the Council decided, in resolution 241 (IX) H, adopted by 15 votes to none, with 3 abstentions, to transmit no. 11 (concerning taxes affecting the operations of foreign information agencies and news personnel) to the Fiscal Commission for its information; in respect of no. 32 (concerning the technical needs of war-devastated and under-developed countries), it expressed in resolution 241 (IX) J, adopted by 14 votes to none, with 4 abstentions, its satisfaction with the work being undertaken and extended by UNESCO in co-operation with the regional economic commissions and the interested specialized agencies, and requested these bodies to continue to co-operate with UNESCO.

The Council was of the opinion that the substance of resolution no. 33 (concerning the production of news print) was covered by the above resolution 241 (IX) J, which it had adopted regarding resolution no. 32.

Finally, in respect of resolution no. 30 (concerning the price of radio receiving sets), in resolution 241 (IX) L, adopted by 15 votes to none, with 3 abstentions, the Council expressed its satisfaction with the work which UNESCO was doing on the problem. In respect of resolution no. 34 (concerning the establishment of an international institute of press and information), the Council, in resolution 241 (IX) M, adopted by 11 votes to none, with 7 abstentions, took note with satisfaction of the work carried out in this direction by UNESCO, and expressed hope that the Institute would shortly be set up.

3. Consideration by the General Assembly at its Fourth Session

a. DRAFT CONVENTION ON FREEDOM OF INFORMATION

During its fourth regular session (20 September to 10 December 1949), the General Assembly considered two items on freedom of information.

The first of these, "Draft Convention on Freedom of Information", was examined by the Third

Committee at its 233rd and 234th meetings, held on 27 September 1949.

(1) **Discussions in the Third Committee**

The Committee had before it two draft resolutions. One, proposed jointly by the delegations of the Netherlands, the United Kingdom and the United States (A/C.3/L.5), provided in its operative part for postponement of further action on the draft Convention to the fifth regular session of the General Assembly; the other, proposed by the delegation of France (A/C.3/L.6), called for the establishment of a working party, within the structure of the Third Committee, to examine the draft Convention during the current session. The discussion which followed showed a sharp cleavage of opinion between the position of the French delegation, on the one hand, and that of the United States and United Kingdom delegations, on the other.

In the opinion of the United States representative, the most reasonable method of proceeding would be to refer the study to the draft Convention on Freedom of Information to the Commission on Human Rights, so that—as the first step in reaching agreement on basic principles—adequate provisions for safeguarding the right of freedom of information could be included in the draft Covenant on Human Rights.

The representative of France observed that "the procedures of postponement or reference were used by most public bodies simply as a means of obviating the necessity of stating plainly that some proposal was not desired. Even in such cases, however, a certain amount of discussion of the proposal was usually permitted. The joint resolution (A/C.3/L.5), if adopted, would preclude all discussion, whether of principle or detail."

Further, the French representative recalled, the resolution adopted on the subject under discussion (277(III)) had recommended that the General Assembly should accord priority to the examination of the question. At that time, during the debate in the Assembly, it had been the United Kingdom representative who had stated that it would be deplorable if no further action was taken on the draft Convention on Freedom of Information, and had strongly urged that the examination of that convention should be resumed immediately upon the opening of the fourth session.

In spite of the criticism voiced by the French delegation, the discussion in the Third Committee disclosed that the majority of other delegations, led by the representatives of the United States, the Netherlands and the United Kingdom, though that it was difficult to draft a satisfactory text of a convention on freedom of information at the present session. The principal difficulty, they argued,

had lain in the lack of agreement on matters of detail, and had their source in the difference between conditions prevalent in the countries concerned. Agreement on the basic principles was, however, feasible. Consequently, these representatives thought, provisions for safeguarding the right of freedom of information should be made in the Covenant of Human Rights; that Covenant would, in any case, include some reference to freedom of information, because it was one of the basic human rights and freedoms. These same representatives were also convinced that, in view of the difficulties which had already arisen in connexion with articles 2 and 5 of the draft Convention on Freedom of Information, both at the Conference and during the second part of the third session of the Assembly, it was doubtful whether the difficulties involved could be solved by a working party, as suggested by the representative of France.

Those who—in addition to France—opposed postponement (Poland, the USSR, the Ukrainian SSR, Czechoslovakia and the Byelorussian SSR) maintained that the "difficulties", if they existed, should be faced and discussed. This group of representatives, led by the Soviet delegation, charged that "Anglo-American monopolies wished to dominate the press of other countries, and the Convention on the International Transmission of News, in its existing form, would enable them to do so." However, while refusing to accept the joint draft resolution of the United States, the Netherlands and the United Kingdom, this same group of representatives also refused to accept the French proposal, on the grounds that it was not constructive and would result in the exclusion of forty-eight delegations from the discussion of the basic provisions for maintaining the freedom of information, the French suggestion envisaging a working party of eleven members only.

Sympathizing with the French proposal, the representative of India considered that the Third Committee should, through the intermediary of the suggested working party, make yet another effort to solve the difficulties which had arisen in connexion with the draft Convention on Freedom of Information. He thought that if the working party were successful in its task, the Committee might still be able to adopt an acceptable convention during the current session of the Assembly. Should it fail, he declared, nothing would then prevent the Committee from recommending to the General Assembly that the matter should be referred to the Commission on Human Rights, as proposed in the joint Netherlands, United Kingdom and United States draft resolution.

Simultaneously with their first draft resolution

(A/C.3/L.5), the delegations of the Netherlands, the United Kingdom and the United States submitted another joint draft resolution (A/C.3/L.4), requesting the General Assembly, in view of the anticipated postponement of definite action on the draft Convention on Freedom of Information, to open for signature the Convention on the International Transmission of News and the Right of Correction.

The Third Committee, after considering the first joint proposal paragraph by paragraph, adopted it as a whole, by a roll-call vote of 28 to 13, with 8 abstentions. From the following details of this roll-call it can be seen that some delegations, which originally were opposed to it, changed their position and voted for the first joint draft resolution:

In favour: Australia, Belgium, Byelorussian SSR, Canada, China, Czechoslovakia, Denmark, Ecuador, Greece, Honduras, Iceland, Iran, Liberia, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Sweden, Thailand, Turkey, Ukrainian SSR, USSR, United Kingdom, United States.
Against: Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ethiopia, France, Israel, Mexico, Union of South Africa, Uruguay, Yugoslavia.
Abstaining: Afghanistan, Burma, Egypt, India, Lebanon, Saudi Arabia, Syria, Venezuela.

On the other hand, the second joint draft resolution was rejected by 16 votes in favour to 18 against, with 13 abstentions. This negative vote implied that the approved draft Convention on the International Transmission of News and the Right of Correction would not be open for signature until the General Assembly had taken definite action on the draft Convention on Freedom of Information.

(2) Resolution Adopted by the Assembly

The Third Committee's report (A/1010) was placed before the General Assembly at its 232nd plenary meeting, on 20 October 1949. Several delegations spoke in favour of the draft resolution for postponement, stressing that the way was open for action at the next session of the Assembly (United Kingdom, Mexico, United States, Philippines). On the other hand, the delegations of France, Lebanon, Yugoslavia, Guatemala and Uruguay were opposed to this proposal.

In the opinion of the representative of France, the delay was not justified; on the contrary, it was deplorable. His detailed and critical comments may be summarized as follows. The discussions on postponement covered many meetings; that meant that for the representatives who favoured this course of action it was not a question of procedure, but of the very substance of the problem. However, while six months ago, during the sec-

ond part of the third session of the General Assembly these same representatives spoke of postponement with the provision for a "priority of discussion" at the Assembly's fourth session, it was now more appropriate to speak—in the light of their present stand—of "priority for burial". The proposal under consideration, if adopted, would "lead us into the quicksands in which lie, after so much agony, so many draft resolutions which carried the hopes of peoples with them." The French delegation could not agree with this procedure which had begun with a

"postponement from Conference [on Freedom of Information in Geneva] to Council, and then from Council to General Assembly. That postponement is continued from General Assembly to General Assembly and from General Assembly to a Commission [on Human Rights] which is dependent upon a Council. These postponements are continued by postponements to indefinite dates and, finally, they reach the stage of an adjournment sine die."

The representative of France then argued that if differences existed, they could be smoothed out, not by silence but by discussion, and continued by saying:

"Up to the present time, we have not been told of what the alleged insurmountable difficulty consists . . . I wonder what the motives are of those who wish to prevent us from attempting to reach agreement during this session. I would not dare to maintain that the delegations which propose postponement do not wish to have the convention. However, I say to them with complete frankness, which I am sure will not offend them, that they are acting as though they did not want the convention."

The representative of the United States, in reply to the above criticism, explained that her delegation's support of the draft resolution asking for postponement was not an attempt to evade the issue, as had been alleged. She maintained that, "on the contrary, this resolution is intended to lead us out of the impasse created by deep disagreement over the specific provisions of the Draft Convention on Freedom of Information and to make it possible for us to proceed with the essential task of defining this freedom in a legally binding instrument [i.e., the Covenant on Human Rights]."

Consequently, the United States representative suggested, since there was not sufficient agreement on how to specify all the national and international ramifications of the freedom of information, "we must revert to the more logical procedure of seeking agreement first on the basis of essential principle. The place to seek such agreement is in the Covenant on Human Rights."

The representative of the USSR, also in reply to the criticism voiced by the French representative, explained why his delegation, together with the delegations of the Byelorussian SSR, Czecho-

Slovakia, Poland and the Ukrainian SSR, joined the majority in voting for the draft resolution under consideration. He objected to the French representative's attempt to present the position of the USSR delegation in an untrue light. This position, he maintained, remained the same as it was at the beginning of the discussions on the draft Convention on Freedom of Information, namely:

"The Soviet Union delegation considers that to be acceptable for signature the convention should provide that real freedom of information and of the press can only be assured if the press and information organs are free from pressure and from the dictatorship of private publication monopolies and syndicates. Inasmuch as press organs and information organs are a powerful means of acting upon public opinion and bear great responsibilities to all the peoples for the information used by them, their main tasks should be to assist spreading true information directed toward the strengthening and supporting of international peace and security, helping to carry out the decisions of the General Assembly regarding measures which should be adopted against the new warmongers, opposing nazi, fascist and other propagandas of oppression and war which are capable of creating a threat to the peace, developing friendly relations among states on the basis of respect for independence and the sovereign equality of peoples, acting against propaganda expressing nazi or fascist views, as well as race propaganda, propaganda for racial discrimination and international hate."

Because these and several other basic provisions were lacking in the present text of the proposed Convention on Freedom of Information, the USSR delegation had voted in the Third Committee, and was ready to vote again in the plenary meeting of the General Assembly, that this matter should be further discussed in detail and a satisfactory text of the convention formulated.

Lebanon and Uruguay orally submitted their own proposals which would amend the text approved by the Third Committee. The Lebanese representative argued that the draft resolution under consideration invited unnecessary delays: instead of taking a decisive step toward the final adoption of the convention, it specifically recommended that the Commission on Human Rights "include adequate provisions on freedom of information in the draft International Covenant on Human Rights". He wanted, therefore, to make certain that the idea of a convention would not be replaced by two or three clauses in the Covenant on Human Rights, and this was the purpose of his amendment to the effect that the last paragraph of the Committee's resolution should read as follows:

[The General Assembly . . .]

"Decides to establish at its fifth regular session, in the light of the draft International Covenant on Human Rights or a progress report thereon submitted by the

Commission on Human Rights, the final text of a convention on freedom of information."

This proposal was rejected by 17 votes in favour to 26 against, with 9 abstentions.

Considering that the Third Committee's draft resolution was one which adjourned indefinitely the proper examination of the matter, the representative of Uruguay declared that it was neither just nor reasonable for the Assembly to fail to take action on the question of freedom of information for the sole reason that it might do so at a later date, after the item had been discussed by the Commission on Human Rights. He therefore moved that the Committee's text be replaced by the following draft resolution:

"The General Assembly

"Resolves to return to the Third Committee for further study the matter under consideration."

Cuba and Guatemala voiced their support of this Uruguayan amendment. However, it was rejected by 17 votes in favour to 32 against, with 7 abstentions, and the following text of the Third Committee's draft was adopted as resolution 313 (IV) on 20 October 1949, by a roll-call of 38 votes to 10, with 10 abstentions:

In favour: Argentina, Australia, Belgium, Bolivia, Byelorussian SSR, Canada, Chile, China, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Greece, Honduras, Iran, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Sweden, Syria, Thailand, Turkey, Ukrainian SSR, USSR, United Kingdom, United States, Venezuela.

Against: Brazil, Colombia, Costa Rica, France, Guatemala, Haiti, Lebanon, Union of South Africa, Uruguay, Yugoslavia.

Abstaining: Afghanistan, Burma, Cuba, El Salvador, Ethiopia, India, Iraq, Pakistan, Saudi Arabia, Yemen.

"The General Assembly,

"Convinced that freedom of information is one of the basic freedoms and that it is essential to the furtherance and protection of all other freedoms,

"Considering that the Commission on Human Rights is engaged in drafting an International Covenant on Human Rights, the object of which is to promote the observance of basic human rights throughout the world,

"Considering that the Commission on Human Rights has declared its intention of submitting the draft International Covenant on Human Rights to the fifth regular session of the General Assembly,

"1. Recommends to the Economic and Social Council that it request the Commission on Human Rights to include adequate provisions on freedom of information in the draft International Covenant on Human Rights, taking into account the work done on the draft Convention on Freedom of Information at the United Nations Conference on Freedom of Information and at the third and fourth regular sessions of the General Assembly;

"2. Decides to postpone further action on the draft Convention on Freedom of Information to the fifth

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regular session of the General Assembly and pending receipt of the draft International Covenant on Human Rights or a progress report thereon."

b. ACCESS OF NEWS PERSONNEL TO MEETINGS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

The other item included in the agenda of the fourth session of the General Assembly, "Access of News Personnel to Meetings of the United Nations and the Specialized Agencies," was considered by the Third Committee at its 235th and 236th meetings, on 28 and 29 September 1949.

The matter was originally covered by resolution no. 9 of the Final Act of the United Nations Conference on Freedom of Information, and was placed before the General Assembly by the terms of the Council's resolution 241 (IX) A²². During the debate, the delegations of Cuba, India, Lebanon, Peru, the Philippines and Saudi Arabia introduced amendments to the text of the Council's draft resolution (for all amendments see A/C.3/L.7).

Lebanon suggested the insertion of two new sub-paragraphs in the Council's draft, to read:

"Requests the Secretary-General,

"(a) to prepare a draft Model Agreement concerning access of news personnel to meetings of the United Nations and specialized agencies, taking into account the existing agreements on this subject and the experience derived from their implementation; this Model would serve as a basis for future agreements to be concluded with the Governments of States within whose territories such meetings are held;

"(b) to submit the draft Model Agreement to Member States and specialized agencies for comments and to present a text, taking the comments received into account, to the fifth session of the General Assembly; and meanwhile . . ."

The representatives of France, Pakistan, Uruguay, Ecuador, Guatemala, Argentina, Ethiopia and Chile spoke in support of the Lebanese proposal. Generally speaking, they thought that such a model agreement would serve as a good basis for simplifying the preparation of future agreements.

On the other hand, although the Lebanese representative emphasized that the proposed model agreement was not intended to raise the question of revising the existing agreements, the representatives of the United States, Liberia, Norway, the United Kingdom and Brazil were opposed to its inclusion in the draft under consideration, on the grounds that its usefulness seemed to be doubtful, since the existing agreements could serve the same purpose, i.e., as a basis for future agreements. The Soviet representative stated that the preparation of the proposed standard agreement

would require considerable time, and should be considered only after the Council's resolution had been adopted.

When put to the vote, the Lebanese amendment was rejected by 19 votes for and 19 against, with 12 abstentions. (If a vote is equally divided, it is regarded as rejected.)

The Philippine delegation suggested an alternative text for part (a) of paragraph 3 of the draft resolution, to the effect that Members should be urged to grant news personnel free access:

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

This was rejected by 13 votes in favour to 17 against, with 16 abstentions.

The representative of Saudi Arabia moved that the text of paragraph (a) of the draft resolution before the Committee should be divided into two parts—the first ending with the words "the Governments of such countries" (see below)—and that a separate vote should be taken on each. Subsequently, the first part of this paragraph was adopted by 41 votes to none, with 4 abstentions, while the second part, beginning with the words "or in the absence of such an agreement" was adopted by 30 votes to 6, with 9 abstentions.

The delegations of Cuba and India agreed to combine their two originally separate amendments to paragraph (b) of the draft under consideration (see below), to read:

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

Some delegations (for instance, that of the United Kingdom) voiced the opinion that this amendment would restrict rather than broaden the scope of paragraph (b) of the Council's original draft, as it would permit the interpretation that some public information sources would not be open to the press. Furthermore, it did not remove the objection with regard to press conferences held by delegations, most of which assumed that they had the right, even if they did not exercise it, to restrict attendance at their press conference to their own nationals.

The roll-call vote on the joint Cuban-Indian amendment resulted in 10 votes in favour, 24 against, with 15 abstentions.

Thereupon, the original text of the Council's draft resolution (241(IX)A) was adopted by 42 votes to none, with 7 abstentions.

²²See p. 571.

When the Third Committee's report and recommendations (A/1011) were considered by the General Assembly, at its 233rd plenary meeting on 21 October 1949, there was only a very brief discussion. The Lebanese delegation submitted its amendment once again, on the ground that the vote by which it was defeated in the Third Committee was 19 for and 19 against. However, the closing remarks of the representative of Lebanon made it sufficiently clear that he would not press for a vote.

Similarly, the other speaker who took the floor (the representative of Cuba), while mentioning certain shortcomings of the proposed draft, declared that the proposed resolution marked a notable step forward in the scheme for making sources of information freely accessible. As a result of this conciliatory attitude, the resolution proposed by the Third Committee (A/1011) was unanimously adopted by the General Assembly, at its 233rd plenary meeting on 21 October 1949, as resolution 314(IV), as follows:

"The General Assembly,

"Considering that the United Nations, in accordance with the aims and purposes of its Charter, should be prepared to grant all the necessary facilities for enabling media of information to function with full freedom and responsibility in following the course of its work and that of conferences called by it and its specialized agencies,

"Urges all States Members of the United Nations to grant news personnel of all countries who have been accredited to the United Nations or specialized agencies, as the case may be, free access

"(a) To countries where meetings of the United Nations or specialized agencies or any conferences convened by them take place, for the purpose of covering such meetings, in accordance with the terms and conditions of agreements made by the United Nations or its specialized agencies with the Governments of such countries, or, in the absence of such an agreement, on terms and conditions similar to those contained in agreements made by the United Nations or its specialized agencies with other Member States; and

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

C. STATUS OF WOMEN

The Commission on the Status of Women held its third session in Beirut, Lebanon, from 21 March to 4 April 1949. It discussed and reported to the Council (E/1316) on matters relating to the political, social, economic, legal and educational rights of women.

The report was considered by the Economic and Social Council, at the 99th to 104th meetings of its Social Committee on 21 to 23, 25 and 26 July, and at the 315th and 317th plenary meetings on 1 and 2 August 1949.

The Council, by a vote of 13 to none, with 3 abstentions, on 1 August decided to take note of the Commission's report and its recommendations (242(IX)A).

1. Political Rights

The Commission noted the memorandum on constitutions, electoral laws, and other legal instruments relating to the franchise of women and their eligibility to public office and functions (A/619 and Add.1 and 2), submitted to the General Assembly by the Secretary-General in accordance with resolution 120(VI)A of the Council, and the supplementary information on the political rights of women, submitted to the Commission by the Secretary-General (E/CN.6/86). It noted,

also, that the memorandum circulated to the Assembly did not indicate whether women had equal political rights with men, in particular with regard to the right to vote and election to public office. Moreover, while noting with approval the extension of full equality in this respect to women in certain countries, i.e., Belgium and Chile, the Commission regretted that there were still Members and other States which deny women equality of political rights with men. It expressed the hope that those countries would, within the coming year, also, grant women the right to vote and to hold public office. It requested the Secretary-General to prepare a further report, based on information received from Governments and other relevant information, to show whether there was discrimination in law or in practice, based on sex, with respect to the right to vote and the right to be elected to public office in elections of all kinds.

The Commission also requested the Secretary-General to examine and report at its next session on the possibility of proposing a convention similar to the Inter-American Convention on the Granting of Political Rights to Women, adopted by the Organization of American States at Bogota in May 1948, to assist countries which have not yet granted women equal political rights.

The Commission further expressed a desire for information on discrimination against women, with regard to the right to vote and to hold public office, in Trust Territories. It therefore invited the Secretary-General to transmit to it at each session any pertinent information contained in the Administering Authorities' annual reports to the General Assembly. He was also invited to transmit to the Commission, at each session, any information which might be communicated to him by the Governments of Non-Self-Governing Territories concerning the status of women in those Territories.

The question of political rights of women was discussed by the Council at the 100th and 101st meetings of its Social Committee, on 22 and 23 July, and at its 316th plenary meeting on 1 August. It had before it a draft resolution introduced by the representative of the USSR, (E/AC.7/W.85 and E/1471) which referred to the limited political rights of women in certain countries, and recommended that the General Assembly consider this problem at its fourth session and call on Member States to take the necessary steps to secure genuinely full equality of women in political life. During the discussion, the representative of the USSR stated that the Commission on the Status of Women had failed to deal adequately with this problem, among others, and that the resolution was designed to speed up the granting of political rights to women in all regions of the world. This view was supported by the representatives of the Byelorussian SSR and Poland.

The representative of Chile presented amendments (E/AC.7/W.89 and E/1476) to the draft resolution which, *inter alia*, suggested the deletion of any mention of specific countries and the deletion of figures and statements of a controversial nature. It was also proposed that the paragraph which would submit the matter to the General Assembly be omitted, since the Assembly, at its first session in resolution 56(I), had requested Member States which had not already done so to grant political rights to women. The majority of members supported the view that the question had been adequately dealt with in the Assembly and by the Council in resolution 120(VI).²³

The amendments proposed by Chile were adopted, in paragraph by paragraph votes, in the Social Committee and the Council. The amended draft resolution was, however, rejected in the Social Committee by 2 votes in favour to 9 against, with 7 abstentions, and at the 316th plenary meeting of the Council by 4 votes in favour to 9 against, with 5 abstentions.

2. Participation of Women in the Work of the United Nations

At its second session, the Commission expressed (E/615) its concern that few women had been appointed to key positions in the United Nations Secretariat and to national delegations to the United Nations and other international bodies.

This question was again discussed by the Commission at its third session. It was pointed out that, while a limited number of women had been appointed to high posts in the Secretariat, the majority of women employed were engaged in minor administrative duties, rather than in work of a policy-making nature. The Commission considered that Article 8 of the Charter, which states that "The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs" should be progressively implemented. While noting that the Secretary-General had appointed women to certain additional posts in the Secretariat, the Commission requested him to prepare, for consideration at its next session, a report on the nature and proportion of posts in the Secretariat occupied by women. He was also to indicate in his report the extent to which Member Governments had included women in their delegations to organs and agencies of the United Nations.

The Commission also urged the Secretary-General to give favourable consideration to the creation of a division on the status of women in the Secretariat, in accordance with the suggestion made to the Secretary-General by the Chairman of the Commission and her predecessor.

At the ninth session of the Council the majority of members expressed the view that the organization of the Secretariat was a matter falling within the competence of the Secretary-General. The Council decided unanimously, at the 104th meeting of its Social Committee on 26 July, that no action should be taken on the subject.

3. Educational Opportunities

The Commission on the Status of Women, at its third session, had before it a report (E/CN.6/-78 and Corr. 1 and Add.1), prepared by the Secretary-General, on the existing disabilities of women in the field of educational and professional opportunities. The report was based on replies from Governments to the Questionnaire on the Legal

²³See Yearbook of the United Nations, 1947-48, pp. 600-1.

Status and Treatment of Women.²⁴ It noted, however, that this report did not contain information concerning all Member States; moreover the report described primarily the legal position of women in regard to access to education in the various countries. The Commission therefore recommended that this study of the legal position should be continued and supplemented by an investigation into the actual conditions in the field of education for women, aimed at ascertaining not only the existence of discrimination against women, but also the causes of such discrimination. It recommended that the Secretary-General should collaborate with UNESCO in planning and carrying out a study along these lines, in co-operation with Governments, and should report to the Commission's next session.

The Commission also recommended that the Secretary-General should invite those Governments which had not yet replied to the section on educational opportunities of the Questionnaire on the Legal Status and Treatment of Women to do so by 1 September 1949.

The Economic and Social Council, at the 101st meeting of the Social Committee and at its 316th plenary meeting, unanimously endorsed the Commission's recommendations, after extending the date fixed for replying to the Questionnaire to 1 January 1950, and itself inviting Governments to submit the replies (242(IX)B).

4. Application of Penal Law to Women

On the motion of the representative of Venezuela, the Commission placed on its agenda the item: Application of penal law to women and consideration of measures to be taken. It decided to study the matter in greater detail at its next session, and asked the Secretary-General to prepare such material as would be helpful. In doing so the Commission recommended that he take advantage of information from official and non-governmental sources and include information on the way in which authorities seclude, detain and re-educate women offenders, and on other practices in this field.

5. Nationality of Married Women

The problem of nationality, as it affects the status of women, was first taken up by the Commission at its second session. On the basis of the Commission's recommendations, the Economic and Social Council, at its seventh session, requested the Secretary-General to prepare for the consideration

of the Commission at its third session a report on this subject, to be based on the replies from Governments to the Questionnaire on the Legal Status and Treatment of Women. He was also to prepare and submit a report on existing treaties and conventions in the field of nationality (154(VII)-C).²⁵

The Commission, at its third session, noted the conflict, in law and in practice relating to the nationality of married women which were apparent from the replies summarized in the Secretary-General's report on this subject (E/CN.6/82 and Add. 1 and 2). The Commission noted that the Universal Declaration of Human Rights states that everyone has the right to a nationality and shall not be arbitrarily deprived of his nationality or denied the right to change it. It considered that a convention on the nationality of married women should be prepared, which would assure women equality with men and especially prevent women from becoming stateless or suffering hardships arising out of these conflicts in law. The Commission requested the Secretary-General to prepare and circulate to Governments an analysis of the conflicts in law, as shown in his reports. It invited Member States to submit to the Secretary-General comments and suggestions on how to resolve these conflicts, together with their replies to the supplementary list of questions on nationality and domicile as they affect the status of married persons (E/CN.6/W.1/Add.1). It also requested the Secretary-General to summarize the replies for the fourth session of the Commission and to suggest alternative articles which might be incorporated into such a convention, with a view to the drafting of an international convention by an international conference or other appropriate body, called for the purpose, in time for the General Assembly's consideration in 1950.

This subject was considered by the Council's Social Committee at its 101st and 102nd meetings, and by the Council at its 316th plenary meeting, on 1 August 1949.

During the discussions in the Social Committee, the representative of the USSR maintained that the question of nationality was a matter falling within the domestic jurisdiction of States, according to Article 2(7) of the Charter, and, therefore, should be dropped by the Council. This view was supported by the representatives of Poland and the Byelorussian SSR. The proposal was rejected by 3 votes in favour to 15 against.

²⁴ See Yearbook of the United Nations, 1947-48, pp. 660, 662.

²⁵ or the action taken by the Council at its seventh session, see Yearbook of the United Nations, 1947-48, pp. 600-5.

The representative of the USSR, therefore, submitted a draft resolution (E/AC.7/W.90), which would have the Council instruct the Commission to examine the question of measures for abolishing the practice that now prevails (e.g., in the United States and in the United Kingdom) of forbidding or restricting marriages between persons of the same nationality but of different race and colour, and for removing the unequal status of women in marriage. It would further instruct the Secretary-General to submit a report on the question to the next session of the Commission.

The majority of the Committee, however, endorsed the views of the Commission. The Committee adopted several drafting changes proposed by the representative of India, and agreed that the date for transmission of replies, based on the analysis of the Secretary-General, should be 1 April 1950 instead of 31 December 1949 as originally proposed. The Committee also adopted a Danish amendment (E/AC.7/W.81) looking forward to the final drafting of a convention at an early date, rather than, as originally proposed, by the 1950 session of the General Assembly.

The Commission's resolution, as amended, was adopted by 15 votes to 3.

The draft resolution proposed by the representative of the USSR was ruled out of order by a vote of 4 to 4, with 4 abstentions.²⁶

During the discussions of the Council, at its 316th meeting on 1 August, the representative of the USSR again presented his alternative text (E/1472) to the proposed resolution on nationality.

After a short procedural discussion, the President of the Council ruled that the USSR draft resolution, inasmuch as it raised questions in no way related to the resolution on nationality, should be considered separately, after all the resolutions in the report of the Social Committee (E/1463) had been dealt with. On being challenged, the ruling was upheld by 15 votes to 3. The Council adopted the resolution proposed by the Social Committee by 14 votes to 3, with 3 abstentions. Resolution 242(IX)C reads as follows:

"The Economic and Social Council,

"Noting the conflicts in law and in practice relating to the nationality of married women which are apparent from the replies of Governments to part I, section G, of the questionnaire on the legal status and treatment of women as summarized in the Secretary-General's report on this subject,

"Noting that article 15 of the Universal Declaration of Human Rights states that:

"1. 'Everyone has the right to a nationality';

"2. 'No one shall be arbitrarily deprived of his

nationality nor denied the right to change his nationality'.

"Considering that a convention on the nationality of married women, which would assure women equality with men in the exercise of these rights and especially prevent a woman from becoming stateless or otherwise suffering hardships arising out of these conflicts in law, should be prepared as promptly as possible,

"Invites Member States to transmit to the Secretary-General by November 1949 their replies to the supplementary list of questions on nationality and domicile as they affect the status of married persons;

"Requests the Secretary-General to prepare and circulate to Member States an analysis of the conflicts in law demonstrated in documents E/CN.6/82, E/CN.6/82/Add.1 and 2 and E/CN.6/81/Rev.1 and in any further replies received from Governments;

"Invites Member States to transmit to the Secretary-General by 1 April 1950, on the basis of this analysis, their comments and suggestions as to the resolution of these conflicts; and

"Requests the Secretary-General to provide the Commission on the Status of Women, at its fourth session, with a summary of the replies received from Governments and suggestions as to alternative articles which might be incorporated into such a convention, with a view to the final drafting of a convention at an early date."

At its 317th meeting on 2 August, the Council considered that its resolution 154(VII)D had already drawn the attention of the Commission on Human Rights to the questions raised by the draft resolution proposed by the representative of the USSR (E/1472). It therefore decided, by 10 votes to 3, with 5 abstentions, to take no action on the matter and to transmit the records of the discussion thereon to the Commission on Human Rights.

6. Property Rights of Married Women

The Commission, at its third session, noted that the Council, in resolution 154(VII)G, had drawn attention to divergencies in various legal systems with respect to the rights of married women, some of them restricting their right to act as guardians, to control property and earnings, to undertake independent business ventures and to engage in various other activities. It noted, moreover, that in some areas, laws and practices differed also in regard to the rights of married women to inherit property and to receive pensions. The Commission, accordingly, requested the Secretary-General to submit to its members, at least four months in advance of its fourth session, the sections of the Questionnaire on the Legal Status and Treatment of Women which are pertinent to the property rights of married women.

²⁶According to the rules of procedure, if a vote is equally divided on matters other than elections, the proposal is regarded as rejected.

7. Technical Assistance for Women

The Commission considered that there was a need for expert assistance in advancing the status of women, and especially in stimulating their interest in civic and community activities. There was a need also for better technical assistance in the organization of household tasks and for increased professional training to enable women to qualify for executive posts in commerce, trade, industry and government.

It recommended that the Secretary-General take these needs into account in his proposals for expert and technical assistance, including the provision of necessary funds. The question was discussed at the 104th meeting of the Social Committee on 26 July, and at the Council's 316th plenary meeting on 1 August.

The representative of the United States introduced a draft resolution (E/AC.7/W.88), which noted the Commission's request for assistance in regard to certain fields, and invited the Commission, at its next session, to give further consideration to these questions and to make specific proposals for the consideration of the Secretary-General in formulating further plans for technical assistance. This proposal was supported by the representative of the United Kingdom.

The representative of the Byelorussian SSR was of the opinion that the programme outlined in the Commission's proposal was a matter for individual Governments, and United Nations expenditure on it would therefore be unjustified. Furthermore, he could not support the United States proposal, as it would merely delay a decision. The resolution, as proposed by the representative of the United States, was adopted in the Committee by 14 votes to 2, with 1 abstention, and, at the Council's 316th plenary meeting, as resolution 242 (IX)E, by 14 votes to 4.

8. Means of Influencing Public Opinion

At its third session, the Commission requested the Secretary-General to provide a quarterly account of pertinent activities of the various organs of the United Nations and its specialized agencies relating to the status of women, and information about the progress of women in the different countries, utilizing the United Nations Bulletin in so far as possible.

It also requested him to invite Member States to prepare biographies of women prominent in the service of humanity in their respective countries

and to undertake, under the auspices of the United Nations, the publication and dissemination of these biographies by every available means. The Council discussed the question at its Social Committee's 104th meeting, and unanimously decided that no action should be taken.

It was the general opinion in the Council that the Secretary-General already had the authority to publicize the work of the United Nations and its specialized agencies, and that the Council had previously authorized him to take adequate measures for influencing public opinion regarding the status of women. At the same time, it was felt that the costs of the publication of biographies should not be borne by the United Nations.

9. Information Contained in Communications from Non-Governmental Organizations

The Commission considered that information contained in certain communications circulated by non-governmental organizations granted consultative status by the Council did not give a true picture of the conditions prevailing in Member States, and requested the Council to reconsider the procedure for the circulation of such communications in the light of this problem.

The Commission's recommendation was discussed at the 104th meeting of the Social Committee, and at the 316th plenary meeting of the Council.

The representative of India supported the resolution and stated that it was the right of the peoples represented in the United Nations to insist that statements circulated by the United Nations should first be verified and should not give a distorted picture of the conditions prevailing in Member States. Non-governmental organizations with consultative status were given special facilities for the collection and dissemination of information, but some of them were abusing these rights for propagandist purposes.

The representative of the United States, while agreeing that it was desirable to scrutinize the arrangements with the non-governmental organizations enjoying consultative status, suggested that the resolution was superfluous, since the Council, by its resolution 214(VIII)E,²⁷ had already instructed its Committee on Non-Governmental Organizations to review the arrangements with such organizations. He proposed that the draft resolution should be referred to that Committee.

²⁷ See p. 711.

This view was supported by the representatives of New Zealand and the United Kingdom.

The representatives of the USSR and Poland opposed the Commission's draft resolution on the grounds that it was obscure and implied restriction of the right of non-governmental organizations to express their own views. Before a decision could be taken on such a matter, fuller information would have to be made available. The representative of USSR therefore proposed that the draft resolution be withdrawn. The representative of Brazil agreed that the resolution was obscure and vague.

The proposal made by the representative of the United States was approved by the Committee by a vote of 12 to 4, with 2 abstentions.

The proposal of the representative of the USSR that the draft resolution should be withdrawn was rejected by a vote of 3 in favour to 13 against, with 2 abstentions.

At the 316th plenary meeting of the Council, the recommendation of its Social Committee was adopted by 15 votes to 3. Resolution 242 (IX) G referred the resolution of the Commission to the Council Committee on Non-Governmental Organizations for its consideration in connexion with its review of consultative arrangements with non-governmental organizations.

D. THE PRINCIPLE OF EQUAL PAY FOR EQUAL WORK

The Economic and Social Council, at its seventh session, in view of the pressure of business, deferred consideration of the question of the principle of equal pay for equal work for men and women workers. On the basis of the recommendation of the Commission on the Status of Women, the Council adopted resolution 154 (VII) G, which invited Members to adopt measures to ensure that women shall benefit by the same rights as men in regard to employment and wages, leisure, social insurance and professional training, and to ensure that the rights of mothers and children shall be legally safeguarded.

The Council considered this question during its eighth session, at its 236th to 238th, 242nd and 243rd plenary meetings, on 14, 15, 17 and 18 February 1949. It had before it a report from ILO on the action taken at the 31st session of the International Labour Conference and the 107th session of the Governing Body of ILO (E/881/Rev.1) with respect to the principle of equal pay for equal work by men and women workers.

The International Labour Conference, in July 1948, had adopted a resolution in which it drew

10. Co-operation with the World Health Organization

Considering the importance of the programme of the World Health Organization as it relates to the special needs of women and opportunities for them to be of service both as doctors and nurses, the Commission called attention to the existing world-wide shortage of health workers, especially of nurses, and recommended to the Council that it request the World Health Organization to ascertain the areas where this need is greatest and to encourage prompt expansion of training facilities for the nursing profession in these areas. It further asked the Council to request the World Health Organization to include in its fellowship programmes equal opportunities for men and women for the further training of nurses and doctors, and to invite the organization to take full advantage of the experience gained by women in the profession of nursing and in other health matters.

The Economic and Social Council, without discussion, adopted this recommendation at the Social Committee's 104th meeting, by 14 votes to none, and at its 316th plenary meeting, by 15 votes to none, with 3 abstentions, as resolution 242 (IX) F.

the attention of the members of ILO to the statement on the principle of equal pay for work of equal value contained in its Constitution, in the Minimum Wage-Fixing Machinery Recommendation, 1928, and in resolutions adopted at several international and regional conferences. The Conference also drew the members' attention to the importance of taking appropriate measures to secure the effective application of the principle in the case of men and women workers, including, in particular, measures to extend the opportunities for employment available to women workers, and the provision for adequate facilities for vocational and technical training of women. The Conference further provided for the continuance and extension of studies on the question. At its 107th session in December 1948, the Governing Body of the International Labour Organisation, the report stated, had decided to consider the subject further at its 33rd session in 1950. It was understood that the agenda item would include consideration of what is meant by equal pay for men and women workers for work of equal value, of the ways in which this principle should be applied, and of the

measures which should be taken to facilitate its application.

The Council also had before it a report by the Secretary-General (E/1096), concerning actions taken by various Governments to implement the principle of equal pay for work of equal value for men and women workers "in every way, irrespective of nationality, race, language and religion", as called for by the Council at its sixth session (121 (VI)).²⁸ Communications had been received from Australia, Bolivia, Burma, Canada, China, Czechoslovakia, France, Greece, Guatemala, India, Lebanon, Mexico, Netherlands, Norway, Pakistan, Panama, Poland, Thailand, Turkey, Union of South Africa, United Kingdom and United States. The report also noted that communications had been received from the American Federation of Labor, World Federation of Trade Unions, International Federation of Christian Trade Unions, International Alliance of Women—Equal Rights—Equal Responsibilities, Liaison Committee of Women's International Organizations and National Association of Manufacturers on their views on the principle of equal pay for work of equal value.

Some members of the Council expressed the view that, as the Commission on the Status of Women had held no session since the Council's sixth session and was scheduled to hold its third session in March 1949, and since several of the non-governmental organizations in category (a) had not sent their views to ILO or to the Council, no decision should be taken until the reports from these bodies had been received. Other members considered that equal pay for equal work for men and women workers represented the application of the principle of equality of rights for men and women proclaimed in the preamble of the Charter of the United Nations. They argued that the decision of the Governing Body of ILO and the proposal to delay Council action until further reports were received would postpone the implementation of that principle.

The Council, on 18 February 1949, at its 243rd plenary meeting, by 15 votes to 3, decided to invite ILO to report to the Council specifically on the subject of equal pay for equal work after the first discussion of the proposed conventions and recommendations had taken place at the 33rd session of the International Labour Conference. It referred the entire documentation on equal pay to the Commission on the Status of Women, with the recommendation that it (a) make available to ILO any relevant material in its possession; and (b), in its own deliberations, examine all relevant documents (196(VIII)).

The Commission discussed the question of equal pay for equal work at its third session, in March-April 1949 (E/1316). In accordance with the Council resolution, it examined the relevant documents on the subject. It heard the report of ILO, presented by its representative, as to the progress and plans for work of ILO, including plans for its discussions at the 33rd session of the International Labour Conference.

The Commission noted from the report of ILO that, although the differences between men's and women's wages had decreased in some countries in recent years, such differences were still substantial in many countries. Measures should therefore be taken to eliminate some of the factors which might account for the lower wages paid to women workers. The Commission reaffirmed its support of the principle of equal pay for equal work for men and women, as stipulated in article 23, paragraph 2, of the Universal Declaration of Human Rights. It recognized that ILO was the specialized agency with particular responsibility for the development of international conventions and recommendations on this question, and requested it to include four points in its study:

- (a) Adoption of the principle of rate-for-the-job rather than rate-based-on-sex;
- (b) Granting to women the same technical training and guidance, access to jobs and promotion procedures as to men;
- (c) Abolition of the legal or customary restrictions on the pay of women workers; and
- (d) Provision of measures to lighten the tasks that arise from women's home responsibilities, as well as the tasks relating to maternity.

The Commission requested the Council to adopt recommendations to this effect and to recommend to Members States that they take action along the lines indicated in these four points.

At its ninth session, the Economic and Social Council considered the question of equal pay for equal work during its discussion of the report of the third session of the Commission on the Status of Women (E/1316), at the 102nd to 104th meetings of its Social Committee, on 25 and 26 July, and the 316th plenary meeting on 1 August 1949.

Some members of the Council considered that the merits of the question should not be prejudged before ILO had completed its consideration of the matter, and that the Commission's draft resolution should be sent to ILO for its information and consideration. Others objected that this procedure

²⁸See Yearbook of the United Nations, 1947-48, pp. 605-6.

would prolong the consideration of the question on which considerable time had been spent, and that the Commission itself had neglected to give the question proper attention.

The representative of New Zealand stated that he favoured the principle of equal pay for equal work for men and women workers, but thought that the realization of it would take time. ILO had a particular responsibility in the field and should consider the question at its 1950 Conference. He therefore proposed (E/AC.7/W.87) that the Council transmit the resolution of the Commission to ILO, for its information and consideration in connexion with the action it had already initiated. He later revised this (E/AC.7/W.87/Rev.1) to include an amendment proposed by the United Kingdom representative which, in addition, would transmit to ILO that part of the Commission's report relating to the resolution, along with the Social Committee's discussions.

The New Zealand proposal was supported by the representatives of Brazil, the United Kingdom and the United States. The representative of Belgium stressed that men and women should not be considered solely in relation to their economic utility to the community. The family possessed inalienable rights prior to society and the state. He presented an amendment (E/AC.7/W.84), supported by the representative of France, which would add the following to the points to be studied: "(e) A supplementary study on the economic value of women's work in the home, with a view to its numerical computation and comparison with contributions in the form of wages." He later withdrew this amendment, on the understanding that the International Labour Organisation would go fully into the question of the economic value of women's work in the home.

The representative of Poland, in answer to the representative of Belgium, pointed out that in her opinion there was no question that the granting of

economic rights to women would endanger their functions as mothers. The home was an essential factor of society, but family life should be based on the complete equality resulting from acceptance of the principle that woman's work entitled her to equal pay with man.

The representatives of Denmark, Poland and the USSR supported the Commission's proposal. They were of the opinion that the Council should take action at this stage instead of merely leaving the matter up to ILO.

The Committee, at its 104th meeting on 26 July, adopted by 14 votes to none, with 3 abstentions, the New Zealand draft resolution (E/AC.7/W.87/Rev.1) in place of the draft resolution proposed by the Commission. The Council, at its 316th plenary meeting, adopted, without discussion; by 15 votes to none, with 3 abstentions, resolution 242(IX)D, as follows:

"The Economic and Social Council,

"Noting the resolution on equal pay for equal work adopted by the Commission on the Status of Women at its third session,

"Noting that the question of equal remuneration for men and women workers for work of equal value has been placed on the agenda of the next session of the International Labour Conference, and

"Noting that, in preparation for the consideration of this item by the International Labour Conference, the International Labour Office will shortly issue a report on equal remuneration for men and women workers for work of equal value, including the legislative measures taken to implement the principle of equal pay for equal work,

"Decides to transmit that part of the report of the third session of the Commission on the Status of Women dealing with the question of equal pay for equal work for men and women workers, together with the records of the discussions at the third session of the Commission and the ninth session of the Council on this subject, to the International Labour Organization for its information and consideration in connexion with the action already initiated by the International Labour Organization; and

"Requests the Secretary-General to transmit to the International Labour Organization all other pertinent information, statements and documentation on this subject which have been or may be brought to his attention."

E. REFUGEES, DISPLACED PERSONS AND STATELESS PERSONS

At its seventh session, the Economic and Social Council considered the report²⁹ on the progress and prospect of repatriation, resettlement and immigration of refugees and displaced persons, submitted by the Secretary-General in collaboration with the Executive Secretary of the Preparatory Commission for the International Refugee Organization, in accordance with resolutions adopted by

the Assembly at its second session (136(II)), and the Council at its sixth session (122(VI)A).

The Council asked the Secretary-General (resolution 157(VII))

"to transmit the report, together with this resolution and such additional relevant data as may be available from

²⁹ For details of the report, see Yearbook of the United Nations, 1947-48, pp. 645-46.

the Preparatory Commission for the International Refugee Organization, to the General Assembly at its third regular session for its information, sympathetic consideration and such further action as it may deem appropriate."

1. Consideration by the General Assembly at its Third Session

At its third regular session, the Assembly considered the Council's report on the question (A/636) in conjunction with the agenda item, "Problem of refugees and displaced persons", which had been proposed by the Polish delegation (A/614). Due to lack of sufficient time, it was decided, by 30 votes to 4, at the 180th meeting of the Third Committee on 8 December 1948, to defer consideration of the question to the second part of the third session.

The matter was then discussed at the 228th and 229th meetings of the Third Committee on 12 May, and at the 215th plenary meeting on 16 May 1949.

a. DISCUSSIONS IN THE THIRD COMMITTEE

The Committee first considered a draft resolution submitted by the representative of Poland (A/C.3/513) which, *inter alia*, asked

- (a) that an end should be put to all propaganda and pressure to dissuade refugees from returning to their countries of origin;
- (b) that repatriation be encouraged and completed by 1950;
- (c) that emigrating refugees should be protected against exploitation and that, to that end, emigration should be regulated by bilateral agreements between the emigrant's country of origin and the country to which he was emigrating;
- (d) that the emigrant's right of return to his country of origin, at the expense of the country of immigration, should be guaranteed;
- (e) that all Polish children in Germany should be repatriated.

During the debate the representatives of the Byelorussian SSR, Poland, the Ukrainian SSR and Yugoslavia, *inter alia*, claimed that nothing had been done to implement the Assembly's resolution 8(I), which had called for an early return of the refugees to their countries of origin. Resettlement had been substituted for repatriation by IRO on the pretext that the refugees did not want to return. Repatriation officers had been unable to establish contacts in the camps, and pamphlets were being distributed by a number of countries which portrayed false conditions in the Eastern European countries, and encouraged emigration instead of repatriation. The USSR had proposed, at the

eight session of the Economic and Social Council (see below), that an international investigation should be conducted by a qualified commission to ascertain the conditions in both the capitalistic countries and in the people's democracies, but this proposal had been rejected. There were a number of missions recruiting workers for overseas countries, including the United States, Canada, Brazil, Argentina, Venezuela, Bolivia, Chile, Peru, Uruguay and Australia. The result of this had been a breakdown in repatriation. During the second part of 1948, 4,000 had been repatriated as against 130,000 resettled abroad. Many children who could have been repatriated were still in the British and American zones of Germany. The representative of the USSR particularly wished to know by what right orphans had been sent to countries other than those of their origin. Some 70,000 Ukrainians, and 400,000 Soviet citizens, as well as citizens of other countries, were still in repatriation camps.

Moreover, conditions in the camps were very poor. Refugees were being gathered into semi-military formations, such as the "security guards" in the western zones of Germany and Austria, and in United States military camps in France. These groups were becoming hotbeds of fascism and war propaganda. Former collaborators and traitors were housed in the camps and in many instances were in a position to terrorize the refugees if they as much as indicated a wish to be repatriated. When these countries had sent investigation groups, false conditions had been staged. Yugoslavia had submitted proof and had asked for an investigation but had been turned down.

Concerning resettlement, it was stated that only refugees in the best of health were taken, and usually their families were not permitted to accompany them. Intellectuals were for the most part excluded. IRO was presiding over a cheap labour market for Western Europe and overseas. In Belgium, France, Canada, the Netherlands and the United Kingdom, the representatives of Poland and the USSR claimed, the refugees did harder work than the local people, were paid less and were badly housed.

In reply to these accusations, the representative of the United Kingdom stated that in 1945 the only solution contemplated had been repatriation. It was primarily the refugees from Eastern Europe who did not want to return to their countries of origin that had created the present problem. The representatives of the United Kingdom and Canada both stressed that repatriation missions had been given free access to the displaced persons camps, but held that displaced persons should not be forced to yield to representatives of these missions.

The representatives of the Philippines and Egypt, while agreeing that refugees should be given full freedom to decide whether or not they wanted to return to their countries of origin, stressed that there were those who had chosen not to, and that they should not be forced to go.

The representative of the United Kingdom stated that more than 3,000 children had been repatriated from the British zone and that only 1,044 remained. He felt that repatriation would go faster if Poland, for example, would facilitate the exchange of information. It was necessary to have indisputable proof of nationality and family before repatriating the children.

Concerning admission of refugees, the representative of France stated that his country had admitted 15,000 workers and 35,000 men and women unable to work. Actually many others had crossed the border in a clandestine manner. The representative of Australia stated that Australia's doors were wide open, while the representative of Venezuela said that his country preferred family groups and, in fact, had taken 14,000 persons.

In answer to the charge that conditions were very poor for the refugees that had emigrated, the representatives of the United Kingdom and France stated that these accusations had not been and could not be verified. These representatives, as well as those of Argentina, Canada and Uruguay, claimed that working and living conditions were the same for refugees as for nationals, and that they were protected by the same social laws. The representative of Venezuela pointed out that it took time to settle large groups, but that conditions improved daily and the majority of the immigrants were satisfied. In reply to an accusation that many refugees now wanted to leave the countries to which they had been sent, the representative of the Netherlands stated that, in the case of the workers who had come to the Netherlands, some now wished to leave, not because they were disappointed but because they wished to emigrate overseas. At the time they had been sent to the Netherlands that opportunity had not been available.

The draft resolution submitted by Poland (A/C.3/513) was rejected by 6 votes in favour, to 19 against, with 11 abstentions. Several representatives stated that they objected to it primarily because of the spirit in which it had been offered.

The Committee then considered the report of the Economic and Social Council on the repatriation, resettlement and immigration of refugees and displaced persons. A draft resolution on this question, submitted by Brazil, the Netherlands, the United Kingdom and the United States (A/C.3/403), was withdrawn in favour of a shorter text

(A/C.3/518), which was adopted, with slight amendment and without discussion, by 27 votes to 5, with 1 abstention. This resolution noted the report of the Secretary-General (E/816/and Add. 1, A/C.3/375), drawn up in consultation with the International Refugee Organization on the repatriation, resettlement and immigration of refugees and displaced persons.

b. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The Third Committee's report (A/871) and recommendations were considered by the General Assembly, at its 215th plenary meeting, on 16 May 1949. Charges and countercharges were again exchanged among the representatives of various countries; these were mainly repetitions of what had previously been said in the debates of the Third Committee.

Following the discussion, the Assembly, at its 215th plenary meeting on 16 May 1949, adopted by 42 votes to 6, with 4 abstentions, the resolution proposed by the Third Committee as its resolution 281(III). It read as follows:

"The General Assembly

"Takes note of the report of the Secretary-General, drawn up in consultation with the International Refugee Organization on the repatriation, resettlement and immigration of refugees and displaced persons."

The President then put to vote the following draft resolution submitted by the delegation of Poland (A/883):

"The General Assembly,

"Reaffirming its resolutions 8 (I) of 12 February 1946 and 136 (II) of 17 November 1947 which state that 'the main task concerning displaced persons is to encourage and assist in every possible way their early return to their countries of origin', and 'that no obstacles be placed in the way of the early fulfilment of this task',

"Considering that the only just solution of the problem of children who are outside their countries and unaccompanied by their parents as a result of the war against Germany and Japan is the immediate repatriation of all such children,

"Recommends to Members of the United Nations:

"(1) In order to ensure for refugees and displaced persons suitable conditions for really free decisions with regard to their return to their country of origin, and in order to remove any hindrance to the solution of the problem of refugees and displaced persons:

"(a) Not to permit in camps for refugees and displaced persons, any activities or propaganda directed against their return to their country of origin,

"(b) Not to permit the persecution of displaced persons who wish to return to their country, by defending the rights of these persons against arbitrary action by camp administrations,

"(c) To remove from the camp administration persons who have collaborated with the Fascists, and to remove war criminals and any other persons acting in a manner detrimental to the implementation of the Gen-

eral Assembly resolutions of 12 February 1946, 15 December 1946 and 17 November 1947,

"(d) Not to tolerate the presence in camps of persons carrying on hostile activities or propaganda against any State Member of the United Nations,

"(e) To prohibit the recruitment of displaced persons in military and para-military organizations, such as security guards or other similar organizations, and to arrange for the demobilization of all refugees and displaced persons already belonging to such organizations;

"(2) To terminate in 1949 the repatriation of all refugees and displaced persons who, in conditions of absolute freedom, may decide to return to their countries;

"(3) To settle the question of the resettlement in other countries of refugees and displaced persons who do not wish to return to their countries exclusively within the framework of agreements with the governments of their countries of origin. These agreements should be based on the following principles:

"(a) The guarantee to emigrants of the absolute protection of their economic and social rights, on the basis of complete equality with the citizens of the country of immigration,

"(b) Facilities for the governments of the countries of origin to supervise the practical implementation of these agreements,

"(c) Facilities for immigrants who may subsequently express the wish to return to their own countries to make the return journey at the expense of the country which received them,

"(4) To take the most active possible measures for the immediate repatriation of all children who as a result of the war are unaccompanied by their parents and outside their own countries."

At the request of the mover of the resolution, the draft was voted upon in parts with the following results:

The preamble was rejected by 10 votes in favour to 26 against, with 13 abstentions. Part (1), beginning with the words "In order to ensure", down to (b) ending with the words ". . . against arbitrary action by camp administrations", was rejected by 10 votes in favour to 26 against, with 12 abstentions. The remainder of part (1), which comprises sub-paragraphs (c), (d) and (e), was rejected by 6 votes in favour to 29 against, with 16 abstentions. Paragraph (2) was rejected by 6 votes in favour to 25 against, with 18 abstentions. Paragraph (3), including sub-paragraphs (a), (b) and (c), was rejected by 3 votes in favour to 28 against, with 20 abstentions. Paragraph 4 was rejected by 6 votes in favour to 26 against, with 17 abstentions. The proposal, as a whole, was rejected by 6 votes in favour to 31 against, with 14 abstentions.

2. Action Taken by the Economic and Social Council at its Eighth Session

In the meantime, the Economic and Social Council, at its eighth session, in February-March 1949,

considered a further report of the International Refugee Organization on the resettlement of non-repatriable refugees and displaced persons (E/-1092), submitted in accordance with the Council's resolution 157 (VII).

The report described the consultations which IRO had undertaken, in accordance with the General Assembly's resolutions, with Members of the United Nations concerning resettlement of non-repatriable refugees and displaced persons. It also reported the results of IRO's negotiations with countries receiving refugees. IRO proposed that the Council support the resolution adopted by the General Council of IRO in September 1948. This resolution had emphasized that to solve the refugee problem it was necessary for Governments to accept not only refugees and displaced persons who were economic assets, but also their dependents, who by reason of age and physical or other handicaps would make no or only a partial contribution to their own support, and also to accept orphaned children and other persons without family ties. The IRO resolution also appealed to individuals, Governments and organizations for a widespread effort to achieve a broad resettlement programme. It had drawn the attention of Governments to the special problem of intellectual refugees and the importance of permitting them to continue in their countries of reception to follow their intellectual pursuits.

The Council considered the report at the 74th to 78th meetings of its Social Committee on 25 and 28 February and 1 March, and at its 246th, 266th, and 267th plenary meetings on 21 February and 8 and 9 March 1949.

The discussion in both the Social Committee and in the Council's plenary meetings consisted of charges and countercharges substantially the same as those made later at the second part of the third session of the General Assembly (see above).

The Council, at its 267th plenary meeting on 9 March, adopted by 14 votes to 3 resolution 208(VIII), as follows:

"The Economic and Social Council

"Notes the report submitted by the International Refugee Organization in implementation of Council resolution 157 (VII);

"Approves the efforts made so far by the IRO to extend the resettlement of refugees in family units;

"Stresses the necessity for continuing such efforts, through negotiations with countries receiving displaced persons; and

"Requests receiving countries to examine sympathetically every possibility:

"(a) Of still further broadening their definition of the family unit when drawing up their resettlement programmes;

"(b) Of admitting a greater proportion of intellec-

tual refugees and of assisting in their professional readaptation where necessary."

The representative of the USSR was of the opinion that this resolution was, in fact, designed to prevent any repatriation, and he could not accept such a decision. He therefore had submitted a draft resolution (E/1223), as follows.

"The Economic and Social Council,

"Having examined the report of the International Refugee Organization on the resettlement of refugees and displaced persons,

"Having regard to Resolution 136/II of 17 November 1947, in which the General Assembly 'Reaffirms its position that the main task concerning displaced persons is to encourage and assist in every possible way their early return to their countries of origin, in accordance with the General Assembly resolution of 12 February 1946, and that no obstacles be placed in the way of the early fulfilment of this task',

"Recognizing that the problem of the repatriation of refugees and displaced persons still remains unsolved,

"Resolves,

"1. With a view to eliminating the existing obstacles, often artificially created, in the way of a solution to the problem of refugees and displaced persons:

"(a) To prohibit propaganda and agitation in camps hostile to any of the United Nations, and, equally, propaganda and agitation designed to impede the return of displaced persons to their countries of origin; to abolish all organizations ('committee', 'centres' etc.) conducting such propaganda among displaced persons;

"(b) To prohibit the recruitment of displaced persons into military and semi-military organizations (security units, guard detachments, etc.) and to release immediately from such organizations all displaced persons and refugees already enrolled in them;

"(c) To remove from camp administrations former collaborators with fascists war criminals and persons who by their activities undermine the fulfilment of the General Assembly decisions cited above and prevent displaced persons and refugees from returning to their homelands;

"(d) To prevent the persecution of displaced persons desiring to return to their homelands and to protect them from arbitrary acts and oppression at the hands of representatives of camp administrations.

"2. With a view to the speediest possible fulfilment of the General Assembly resolution of 12 February 1946, which declares 'that the main task concerning displaced persons is to encourage and assist in every possible way their early return to their countries of origin', to take the following measures:

"(a) To complete the repatriation of all refugees during 1949; to solve the problem of permanently settling in new homes refugees and displaced persons who do not desire to return to their homelands by agreement with the Governments of their countries of origin;

"(b) To take the most energetic measures for the immediate return to their homelands of all children left orphaned outside their own countries as a result of the war with Germany and Japan;

"(c) To secure for the official representatives of the Allied countries concerned with repatriation the right of free entry into displaced persons' camps, inspection of rolls and documents appertaining to displaced persons and free discussion with them;

"(d) To ensure that the administration of camps for displaced persons and refugees consist primarily of representatives of the States of which the displaced persons are nationals.

"3. The Council notes that despite the above-mentioned General Assembly resolutions and the bilateral agreements concluded between the countries concerned with the repatriation of displaced persons from the Western zones of occupation of Germany, obstacles to repatriation continue to exist unchallenged in those zones.

"The Council notes that the United States military forces in Germany disregard the international obligations of the United States of America with regard to the repatriation of displaced persons and are evading the fulfilment of these obligations."

This proposal was rejected at the 267th plenary meeting, in paragraph by paragraph vote.

3. Action Taken by the Council at its Ninth Session

At its ninth session, the Council had before it: (1) a report of the International Refugee Organization on its activities for the period 1 July 1947 to 31 December 1948 (E/1334); (2) a study on the protection of stateless persons, prepared by the Secretary-General (E/1112 and E/1112/Add. 1 and 2) in accordance with resolution 116(VI)D adopted by the Council at its sixth session; (3) a communication from the International Refugee Organization (E/1392), containing a memorandum from the organization on the problem of statelessness with particular reference to international protection after the activities of IRO have been finally terminated.

The Council discussed these questions at the 113th and 114th meetings of its Social Committee on 1 August, and at its 325th to 327th, 336th and 337th plenary meetings on 6, 8, 11 and 12 August 1949.

a. ACTION ON IRO REPORT

During the discussion of the report of the International Refugee Organization, attention was drawn by the Director-General of IRO and by members of the Council to the fact that, according to existing plans, the work of the organization would be brought to an end on 30 June 1950, and that there might remain about 180,000 persons who would not have been repatriated or resettled. The relation of this problem to that of statelessness (see below) was also pointed out.

The activities of the IRO were criticized by the representatives of the Byelorussian SSR, Poland and the USSR, who saw in the IRO's report "additional evidence that it had become a commercial enterprise with a monopoly in the supply of cheap

labour". However, the majority of the members of the Council spoke favourably of IRO's work.

At its 325th plenary meeting on 6th August, after rejecting by 14 votes to 3, with 1 abstention, a USSR draft resolution (E/1493) requesting the Secretary-General to ask Governments to furnish detailed information in regard to displaced persons and refugees on their territories, the Council, by 14 votes to 4, adopted resolution 247 (IX) expressing appreciation of the report of IRO and requesting the Secretary-General to transmit to IRO the records of the discussion.

b. STUDY OF STATELESSNESS AND THE PROTECTION OF STATELESS PERSONS

The Council, at its sixth session, in resolution 116(VI)D requested the Secretary-General, in consultation with the interested commissions and specialized agencies: (a) to undertake a study of the existing situation in regard to the protection of stateless persons by the issuance of necessary documents and other measures, and to make recommendations to an early session of the Council on the interim measures which might be taken by the United Nations to further this object; (b) to undertake a study of national legislation and international agreements and conventions relevant to statelessness, and to submit recommendations to the Council as to the desirability of concluding a further convention on this matter.³⁰

The Secretary-General, accordingly, prepared a study (E/1112 and Add.1 and 2) in two parts: Improvement of the Status of Stateless Persons; and Elimination of Statelessness. Each part contained his recommendations to the Council in accordance with the terms of its resolution. These included the suggestions (1) that the Council recognize the necessity of a convention, based on the agreements now in force, determining the legal status of stateless persons as such, but excluding war criminals and such other categories of persons as are specified in the convention; (2) that, to this end, the Council instruct the Secretary-General, in consultation with the Director-General of IRO and the administrative heads of the other specialized agencies concerned, or an ad hoc committee of the Council, to prepare a draft convention including certain specified provisions; and (3) that the Council recognize the necessity of providing, at an appropriate time, permanent international machinery for ensuring the protection of stateless persons.

The Secretary-General recommended further that, in order to eliminate the sources of statelessness, the principles that every child must receive

a nationality at birth and that no person should lose his nationality until he has acquired a new one, must be universally recognized and applied. Detailed proposals were made as to the manner in which stateless persons might acquire a nationality. The Secretary-General also recommended that the Council request him to continue to study measures for the elimination of statelessness and its causes, with a view to submitting to a forthcoming session a report indicating whether, in his opinion, existing international conventions and agreements should be revised, or whether one or more new international conventions on the subject should be concluded, and to draft international instruments to that end.

At its eighth session, the Council deferred consideration of this item.

At its ninth session, it considered the study in conjunction with the communication from the International Refugee Organization (E/1392) containing a memorandum from the General Council of IRO on the problem, with particular reference to international protection after the activities of IRO have been finally terminated.

The discussion centred around two main proposals: one, relating to the kind of international body that should be set up for the protection of refugees and stateless persons after the International Refugee Organization terminated its services; and the other, relating to the preparation of a convention on the international status of refugees and stateless persons and on the means of eliminating statelessness.

On the first of these two questions, the representatives of Belgium and France jointly proposed (E/1447 and Rev.1) that the Council should recommend to the General Assembly that it decide on the establishment of a High Commissioner's Office for Refugees, at a sufficiently early date to enable the Office to ensure the protection of refugees when the IRO terminates its functions, and to make the necessary provision in the budget for the financial year 1950 to enable such an office to be financed.

The urgency of the problem was emphasized by the authors of the proposal, who thought that the Council should take immediate action. It was said that if, alternatively, the continuing services for the protection of refugees were entrusted to the Secretariat of the United Nations, it would be difficult to include countries, such as Switzerland and Italy, which, although not members of the United Nations, wished to be associated with the work. It was pointed out that the functions of the

³⁰ See Yearbook of the United Nations, 1947-48, p. 583.

High Commissioner could best be discharged by a man of high calibre, such as the late Dr. Nansen.

The representatives of Australia and the United States, among others, objected to this proposal on the grounds that the Council was not yet in a position to judge between the advantages and disadvantages of a High Commissioner's Office, as opposed to the establishment of a service within the Secretariat of the United Nations, and that the whole question required further study, not only by Governments but by administrative and financial experts. They submitted a joint amendment (E/1490) which proposed that the Secretary-General, in consultation with the Advisory Committee on Budgetary and Administrative Questions, should prepare for consideration at the fourth session of the General Assembly a plan for such organization, within the framework of the United Nations, as might be required to enable the United Nations to discharge the function of legal protection of refugees, taking into account the alternatives of a High Commissioner's Office and of a stateless persons' service within the Secretariat. The representative of the United Kingdom, among others, suggested an intermediate solution under which a High Commissioner's Office would be established within the framework of the Secretariat in a manner similar to that followed in establishing the office of the Director of Relief for Palestine Refugees.³¹ The opinion was expressed, *inter alia*, by the representative of New Zealand that the financial responsibilities for refugees and displaced persons should not continue to rest only with countries which were members of the International Refugee Organization, but should be more equitably distributed amongst all Members of the United Nations. Other representatives, among them the representative of the USSR, strongly opposed the establishment of a High Commissioner's Office or of a service within the Secretariat, because, in their opinion, the only possible way to solve the problem of refugees and displaced persons was by repatriation.

At its 326th plenary meeting on 6 August 1949, the Council adopted with slight change the amendments proposed jointly by Australia and the United States, and adopted, by 11 votes to 3, with 2 abstentions, the resolution which had been proposed by Belgium and France. In this resolution (248-(IX)A), the Council decided to request the Governments Members of the United Nations, and all other States, to provide, after the termination of IRO, the necessary legal protection for refugees who have been the concern of IRO under its mandate. It requested the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to prepare

for the consideration of the fourth session of the General Assembly a plan for such organization, within the framework of the United Nations, as might be required to enable the United Nations to discharge the functions of international protection and related functions, taking into account two alternatives:

(a) The establishment of a High Commissioner's Office under the control of the United Nations; and

(b) The establishment of a service within the United Nations Secretariat.

It further requested the Secretary-General, in consultation with the Advisory Committee, to transmit with such a plan of organization a proposal regarding the nature and extent of the legal protection functions to be performed, taking into consideration the experience of the League of Nations, the Intergovernmental Committee on Refugees and the International Refugee Organization, the various provisions of national legislation relating to refugees, the special problems in occupied areas, and the observations made by Governments during the ninth session of the Council. This proposal might also include:

(a) The methods by which States not Members of the United Nations may be brought into association with the work of the United Nations for refugees and stateless persons;

(b) The administration of any assistance funds which the General Assembly might put at the disposal of the United Nations for the benefit of certain classes of refugees;

(c) Reporting at stated intervals to the Council and the General Assembly concerning the effectiveness of existing international measures for the legal protection of refugees and such further international action as may be necessary.

Finally, the Council recommended that the General Assembly, at its fourth session: (a) decide the functions and organizational arrangements, within the framework of the United Nations, necessary for the international protection of refugees after the IRO terminates its activities; and (b) make the necessary budgetary provision for the financial year 1950 for the assumption of such functions.

The second proposal before the Council in its examination of the study of statelessness concerned the appointment of an ad hoc committee to consider the desirability of preparing conventions on the problem of refugees and stateless persons. This proposal was submitted in the form of a draft resolution by the United Kingdom delegation (E/1492).

The representative of New Zealand, while in

³¹ See resolution 212(III), pp. 202-3.

agreement with the representative of the United Kingdom with regard to the necessity for setting up an ad hoc committee, differed on the question of timing. He thought that the Secretariat could still do useful work in preparing a new draft convention, and that the setting up of an ad hoc committee by the Council would better be done when comments on that had been received. He therefore proposed an amendment to that effect (E/1495).

In the course of the debate, the majority of the members of the Council agreed that the distinctions between *de jure* and *de facto* stateless persons, and between stateless persons, refugees and displaced persons, must be made quite clear. Certain representatives, *inter alia*, those of the Byelorussian SSR and the USSR, said that the problem of refugees and displaced persons was a question of repatriation, while the question of statelessness was rather a matter to be solved by national legislation and not through international conventions. Other representatives, among them the representative of the United States, stated that they attached great importance to international action on statelessness, apart from the refugee problem as such, pointing out that stateless persons required international protection to secure their basic rights and to ensure them freedom of movement from country to country.

On 8 August 1949, the Council, at its 327th plenary meeting, rejected the New Zealand amendment, by 6 votes in favour to 11 against, with 1 abstention. After several amendments by the United Kingdom had been added to the original United Kingdom draft resolution, the Council adopted it, by 15 votes to 3, as resolution 248-(IX)B. By it, the Council decided to appoint an ad hoc committee consisting of representatives with special competence in this field from thirteen Governments. The representatives, taking into account comments made during the discussions at the ninth session of the Council on the subject, in particular as to distinction between displaced persons, refugees and stateless persons, should:

(a) Consider the desirability of preparing a revised and consolidated convention relating to the international status of refugees and stateless persons and, if they considered such a course desirable, draft the text of such a convention;

(h) Consider means of eliminating the problem of statelessness, including the desirability of requesting the International Law Commission to prepare a study and make recommendations on this subject;

(c) Make any other suggestions they deemed suitable for the solution of these problems, taking

into consideration the recommendations of the Secretary-General referred to above.

Finally, the Council invited the Secretary-General to submit the report of the committee to Governments for comments, and subsequently to submit it, accompanied by any such comments, to the Council at an early session.

The Council appointed the following countries members of the committee: Belgium, Brazil, Canada, China, Denmark, France, Israel, Poland, Turkey, The United Kingdom, The Union of Soviet Socialist Republics, The United States and Venezuela.

4. Consideration by the General Assembly at its Fourth Session

The General Assembly considered the item, "Refugees and stateless persons", arising out of the Council's resolution 248 (IX) A, at the 256th to 264th meetings of its Third Committee on 4, 8 to 12, 14 and 15 November 1949, and at its 264th and 265th plenary meetings on 2 and 3 December.

a. REPORTS PRESENTED TO THE ASSEMBLY

The Secretary-General, as requested by the Council in its resolution 248 (IX) A, presented a report to the Assembly (A/C.3/527) dealing mainly with the organization for "international protection and related functions" and with "the nature and extent of legal protection functions". The report also covered, to some extent, particular points mentioned in the Council's resolution, such as the role of non-member States and the administration of any assistance funds which the General Assembly might put at the disposal of the United Nations.

The Secretary-General, *inter alia*, discussed (1) the definition of the term "refugee" and the scope of the problem, (2) the nature and extent of international protection, and (3) organization and financial arrangements for the international protection of refugees.

He recommended that the proposed protection service should concern itself with those refugees who are within the scope of IRO, *i.e.*, broadly speaking, (1) persons outside their country of nationality or of former habitual residence (whether they have retained this nationality or are *de jure* stateless) who belong to any of several specified categories commonly recognized as having a refugee status; and (2) persons outside their country of nationality or former habitual residence who as a result of events subsequent to the outbreak of the Second World War are unable or unwilling to avail themselves of the protection of

the Government of their country of nationality or (in the case of stateless persons) of former nationality. The Secretary-General suggested that the General Assembly might wish to consider that the service should also afford protection, under certain conditions to be denned, to persons who are *de jure* stateless without being refugees.

Concerning legal protection, the Secretary-General noted that it was understood that international protection is complementary to the protection afforded by Governments, and should consist essentially of efforts to ensure that refugees who do not have the protection of the Governments of their countries of nationality or former habitual residence, should not be subject to legal and social disabilities arising from their peculiar status. In this connexion, he listed the possible functions which might be undertaken internationally with a view to removing these disabilities.

Of the two alternatives offered by the Council, a High Commissioner's Office under the control of the United Nations or a service within the United Nations Secretariat, the Secretary-General was of the opinion that the establishment of an office of High Commissioner would be the more appropriate. He considered that the High Commissioner should (1) possess the degree of independence and prestige necessary for the effective performance of his functions, (2) have the sole responsibility and authority for programme decisions and actions within the directives he received from the Assembly and Council, and (3) at the same time keep the Secretary-General informed of his activities and consult him to the greatest possible extent.

The Committee also had before it a note from the Secretary-General (A/C.3/528) transmitting a memorandum from IRO concerning the probable situation at the termination of IRO's operations. In addition, the note dealt with the special difficulties IRO was encountering in completing its programme and the Governmental assistance it expected. Among other things, IRO reported that it had proposed to Member Governments that IRO be continued for an additional period of nine months, i.e., to 31 March 1951. IRO requested the General Assembly to take decisions of principle forthwith on the question of the international protection of refugees after the termination of IRO, and to make preparations for the establishment of machinery which should come into force at a date not later than 1 January 1951.

The Advisory Committee on Administrative and Budgetary Questions reported (A/1059) that it had considered the report of the Secretary-General (A/C.3/527), which he had submitted to the Committee in accordance with the Council's reso-

lution 248 (IX) A. The Committee stated, *inter alia*, that it was of the opinion that, before recommendations on the organization and financial arrangements could be made, the Assembly must first determine the precise functions to be discharged by the United Nations. It endorsed the recommendations of the Secretary-General concerning the High Commissioner if the plan for a High Commissioner's Office was adopted. However, the Committee was of the opinion that the proposed structure was too elaborate, and that the figure of \$750,000 tentatively submitted by the Secretary-General for the first year's operations should be much smaller. The Committee proposed that a small planning office should be set up to operate before January 1951, and to study all aspects of the project in the light of the decision of principle taken by the General Assembly.

b. DISCUSSIONS IN THE THIRD COMMITTEE

The Committee also had before it a draft resolution submitted by France (A/C.3/529). The resolution would have the Assembly: (1) decide to establish a High Commissioner's Office for Refugees in accordance with the principles and procedure defined in the annex to the resolution (see below); (2) request the Secretary-General to undertake the study of a complete plan of administrative and budgetary arrangements and submit them to the eleventh session of the Council, so that the Assembly at its fifth session would be able to ensure the establishment of the Office no later than January 1951; and (3) decide further to resume consideration of the problem of refugees at its fifth session, with a view to making any financial arrangements which might appear essential for assisting particular categories of refugees.

The annex to the draft resolution contained recommendations concerning general principles to be adopted in solving the problem; organization of the Office; and the powers and duties of the High Commissioner. *Inter alia*, the general principles would recognize that:

(1) The final solution of the refugee problem should be sought in the voluntary repatriation and assimilation of refugees into national communities.

(2) Improvement of the situation of refugees necessitated close and loyal collaboration between the High Commissioner and Governments concerned.

(3) The High Commissioner's functions should not, except under special arrangements necessitated by exceptional circumstance and based on agreements concluded between the High Commissioner and Governments concerned, be exercised

in the form of executive services, but should consist of a higher direction, liaison and control service.

(4) All States should grant the High Commissioner the facilities needed.

(5) A consultative council should be set up in order to bring States not members of the United Nations into association with the work of the High Commissioner.

(6) He should co-operate with the various specialized agencies which should assist him to the full extent of their powers.

(7) His work should be entirely non-political.

During the discussions in the Third Committee, charges and countercharges were again made concerning violation of repatriation agreements, the use of war criminals and quislings in positions of authority in displaced persons camps, the use of propaganda to prevent repatriation and achieve a cheap labour market, and the barring of repatriation officers from the camps.

The representative of France, in presenting the draft resolution, stated that, while he was in favour of the establishment of a High Commissioner's Office, he had certain reservations. *Inter alia*, he was of the opinion that the problem of refugees could not be narrowed down to the question of the type of organization to follow IRO. It was necessary to decide on some form of international action calculated to solve the far wider problem of the existence and protection of refugees in general. He considered that the definitions made by IRO could only be retained provisionally, and that the High Commissioner should be responsible to the Assembly for the interpretation of those definitions. Moreover, because of the nature and vastness of the problem, the High Commissioner could not take the place of the competent government services as IRO had. The problem of protection had two separate aspects, and the international responsibility of each country was only the corollary to its national responsibility; that international responsibility should take the form of guidance, supervision, co-ordination and control.

The majority of the Committee agreed that it was important to reach a decision on principle, and supported the proposal to establish a High Commissioner's Office. The representatives of Sweden, the Netherlands, Greece, Australia and Canada were of the opinion that the High Commissioner's powers should not be confined to legal protection, but should be sufficiently supple to meet all requirements, including those of a material and social nature.

The representative of the Netherlands stated that he agreed with the French proposal to establish such an Office, as well as with the principle of

universality underlying it. However, he thought that the IRO definition of "refugee" could be adopted, although he agreed with the representative of France that it was time to give some thought to the fate of those who, for financial reasons, had not been given protection under IRO. The representative of the United Kingdom in general supported the French draft resolution. But he also thought that the IRO definition of "refugee" was sufficient. The High Commissioner, in his opinion, should act as an adviser for questions covering all those who might become stateless either *de jure* or *de facto*. Concerning the section in the draft resolution outlining the functions of the High Commissioner's Office, he preferred the proposal of the Advisory Committee on Administrative and Budgetary Questions (A/1059) to set up a small planning office before January 1951 to examine all aspects of the project in the light of decisions on principle to be taken by the General Assembly. The representative of Lebanon pointed out that, under the Universal Declaration of Human Rights, assistance to refugees was a duty, not just a humanitarian idea.

The representatives of Brazil and Mexico thought the decision on principle premature until the financial implications were clear. The representatives of Pakistan and India favoured IRO remaining in existence.

The representatives of Czechoslovakia, the Byelorussian SSR, the Ukrainian SSR and the USSR did not consider that the High Commissioner's Office, or any organization set up to follow in the footsteps of IRO, would solve the situation, since it would not provide for repatriation, which was the key to the problem.

The representative of the Byelorussian SSR therefore presented a draft resolution (A/C.3/L.25) which would have the Assembly recommend that Governments implement the Assembly resolution of 12 February 1946 (which stated that "the main task concerning displaced persons is to encourage and assist in every possible way their early return to their countries of origin") so as to complete repatriation of refugees, and request Governments to furnish complete information on refugees within their borders to the Secretary-General, who would report to the tenth session of the Council. The representatives of Czechoslovakia and Poland spoke in favour of this resolution. The representative of India, while not objecting to the wording, stated that the spirit in which it was presented made it unacceptable.

The representative of Yugoslavia did not think it necessary to set up an international centre for

protection. It would be better, he thought, if all States agreed on certain basic principles, and observed them strictly. However, in his opinion, the General Assembly should recommend that the Governments should conclude a convention defining the exact meaning of the term "refugee" and imposing a definite line of conduct on all States.

The representative of France submitted a further draft resolution (A/C.3/L.27) which would have the Assembly address an urgent appeal to all States to furnish IRO with the widest possible assistance, particularly in respect to the admission and care of refugees in the most distressed categories, and postpone until the Assembly's fifth session the examination of the problems of assistance raised by IRO in its memorandum (A/C.3/528). The representative of Australia stated that the issue of material assistance, particularly to the aged and infirm, was important, and he would therefore support this resolution.

The representative of the United States also presented a draft resolution (A/C.3/L.28) calling, inter alia, for the establishment of a High Commissioner's Office. The representative of France revised his original resolution (A/C.3/529) to take account of the views expressed in the Committee (A/C.3/L.26). The representatives of the United States and France agreed to combine these two resolutions into a single text.

In presenting this text (A/C.3/L.29), at the 262nd meeting of the Committee on 14 November 1949, the representative of the United States explained that the joint text contained all points on which agreement had been reached. The points of disagreement, however, remained as before. They concerned the refugees who were to fall within the competence of the High Commissioner, the question of whether the High Commissioner should be appointed by the Secretary-General or elected by the Council on the nomination of the Secretary-General, and the High Commissioner's authority to allocate funds.

The representative of the United States stated that, while the representative of France favoured the broadest possible definition of refugees, present and future, she, on the other hand, believed that the General Assembly should decide specifically for what particular groups of refugees it was willing to accept responsibility. She believed that the acceptance of responsibility for refugees by the United Nations was a serious matter on which only the Assembly should decide, whereas the representative of France argued that the High Commissioner should be free to intervene in any

emergency which might arise before action had been taken by the General Assembly.

The representative of the United States was also of the opinion that the High Commissioner should be appointed by the Secretary-General. Furthermore, it had been impossible to reach agreement on the question of material assistance. The French delegation held the view that the High Commissioner should be given the authority to allocate such funds as he might receive from Governments or private sources to Governments or private organizations for the direct administration of relief. The High Commissioner of the League of Nations, who had had such authority, had not in fact received funds from Governments or voluntary organizations, while the allocation and administration of the funds accruing from the sale of Nansen stamps had raised difficulties out of all proportion to their amount. Furthermore, voluntary agencies were in no position to grant funds to the High Commissioner, and such limited funds as they had could best be administered directly.

The joint draft resolution (A/C.3/L.29) read as follows:

"The General Assembly,

"Considering that the problem of refugees is international in scope and nature and that its final solution can only be provided by the voluntary repatriation of the refugees or their assimilation within new national communities;

"Having examined resolution 248 (IX) A of the Economic and Social Council dated 6 August 1949; the report of the Secretary-General of 26 October 1949 (A/C.3/527); and the communications dated 11 July (E/1392) and 20 October 1949 (A/C.3/528) from the General Council of the International Refugee Organization;

"Considering that in its aforesaid resolution the Economic and Social Council requested the Governments of States Members of the United Nations and of other States, to provide the necessary legal protection for refugees who have been the concern of the IRO, and recommended to the General Assembly at its Fourth Session that it should decide the functions and organizational arrangements within the framework of the United Nations necessary for the international protection of refugees after the IRO terminates its activities;

"1. Decides to establish as of 1 January 1951 a High Commissioner's Office for Refugees in accordance with the provisions of the annex to the present resolution;

"2. Requests the Secretary-General

"(a) To prepare detailed draft provisions for the implementation of this resolution and the annex attached thereto, to circulate these draft provisions to Governments for comment, and to submit them to the Economic and Social Council at its eleventh session together with such comments thereon as may have been received from Governments;

"(b) To prepare, in consultation with the Advisory Committee on Administrative and Budgetary Questions, a draft budget for the operation of the Office in 1951;

"3. Requests the Economic and Social Council

"(a) To prepare at its eleventh session a draft resolution embodying provisions for the establishment of the Office of High Commissioner and to submit it to the General Assembly for consideration at its fifth regular session;

"((France) (b) To transmit to the General Assembly at its fifth regular session such recommendations as the Council may deem appropriate regarding the definitions of the term "refugee" to be applied by the High Commissioner;)

"((USA) (b) To transmit to the General Assembly at its Fifth regular Session such recommendations as the Council may deem appropriate as to categories of refugees not defined in the constitution of the IRO which should become the concern of the Office of High Commissioner;)

"4. Decides to review, not later than at its Eighth regular Session, the arrangements for the Office of High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1953."

ANNEX

1. The Office of High Commissioner for Refugees should read:

(a) be so organized within the framework of the United Nations as to possess the degree of independence and the prestige required for the effective performance of the High Commissioner's duties;

(b) be financed under the budget of the United Nations; and

(c) receive policy directions from the General Assembly and the Economic and Social Council.

2. Means should be provided whereby interested Governments non-members of the United Nations may be associated with the work of the Office of High Commissioner.

((France) 3. Pending the adoption by the General Assembly of new definitions for the term "refugee", the definitions contained in annex I of the constitution of the IRO should provisionally be applied by the High Commissioner.)

((USA) 3. Persons falling under the competence of the Office of High Commissioner for Refugees should be refugees and displaced persons defined in annex I of the constitution of the IRO and such others as the General Assembly may from time to time determine.)

4. The High Commissioner, in order to promote, stimulate and facilitate the execution of the most suitable solutions to the problems with which he is entrusted, should provide for the protection of refugees and displaced persons falling under the competence of the Office by

(a) promoting the conclusion and ratification of international conventions providing for the protection of refugees, supervising the application of the provisions of such conventions, and proposing any necessary amendments thereto;

(b) promoting through special arrangements with Governments the execution of any measures calculated to improve the situation of refugees and to reduce the numbers of refugees requesting protection;

(c) assisting Governments and private organizations in their efforts to promote voluntary repatriation of refugees or their assimilation within new national communities;

(d) facilitating the co-ordination of the efforts of voluntary agencies concerned with the welfare of refugees;

((France) (e) distributing among private and, as appropriate, official agencies which he deems best qualified to administer such assistance and funds, public or private, which he may receive for this purpose. The accounts relating to these funds should be periodically verified by the auditors of the United Nations. For the information of the General Assembly, the High Commissioner should include in his annual report a statement of his activities in this field.)

5. The High Commissioner should report to the General Assembly annually on his work through the Economic and Social Council and to the Council at such other times as the Council may request.

6. The High Commissioner's work should be of an entirely non-political character and relate as a rule to groups and categories of refugees. In the performance of his duties, he should:

(a) keep in close touch with the Governments and inter-governmental organizations concerned and invite the assistance of the various specialized agencies;

(b) establish contact in such manner as he may think best with private organizations dealing with refugee questions.

7. The High Commissioner should be ((France) elected by the Economic and Social Council on the nomination of the Secretary-General) ((USA) appointed by the Secretary-General) for a term of three years from 1 January 1951.

8. The High Commissioner should appoint for a period of three years a Deputy High Commissioner, who should not have the same nationality as the High Commissioner. He should also appoint under the regulations of the United Nations a small staff of persons devoted to the purposes of the Office to assist him.

9. The High Commissioner should consult the Governments of the countries of residence of refugees as to the need for appointing representatives therein. In any country recognizing such need, he may appoint a representative approved by the Government of that country. Subject to the foregoing, the same representative may serve in more than one country.

10. The Office of High Commissioner should be located in Geneva.

This joint draft resolution was criticized by various representatives, including those of Brazil, Yugoslavia, India, Pakistan, Iraq, Poland, Ethiopia, the Ukrainian SSR and Czechoslovakia. The Ukrainian SSR representative, in particular, criticized the joint resolution because, in his opinion, "it had been expressly prepared by the representatives of France, the United States and the United Kingdom in order to carry out their policy of undermining repatriation and recruiting cheap labour from among the refugees." Others saw the shortcomings of the resolution elsewhere. It was, for instance, pointed out that a clear definition of the term "refugee" should be settled before the Assembly decided on the principle of establishing a High Commissioner's Office (Iraq), and that the resolution failed to define clearly the field of action of the High Commissioner (Ethiopia).

Amendments were submitted by Lebanon (A/C.3/L.30), Australia (A/C.3/L.31) the United

Kingdom (A/C.3/L.32) and Israel (A/C.3/L.33).

At its 264th meeting on 15 November 1949, the Committee rejected the Bylorussian draft resolution, in paragraph by paragraph votes.

It adopted the following amendments and alternative texts to the joint draft resolution:

1. The Lebanese amendment (A/C.3/L.30), to insert in the preamble a paragraph

"Recognizing the responsibility of the United Nations for the internal protection of refugees"

was adopted by 18 votes to 8, with 16 abstentions.

2. The Australian amendment (A/C.3/L.31) to the first operative paragraph of the resolution, to add that the High Commissioner's Office should be established

"to discharge the functions contained therein and such other functions as the General Assembly may from time to time confer upon it"

was adopted by 18 votes to 9, with 19 abstentions.

3. The Israeli amendment (A/C.3/L.33), to replace the word "functioning" in operative paragraph 3(a) by the word "establishment", was adopted by 17 votes to 1, with 26 abstentions.

4. The alternative proposal by France for paragraph 3 (b) of the operative part, namely:

"(b) To transmit to the General Assembly at its fifth regular session such recommendations as the Council may deem appropriate regarding the definitions of the term 'refugee' to be applied by the High Commissioner"

was adopted by 19 votes to 10, with 5 abstentions.

5. The first United Kingdom amendment (A/C.3/L.32), which proposed that paragraph 1 (c) of the annex should be replaced by the following, was adopted by 22 votes to 6, with 18 abstentions:

"(c) Receive policy directions from the United Nations according to methods to be determined by the General Assembly."

6. The alternative text,

"Pending the adoption by the General Assembly of new definitions for the term 'refugee', the definitions contained in annex I of the constitution of IRO should provisionally be applied by the High Commissioner"

proposed by France for paragraph 3 of the annex, was adopted by 18 votes to 14, with 11 abstentions.

7. The French proposal for a sub-paragraph 4(e) in the annex (see above, A/C.3/L.29), which it was agreed to redraft as paragraph 5, was adopted by 17 votes to 14, with 16 abstentions (roll-call vote) as follows:

"The High Commissioner should distribute among private and, as appropriate, official agencies which he deems best qualified to administer such assistance any funds, public or private, which he may receive for this

purpose. The accounts relating to these funds should be periodically verified by the auditors of the United Nations. For the information of the General Assembly, the High Commissioner should include in his annual report a statement of his activities in this field."

8. The Australian amendment for a sub-paragraph 4(f) in the annex (A/C.3/L.31), which it was agreed to re-draft as a paragraph 6, was adopted as follows, by 14 votes to 6, with 26 abstentions:

"The High Commissioner should engage in such additional activities, including repatriation and resettlement activities, as the General Assembly may determine."

9. The second United Kingdom amendment (A/C.3/L.32), which proposed that paragraph 7 of the annex (formerly paragraph 5) should be replaced by the following paragraph:

"7. The High Commissioner should report to the United Nations periodically as determined by the General Assembly,"

was adopted by 18 votes to 5, with 22 abstentions.

10. The Franco-Lebanese proposal that paragraph 9 of the annex should read

"The High Commissioner should be elected by the General Assembly on the nomination of the Secretary-General . . ."

was adopted by 19 votes to 10, with 15 abstentions.

The joint draft resolution, as amended, was adopted by roll-call by 24 votes to 12, with 10 abstentions, at the 264th meeting on 15 November 1949.

At the same meeting, the Committee adopted by 18 votes to 8, with 18 abstentions, the draft resolution as proposed by the representative of France (A/C.3/L.27), as resolution B (see below, resolution 319(IV)B).

c. DISCUSSIONS IN THE FIFTH COMMITTEE

The Fifth Committee considered the Third Committee's recommendations at its 230th meeting on 29 November 1949.

In the course of the discussion, the representative of Brazil raised the question of the potential future financial implications of the draft resolutions. In his opinion, the costs of possible material assistance to refugees, which might be considerable, should not be borne by the United Nations, but should be supplied from other sources. The resolutions proposed by the Third Committee should therefore, in his view, be so amended as to make it clear that only administrative costs would be for the account of the United Nations in 1951 and thereafter. The majority of the members of the Committee, however, were of the opinion that the Brazilian proposal could not be entertained by

the Fifth Committee, and agreed that, in accordance with the letter from the President of the General Assembly, the mandate of the Committee related exclusively to the requirements of rule 142 of the rules of procedure, i.e., that the Committee had to state the effect of the draft resolution on the budget estimates for 1950.

The representative of the USSR stated that, in the opinion of his delegation, the care of refugees did not fall within the competence of the General Assembly or of the Economic and Social Council as defined by the Charter. He, therefore, objected to the reports of the Advisory Committee and of the Secretary-General, and announced that he would vote against any appropriation for the purpose.

The Committee noted that, inasmuch as the date set in draft resolution A for the establishment of the High Commissioner's Office was 1 January 1951, the Secretary-General (A/C.3/527) did not anticipate the need for an appropriation for 1950 on that account. In connexion with the observation of the Advisory Committee (A/1154) concerning possible unforeseen circumstances calling for special preparatory work during the latter part of 1950, the Committee was informed by the representative of the Secretary-General that, should such expenses arise, they would not be likely to exceed \$10,000 to \$20,000, and that they would relate only to planning for the establishment of the High Commissioner's Office, and not to the actual operation of the Office.

The Committee was further informed (A/1154) that the draft resolutions provided for further consideration of the question of refugees and stateless persons by the General Assembly at its fifth regular session, and that budget estimates for the operation in 1951 of the High Commissioner's Office for Refugees, to be prepared in consultation with the Advisory Committee, would be submitted at that time.

The Fifth Committee decided, by 23 votes to none, with 4 abstentions, to recommend to the General Assembly that it should note that the adoption of draft resolutions A and B, submitted by the Third Committee, would have no effect on the budget estimates for 1950.

d. RESOLUTIONS ADOPTED BY THE ASSEMBLY

The General Assembly discussed the reports of the Third (A/1178) and Fifth Committees (A/1177) at its 264th and 265th plenary meetings, on 2 and 3 December 1949.

Representatives of the following countries took part in the Assembly's discussions of the question:

the United States, France, the Byelorussian SSR, Australia, Poland, Brazil, the Ukrainian SSR, Mexico, the USSR and the United Kingdom. General views similar to those expressed in the Third Committee were again exchanged on the refugee question.

The representative of the Byelorussian SSR submitted a resolution (A/1133) identical to the one he had proposed in the Third Committee. It read as follows:

"The General Assembly,

"Noting that its resolution 8(1) of 12 February 1946 on the question of refugees, according to which the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, has not been fully implemented and that hundreds of thousands of victims of aggression continue to remain outside their countries of origin awaiting return thereto,

"Recommends that the States Members of the United Nations implement the resolution of 12 February 1946 so as to complete the repatriation of refugees and displaced persons during 1950;

"Requests the Governments of countries Members of the United Nations, in whose territories there are refugees and displaced persons, and the International Refugee Organization to furnish the Secretary-General of the United Nations with complete information concerning the refugees and displaced persons in their territories and camps, as well as information concerning their living conditions;

"Requests the Secretary-General to submit to the tenth session of the Economic and Social Council a report on the information received from Governments and from the International Refugee Organization."

It was voted on at the 265th plenary meeting, in paragraph by paragraph votes, with the following results:

Paragraph 1 was rejected by 12 votes in favour to 20 against, with 20 abstentions.

Paragraph 2 was rejected by 11 votes in favour to 22 against, with 15 abstentions.

Paragraph 3 was rejected by 6 votes in favour to 22 against, with 21 abstentions.

Paragraph 4 was rejected by 6 votes in favour to 23 against, with 20 abstentions.

Amendments to the draft resolution A proposed by the Third Committee (A/1118), concerning the establishment of the High Commissioner's Office, were submitted by Brazil and the United States.

The representative of Brazil maintained that the financial implications were still not clear and that decisions of principle must be based on an exact knowledge of the financial responsibility which would fall on each Member. He submitted two amendments (A/1176). The first of these provided for the addition of the statement that:

"No expenditure other than administrative expenditures relating to the functioning of the Office of the

High Commissioner should be borne on the Budget of the United Nations".

This was adopted by the Assembly by 36 votes to 5, with 12 abstentions. The second amendment would have added:

"All other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions. They shall not be a charge on the United Nations."

With the omission of the last sentence, it was adopted by the Assembly by 26 votes to 5, with 20 abstentions.

The United States proposed four amendments (A/1162). The first proposed a new text for paragraph 3 in the annex to the Third Committee's draft resolution concerning the definition of the term "refugee" coming under the competence of the High Commissioner's Office (see below). It was adopted by 36 votes to 6, with 12 abstentions.

The second United States amendment called for the insertion, after the first sentence of paragraph 5 of the annex, of the words:

"He should not, however, appeal to Governments or make a general appeal to non-governmental sources except with the prior approval of the General Assembly."

This was adopted by 37 votes to 5, with 11 abstentions.

The third United States amendment, which called for the deletion of paragraph 6 of the annex (concerning the additional activities of the High Commissioner), was rejected by 9 votes in favour to 11 against, with 31 abstentions.

The fourth United States amendment proposed the substitution in paragraph 7 of the annex of the words:

"The High Commissioner should report annually in his work to the General Assembly through the Economic and Social Council" for "The High Commissioner should report to the United Nations periodically as determined by the General Assembly." The amendment was adopted by a vote of 29 to 6, with 14 abstentions.

On 3 December 1949, at its 265th plenary meeting, the Assembly adopted by 35 votes to 7, with 13 abstentions, the amended text of the Third Committee's resolution. The Third Committee's draft resolution B (A/1118) was adopted by 32 votes to 6, with 17 abstentions. The texts of these resolutions were included in Assembly resolution 319(IV) A and B, as follows:

"The General Assembly,

"Considering that the problem of refugees is international in scope and nature and that its final solution can only be provided by the voluntary repatriation of

the refugees or their assimilation within new national communities,

"Recognizing the responsibility of the United Nations for the international protection of refugees,

"Having examined resolution 248 (IX) A of the Economic and Social Council of 6 August 1949, the report of the Secretary-General of 26 October 1946, and the communications from the General Council of the International Refugee Organization of 11 July 1949 and of 20 October 1949.

"Considering that in its aforementioned resolution the Economic and Social Council requested the Governments of States Members of the United Nations, and of other States, to provide the necessary legal protection for refugees who have been the concern of the International Refugee Organization and recommended that the General Assembly at its fourth session should decide the functions and organizational arrangements, within the framework of the United Nations, necessary for the international protection of refugees after the International Refugee Organization terminates its activities,

"1. Decides to establish, as of 1 January 1951, a High Commissioner's Office for Refugees in accordance with the provisions of the annex to the present resolution to discharge the functions enumerated therein and such other functions as the General Assembly may from time to time confer upon it;

"2. Decides that, unless the General Assembly subsequently decides otherwise, no expenditure other than administrative expenditures relating to the functioning of the High Commissioner's Office should be borne on the budget of the United Nations, and that all other expenditures relating to the activities of the High Commissioner should be financed by voluntary contributions;

"3. Requests the Secretary-General:

"(a) To prepare detailed draft provisions for the implementation of the present resolution and the annex attached thereto, to circulate these draft provisions to Governments for comments, and to submit them to the Economic and Social Council at its eleventh session, together with such comments thereon as may have been received from Governments;

(b) To prepare, in consultation with the Advisory Committee on Administrative and Budgetary Questions, a draft budget for the operation in 1951 of the High Commissioner's Office for Refugees;

"4. Requests the Economic and Social Council:

"(a) To prepare, at its eleventh session, a draft resolution embodying provisions for the functioning of the High Commissioner's Office for Refugees and to submit the draft resolution to the General Assembly for consideration at its fifth regular session;

"(b) To transmit to the General Assembly at its fifth regular session such recommendations as the Council may deem appropriate regarding the definitions of the term "refugee" to be applied by the High Commissioner;

"5. Decides to review, not later than at its eighth regular session, the arrangements for the High Commissioner's Office for Refugees with a view to determining whether the Office should be continued beyond 31 December 1953."

ANNEX

1. The High Commissioner's Office for Refugees should:

(a) Be so organized within the framework of the United Nations as to possess the degree of independence

and the prestige required for the effective performance of the High Commissioner's duties;

(b) Be financed under the budget of the United Nations; and

(c) Receive policy directives from the United Nations according to methods to be determined by the General Assembly.

2. Means should be provided whereby interested Governments, non-members of the United Nations, may be associated with the work of the High Commissioner's Office.

3. Persons falling under the competence of the High Commissioner's Office for Refugees should be, for the time being, refugees and displaced persons defined in annex I of the Constitution of the International Refugee Organization and, thereafter, such persons as the General Assembly may from time to time determine, including any persons brought under the jurisdiction of the High Commissioner's Office under the terms of international conventions or agreements approved by the General Assembly.

4. The High Commissioner, in order to promote, stimulate and facilitate the execution of the most suitable solution to the problem with which he is entrusted, should provide for the protection of refugees and displaced persons falling under the competence of the Office by:

(a) Promoting the conclusion and ratification of international conventions providing for the protection of refugees, supervising the application of the provisions of such conventions, and proposing any necessary amendments thereto;

(b) Promoting through special agreements with Governments, the execution of any measures calculated to improve the situation of refugees and to reduce the number of refugees requiring protection;

(c) Assisting Governments and private organizations in their efforts to promote voluntary repatriation of refugees or their assimilation within new national communities;

(d) Facilitating the co-ordination of the efforts of voluntary agencies concerned with the welfare of refugees.

5. The High Commissioner should distribute among private and, as appropriate, official agencies which he deems best qualified to administer such assistance any funds, public or private, which he may receive for this purpose. He should not, however, appeal to Governments or make a general appeal to non-governmental sources except with the prior approval of the General Assembly. The accounts relating to these funds should be periodically verified by the auditors of the United Nations. For the information of the General Assembly, the High Commissioner should include in his annual report a statement of his activities in this field.

6. The High Commissioner should engage in such additional activities, including repatriation and resettlement activities, as the General Assembly may determine.

7. The High Commissioner should report annually on his work to the General Assembly through the Economic and Social Council.

8. The High Commissioner's work should be of an entirely non-political character and relate as a rule to groups and categories of refugees. In this performance of his duties he should:

(a) Keep in close touch with the Governments and inter-governmental organizations concerned and invite the assistance of the various specialized agencies;

(b) Establish contact in such manner as he may think best with private organizations dealing with refugee questions.

9. The High Commissioner should be elected by the General Assembly, on the nomination of the Secretary-General, for a term of three years from 1 January 1951.

10. The High Commissioner should appoint for a period of three years a deputy High Commissioner, who should not have the same nationality as the High Commissioner. He should also appoint, under the regulations of the United Nations, a small staff of persons devoted to the purposes of the Office to assist him.

11. The High Commissioner should consult the Governments of the countries of residence of refugees as to the need for appointing representatives therein. In any country recognizing such need, he may appoint a representative approved by the Government of that country. Subject to the foregoing, the same representative may serve in more than one country.

12. The High Commissioner's Office for Refugees should be located in Geneva.

B

"The General Assembly,

"Having taken cognizance of the memorandum addressed to it by the General Council of the International Refugee Organization on 20 October 1949,

"Being anxious to give the International Refugee Organization the support without which that Organization does not feel able to complete its task rapidly and fully,

"1. Decides to address an urgent appeal to all States, whether or not Members of the United Nations, calling upon them to furnish to the International Refugee Organization the widest possible assistance, particularly in respect of the admission and care of refugees in the most destitute categories;

"2. Decides, in the absence of definite data, to postpone, until its fifth regular session, the examination of the problems of assistance raised by the above-mentioned memorandum, should these problems still be in existence at that date."

F. SOCIAL ACTIVITIES

1. Advisory Social Welfare Services

a. CONSIDERATION BY THE GENERAL ASSEMBLY AND THE ECONOMIC AND SOCIAL COUNCIL

Under the advisory social welfare programme adopted by the General Assembly on 14 December

1946 (58(I)),³² the Secretary-General was authorized to make provision for: expert assistance to Governments on welfare services; fellowships for training officials in social welfare; advice, demonstration and instruction in connexion with the

³² See Yearbook of the United Nations, 1946-47, pp. 161-62.

manufacture of prosthetic appliances and the vocational training of physically-handicapped persons, the furnishing of demonstration equipment and the provision of the technical publications.

The Council, at its seventh session, in August 1948, recommended to the General Assembly that the services should be continued in 1949, to include the same basic services, and within approximately the same scope, as those provided in 1948. It also requested the Secretary-General to submit to Member Governments a complete report on the work of consultants from 1946 to date, and to intensify his efforts to secure increased financial participation on the part of recipient Governments (155(VII)A).³³

The question was considered at the third regular session of the General Assembly, at the 173rd meeting of the Third Committee on 3 December, and the 177th plenary meeting on 8 December 1948.

In addition to the Council's resolution, the Third Committee had before it a note by the Secretary-General (A/635), a draft resolution submitted by the Philippines (A/C.3/398), and an amendment to it submitted by the USSR (A/C.3/399). The discussion in the Committee dealt mainly with the budgetary aspects of the programme.

The Philippine draft resolution provided that the Assembly should approve the Council's resolution. The USSR amendment would, however, have qualified this approval with the sentence "provided that expenses for advisory social welfare services be carried by countries requesting such services."

The Soviet representative stated that it was the opinion of his Government that the costs must be borne by the States receiving the advisory services. The United Nations was not a continuation of UNRRA and had no obligation to engage in charitable activities.

However, the majority shared the view of the Lebanese representative, who pointed out that the aim of the programme was to furnish aid to countries in need of assistance. The particular type of aid under discussion was of concern principally to economically backward countries which had very reduced budgets and could not, therefore, make adequate provisions for social welfare services.

The Third Committee rejected the Soviet amendment by 3 votes in favour to 21 against, with 8 abstentions, and adopted by 22 votes to none, with 10 abstentions, the Philippine draft resolution.

At its 177th plenary meeting on 8 December 1948, the General Assembly adopted this text,

without discussion, by 33 votes to none, with 2 abstentions, as resolution 216(III), which reads:

"The General Assembly,

"Having considered resolution 155 (VII) of the Economic and Social Council of 13 August 1948 on advisory social welfare activities,

"Approves the provisions of that resolution."

The Social Commission, at its fourth session in May 1949, considered the pertinent information furnished by the Secretariat (E/CN.5/109 and Add. 1) on the activities undertaken under General Assembly resolution 58(I). The report included statistics on the total number of countries requesting services during 1947, 1948 and part of 1949, and the amount of aid granted. Services asked for included requests for experts, fellowships, demonstration equipment, technical social welfare literature and seminars. The Commission noted that the figures showed that the programme had progressively grown, and that the services rendered and the number of countries requesting them had greatly increased.

The Commission also considered a report prepared by the Secretary-General (E/CN.5/110) in response to the Council's request, at its seventh session, for a complete report on the work of the consultants in the various countries from 1946. The report dealt with, *inter alia*, selection and number of experts, fields of specialization, job descriptions, tenure of assignments and work of the experts.

The general trend of discussion, while indicating that the programme was considered one of the most useful activities of the United Nations in the social field, focussed mainly on the question whether the Commission should recommend that the programme be authorized on a continuing basis rather than on a year-to-year basis, and brought forth three different points of view: (a) that, subject to appropriate modifications, the policy and basis of administration should remain unchanged until the Council, at its ninth session, had considered the advisory social welfare services; (b) that the programme should be placed on a continuing rather than on a year-to-year basis; and (c) that the expenses of the programme should be met in full by the recipient Governments. The difficulties encountered both by the Secretariat and the participating Governments in connexion with the operation of a programme which is authorized on a year-to-year basis were stressed.

The Commission recommended by a majority (E/1359) that the social welfare services should

³³See Yearbook of the United Nations, 1947-48, pp. 610-11.

be placed on a continuing rather than on a yearly basis.

The Council considered the Commission's report at its ninth session, at the 83rd and 84th meetings of the Social Committee on 8 July, and the 306th plenary meeting on 23 July 1949.

The representative of New Zealand, speaking for the majority of the Social Commission, of which he was Chairman, recalled that the programme of advisory social welfare services had been taken over from the UNRRA and extended to cover all countries requesting such services. The fact, however, that the programme had so far been maintained on a year-to-year basis had created considerable administrative and planning difficulties for the Social Commission and the Secretariat. Consequently, it was advisable that these services should be placed on a continuing basis.

The USSR representative, on the other hand, pointed out that, in taking over a programme of advisory social welfare services from UNRRA, the General Assembly had envisaged that they would only be extended to war-devastated countries as a form of short-term post-war assistance; and that even when the Council had decided to extend the programme to other countries, it had still been the intention that the recipient countries should make a progressively larger contribution to the cost of the programme. Transformation of the programme into a permanent project which would continue to be financed largely by the United Nations would run counter to the previous decisions of the General Assembly and of the Council.

At this plenary meeting, the Council adopted, by 13 votes to 3, resolution 243 (IX) E embodying the recommendations of the Social Commission. It recommended that the Assembly authorize the Secretary-General to place on a continuing basis the advisory social welfare services authorized by the Assembly's resolution 58 (I). The Assembly, it proposed, should direct the Secretary-General to include an amount for these services in the budget of the United Nations in the future and to continue this work for 1950 at approximately the same level of expenditure on the part of the United Nations as in 1949.

The question was considered at the fourth regular session of the General Assembly, at the 252nd, 253rd and 254th meetings of the Third Committee on 18, 19 and 25 October, and at the 243rd plenary meeting on 17 November 1949.

In addition to the report of the Economic and Social Council (A/975), the Third Committee had before it a note (A/C.3/521 and Corr. 1) by the Secretary-General on the operation of the pro-

gramme and an analysis of existing difficulties. During the discussion, it was generally agreed that the main difficulties arose from the temporary basis of the programme and that placing the services on a continuing basis would be a great help. The representatives of Canada, Ecuador, Mexico and the United Kingdom emphasized the need for coordination of the existing activities.

The representative of Belgium stressed that General Assembly resolution 58(I) referred more to the abnormal post-war situation and that the programme should be revised to apply also to normal social conditions. Following a brief discussion, in which it was pointed out that conditions might still be called abnormal, she submitted an amendment jointly with the representative of Lebanon (A/C.3/L.21 and Rev.1), which called on the Council to review the terms of resolution 58(I) in the light of the provision for placing the services on a continuing basis, and to recommend to the next regular session of the Assembly any modification which it might consider necessary therein. A verbal proposal by the representative of Pakistan to mention also the discussions in the Third Committee was accepted by Belgium and Lebanon. The amendment was adopted.

An Ethiopian amendment (A/C.3/L.23), providing for a study of the possibility of establishing a permanent organization for advisory social welfare services, was rejected, as well as a verbal amendment by the representative of Uruguay to "establish an organic plan to generalize and extend these services".

An amendment (A/C.3/L.22), which would have called on the Secretary-General to give special consideration to suggestions for meeting the need arising from the lack of schools of social sciences in many countries, was submitted by Israel but later withdrawn.

The question was raised as to whether the words "on a continuing basis" or "on a permanent basis" should be used. The Committee decided, by a majority vote, to use the word "continuing", and unanimously adopted (A/1068) the Council's resolution, as amended by Belgium and Lebanon.

The General Assembly, at its 243rd meeting on 17 November 1949, adopted resolution 316 (IV), without objection, as follows:

"The General Assembly

"1. Authorizes the Secretary-General to place on a continuing basis, rather than on the present year-to-year basis, the advisory social welfare services originally authorized by its resolution 58 (I) of 14 December 1946;

"2. Directs the Secretary-General:

"(a) To include an amount for these services in the budget of the United Nations in the future;

"(b) For 1950, to continue this work at approximately the same level of expenditure on the part of the United Nations as in 1949;

"3. Requests the Economic and Social Council to review the terms of resolution 58 (I), in the light of the provisions of paragraph 1 above and in the light of the discussions and suggestions made in the Third Committee of the General Assembly, and to recommend to the next regular session of the General Assembly any modifications which it may consider necessary therein."

b. STUDIES ON SOCIAL WELFARE

During the period covered by the present volume, studies were prepared by the Secretariat on social welfare administration and services in accordance with the advisory social welfare functions of the United Nations.

The first study, *International Advisory Social Welfare Services*,³⁴ which was published in October 1949, analysed the methods of furnishing information or advisers to assist Governments in organizing the administration of their social services. It reviewed the agencies providing such services, the purpose and scope of international missions, the recruitment of experts and advisers, agreements concluded with Governments requesting the dispatch of advisory missions, the financing of these functions, and the methods of exchanging social welfare information and establishing co-operation between the Member nations and the specialized agencies in such a way as to promote the co-ordinated treatment of social development questions.

The second study, *International Exchange of Social Welfare Personnel*,³⁵ which was published in September 1949, concerned the establishment of international fellowships for the training of social welfare personnel. It reviewed national and international governmental resources for the exchange of social welfare workers, selection procedures, the choice of fields of study, the selection of the host countries, and various other aspects of international programmes for social welfare fellowships.

In order to inform Governments, international agencies and individuals of the purpose, scope and character of the various existing international fellowship programmes, a pamphlet was published in August 1949 entitled *International Fellowships*.³⁶

A report was begun on the methods current in various countries in regard to social welfare administration, including the organization of child welfare. By the end of 1949, the Secretary-General had received replies to two questionnaires, intended to serve as the basis for this study, from the following countries: Burma, Canada, China, Czech-

oslovakia, Denmark, Ecuador, Greece, Haiti, India, Iran, the Netherlands, Switzerland, Union of South Africa, the United Kingdom and the United States. This report will be supplemented by a special study of methods of public assistance to needy families.

Questionnaires concerning methods of technical assistance, other than international fellowships, in the social welfare field were sent to Governments, social welfare schools, experts and non-governmental organizations working in the social field, and replies were received from thirty-three countries and 124 schools. On the basis of these replies, the Secretariat issued in March 1949 an *International List of Schools of Social Work*, and other Educational Institutions offering Social Work Training.

c. SOCIAL WELFARE SERVICES FURNISHED DURING 1948 AND 1949

Twenty-one social welfare consultants were furnished to fourteen Governments in 1948 and, in 1949, fifteen to ten Governments. In addition, two regional child welfare experts were sent out to work in liaison with the United Nations International Children's Emergency Fund. During 1948, 122 fellowships were awarded to nineteen countries, and the fellows proceeded to fourteen host countries to study various aspects of social welfare. In 1949, thirty-one countries were granted 188 fellowships, to be used in sixteen host countries.

During 1947 and 1948, demonstration equipment for the social rehabilitation of physically disabled persons was provided for eight countries, and in 1949 three additional requests were granted. The United Nations produced a film, *First Steps*, on the rehabilitation of physically handicapped children, with sound tracks in several languages. It produced in India (with sound tracks in several languages, for distribution to any Government requesting them) three films on Indian village welfare services, entitled *Mother, Child, and Community*. During the latter part of 1949, a film on juvenile delinquency, largely for use in Latin American countries, was produced in Mexico. The United Nations issued, on 1 September 1948, a *Preliminary International Catalogue of Films Dealing with Social Welfare Activities*, and, in June 1949, a supplement to this catalogue was issued.

In 1948 and 1949, small supplies of technical publications useful in the training of social work-

³⁴ United Nations Publications, Sales No. 1949.IV.5.

³⁵ United Nations Publications, Sales No. 1949.IV.6.

³⁶ United Nations Publications, Sales No. 1949.IV.7.

ers were sent on request to six and four war-devastated Member countries, respectively.

In 1949, the United Nations held a seminar for the Arab States in Beirut, Lebanon, from 15 August to 5 September, and a European seminar in Paris, France, for all interested European countries, from 28 November to 10 December.

2. Family, Youth and Child Welfare

a. PROGRAMME

At its seventh session in August 1948, the Council adopted the view, expressed on the recommendation of the Social Commission at its third session, that the major gap not covered by any specialized agency was the field of family, youth and child welfare, and that this, therefore, should become the primary responsibility of the Social Commission and of the Secretariat (155(VII)B).

At its fourth session in May 1949, the Social Commission recommended (E/1359) that the United Nations "make good its leadership in the field of family, youth and child welfare by initiating, in co-operation with the appropriate organs, a comprehensive programme for study and action in this field."

The Commission, at its fifth session in December 1949, recommended (E/1568) that the Council approve an over-all programme of work in the field of family, youth and child welfare, and a specific programme for 1950. The programme for 1950 included (1) publication of a comprehensive annual report; (2) publication of a legislative series on family, youth and child welfare; (3) technical assistance on request of countries under resolution 58(I) of the General Assembly; (4) preparation of a report concerning the organizational arrangements by which essential international long-range activities for children could be rendered by the United Nations and other appropriate inter-governmental organizations; (5) preparation of a preamble and principles for a Draft Declaration of the Rights of the Child; (6) studies on the social aspects of the welfare of children handicapped physically, mentally or socially; and (7) studies on certain economic aspects of family welfare, the latter already approved by the Economic and Social Council at its ninth session, in resolution 243 (IX).

b. DRAFT DECLARATION OF THE RIGHTS OF THE CHILD

The Council, at its seventh session in August 1948, also approved the recommendation made by

the Social Commission at its third session that in pursuing the study of a proposed Charter of the Rights of the Child, the Secretary-General should give great weight to the Geneva Declaration, but should consider such additional significant principles "as would transform the document into a United Nations Charter of the Rights of the Child, embodying the main features of the newer conception of child welfare".³⁷

At its fourth session in May 1949, the Social Commission, having considered a report by the Secretary-General (E/CN.5/111 and Add.1 and 2) concerning his consultations on the subject with Member Governments and interested organizations, resolved that "the formulation of a Declaration of the Rights of the Child shall be restricted to a declaration of principles with a preamble indicating that the Declaration has been framed in the spirit and in accordance with the principles of the United Nations Charter and of the Declaration of Human Rights," and requested the Secretary-General to prepare for the Commission a draft of the preamble and principles (E/1359).

The Secretariat, accordingly, drew up a draft preamble and principles for consideration at the sixth session of the Commission, beginning in April 1950.

3. Living Conditions and Standards of Living

a. LIVING CONDITIONS IN LESS-DEVELOPED AREAS

At its seventh session, the Economic and Social Council approved, in resolution 155 (VII)B, recommendations made by the Social Commission (E/779) for a programme of study of the availability of information on living conditions of social groups dwelling in economically underdeveloped areas and having a relatively low real income per head.

Reports on progress in assembling and analysing material relating to two questions selected from the programme—namely, data on the living conditions of selected groups, and methods used in the ascertainment of such data—were submitted by the Secretariat to the fourth session of the Social Commission (E/CN.5/106 and Add.1). These reports comprised outlines of the structure and contents of two projected publications, namely: a handbook of information on "Field Inquiries into the Living Conditions of Selected Social Groups in Africa, Asia, the Caribbean, Latin America, and the

³⁷ See Yearbook of the United Nations, 1947-48, p. 612.

Pacific," and a study of the "Organization and Methodology of Field Investigations of Standards of Living in Less-Developed Areas."

A preliminary text of the handbook was issued in the form of a working paper in November 1949, and was distributed to members of the Commission. It was divided into two parts: (1) a list of social groups whose living conditions had been investigated since 1930, and (2) brief descriptions of the investigations. The preliminary text enumerated some 430 social groups whose living conditions had been the subject of on-the-spot investigations within the previous twenty years. It was expected that the final text of the handbook would enumerate some 900 social groups and give information on some 350 inquiries.

The Commission approved the plans of these proposed publications at its fourth session (E/1359). It also requested the Secretariat to prepare reports on the other items of the programme, i.e., the present status of international inquiry into methods of appraising data on living conditions and institutions and experts specializing in the intensive investigation of living conditions in less-developed areas.

Furthermore, "with a view to obtaining suggestions regarding practical measures for raising the standards of living of sections of the population having relatively low per capita incomes", the Social Commission requested the Secretary-General "to invite Member Governments to notify him of any measures, either legislative or administrative, which they have applied with success in territories under their jurisdiction, whatever their political status, and especially where the process of industrialization and economic development has altered the social fabric, and to present to the Social Commission at a future session a report on this subject" (E/1359).

At its fifth session, in December 1949, the Social Commission recommended that the Secretary-General undertake an analysis of the experiments carried out under varying local conditions in the establishment of necessary community social services in under-developed areas, and present a statement outlining the social projects he was prepared to provide on request.

The question of improving living conditions in under-developed areas was also considered in connexion with plans for technical assistance for economic development.³⁸

b. STANDARDS OF LIVING OF HOUSEHOLD UNITS

The programme of work relating to family welfare, drawn up by the Social Commission at its third session in April 1948, covered, among other

things, questions relating to the general maintenance of the real incomes of households at levels which may be considered necessary in order to enable the family to satisfy its basic subsistence needs. The Commission recommended, in particular, that reports should be prepared on: the differential economic benefits and facilities which are available to the family; and standards of occupancy and of fitness for habitation of urban dwellings (E/779). The Council, at its seventh session, approved these recommendations in resolution 155 (VII) B.

Reports on progress in assembling and analysing material relating to these questions were submitted by the Secretariat to the fourth session of the Social Commission. The Commission approved (E/1359) a plan for a "Survey of Legislation and Administrative Regulations providing for Economic Measures in Favour of the Family" (E/CN.5/107/Annex), and the outline of a projected digest of legislation on occupancy and fitness for habitation of urban dwellings (E/CN.5/103/Annex).

With regard to the study on economic measures favouring the family, the Commission recommended that, after completing its survey of the legislation and administrative regulations providing for such measures, the Secretariat should assemble information on some of the post-legislative aspects of the measures, especially the cost of applying them, the number of families availing themselves of the economic advantages to be derived from the measures, and the effects of these advantages on the standard of living of the household unit.

The report of the Social Commission on its fourth session also included a recommendation that the Secretary-General should present a report on "information obtained from interested specialized agencies and other appropriate sources concerning protection against loss of income of the family due to unemployment, sickness, invalidity, old age and death."

4. Housing and Town and Country Planning

a. PREPARATION OF AN INTEGRATED PROGRAMME OF STUDY AND ACTIVITY

At its seventh session, the Council requested the Secretary-General to develop and submit to the

³⁸ For Economic Development, see pp. 432-58. It was decided that questions of a social nature should be considered in preparing a comprehensive plan for economic development and that assistance should be given for specific social improvements.

Council at its next session suggestions for an effective and integrated programme of study and activity in the field of housing and town and country planning, which would reflect the interests and activities of the interested commissions, specialized agencies, inter-governmental and non-governmental organizations (155(VII)F).

This request was referred by the Administrative Committee on Co-ordination to its Technical Working Group on Housing and Town and Country Planning, composed of technicians from the Secretariat, specialized agencies, and inter-governmental and non-governmental organizations. The group met from 14 to 16 February, and again on 7 and 29 April 1949. Its report was approved by the Administrative Committee on Co-ordination at its seventh session, and the Administrative Committee reported (E/1343) on the question to the Council at its ninth session. Inter alia, its report gave an analysis of the various fields of study: (1) housing needs and building programmes, (2) social aspects of housing and planning, (3) economic aspects, including labour, and (4) housing problems in relation to certain areas, occupational groups and categories of persons.

In the meantime, the Social Commission, at its fourth session, had recommended that the Council should defer taking any final action on the report until the interested commissions had had an opportunity to express their views on it (E/1359).

During its ninth session, the Council discussed the question at the 83rd and 84th meetings of its Social Committee on 8 July 1949. Apart from the Commission's report (E/1359) and the Secretary-General's report on an integrated programme (E/1343), the Committee had before it a joint draft resolution submitted by New Zealand and the United States (E/AC.7/W.64); other suggestions were made verbally in the course of the debate.

The main point on which difference of opinion was expressed was whether, in the third paragraph of the proposed draft resolution, a clause should be retained recommending:

"that the Secretary-General ask Member Governments to express their views as to what should be the focus of the future international programme in this field and, at the same time, to specify their requirements for services in the field of housing from the United Nations . . .".

The representative of Australia was in favour of deleting this provision, while other representatives, including those of Denmark and Lebanon, argued that it should be retained, because it contained the instructions to be given to Governments to assist them in drawing up their replies.

The Committee adopted, by 15 votes to none, with 1 abstention, the joint draft resolution, after it had been slightly amended by Lebanon (E/AC.7/W.66). At its 306th plenary meeting on 23 July 1949, the Council unanimously accepted the Committee's recommendation and, in resolution 243 (IX) D, requested the Secretary-General to transmit the report of the Technical Working Group, not only to the fifth session of the Social Commission and to the other interested Commissions of the Council, but also to Member Governments. The Council also recommended that the Secretary-General ask Member Governments

"to express their views as to what should be the focus of the future international programme in this field and at the same time to specify which of the services mentioned in the said report would be of special interest to them".

Furthermore, recommendations concerning the proposed integrated programme outlined in the report were to be submitted by the Social Commission and the Secretary-General to the tenth session of the Economic and Social Council.

In December 1949, the Social Commission, at its fifth session, inter alia, recommended to the Council that the United Nations should accept the responsibility for those items listed by the Secretary-General in the integrated work programme as appropriate for United Nations action, i.e., (1) consolidation and continuation of the Housing and Town and Country Planning Documentation and Reference Centre, already functioning at the United Nations headquarters; (2) collection and exchange of technical information, especially in the form of publication of the Housing and Town and Country Planning Bulletin; (3) provision at the request of Governments of advisory services, seminars, fellowships and technical assistance in general, particularly to under-developed tropical areas.

In addition to this basic continuing work programme, the Commission recommended that the programme for 1950 should include, if funds were available, a study of the problems of financing of housing, and of those pertaining to the neighbourhood unit.

b. MEETING OF EXPERTS ON TROPICAL HOUSING

With a view to developing work begun by a preliminary meeting of experts on housing and town and country planning in tropical areas, which was held at Caracas in December 1947 by arrange-

ment between the Secretary-General and the Government of Venezuela, the Council, at its sixth session, approved holding not more than two similar meetings during 1949, and suggested that the Secretary-General include provisions for them in budgetary estimates for 1949 (122(VI)D).

At its third session in April 1948, the Social Commission emphasized that meetings of experts would require long and careful preparation if they were to be of practical value.

On the basis of suggestions received in response to a request addressed to Member Governments in July 1948, the Secretariat prepared for the fourth session of the Social Commission (May 1949) draft programmes for two meetings on housing and town planning in tropical areas (E/CN.5/120). The Commission noted that funds had been appropriated by the Assembly for only one housing meeting at Headquarters, and drew the attention of the Council to the fact that such a meeting would not be successful unless held in an appropriate tropical area. Therefore, it recommended that the Council request the Secretary-General to arrange for a meeting of experts in 1950 in an appropriate tropical area, to consider technical questions relating to housing and town planning for the lower-income groups in the humid tropics (E/1359).

The Council dealt with the question at its ninth session, at the 83rd meeting of the Social Committee on 8 July, and the 306th plenary meeting on 23 July 1949.

Delegations held divided opinions on the question of financing the proposed meeting of experts. The representative of the Byelorussian SSR, supported by the representatives of Poland and the USSR, proposed that the expenses of the said meeting should be borne by interested Governments. He maintained that the proposed meeting of experts was of practical utility to only one region, and that it was therefore logical for the countries which would derive practical benefit from it to bear the expense. Other representatives, in particular the United States representative, held that the proposed meeting would not be of only local or regional importance, but that all Members of the United Nations would benefit from it. The Byelorussian proposal was rejected by the Social Committee and by the Council.

On the Social Committee's recommendation, the Council, at its 306th plenary meeting, adopted, by 14 votes to 3, resolution 243 (IX) C, by which it "requested the Secretary-General to arrange for a meeting of experts in 1950 in an appropriate trop-

ical area to consider technical questions relating to housing and town planning for the lower-income groups in humid tropics".

On 5 August, a note was sent to all Governments and specialized agencies concerned with the question. It suggested that the meeting should be held in tropical Africa in June 1950, outlined its proposed organization, invited suggestions for its programme, requested that Governments indicate their interest in participation, and asked them to suggest the names of experts.

At its fifth session, in December 1949, the Social Commission decided to ask the Council to authorize the Secretary-General, if for some reason the meeting could not be held in 1950, to use the funds allocated for this purpose to promote visits of groups of experts in the tropical areas concerned.

c. PUBLICATIONS

The Economic and Social Council, in August 1948, requested the Secretary-General to begin publication, as soon as possible, of a bulletin on housing and town and country planning, as approved at the fourth session of the Council in March 1947. The first issue was published in September 1948. At its fourth session, the Commission approved the proposal of the Secretariat that each issue of the bulletin should be devoted to one main topic, and should include articles by experts from various countries on different aspects of the question.

Among the other measures contemplated to carry out the Council's request that the Secretariat arrange for the collection and dissemination of information on housing and town and country planning, was the publication of a handbook, containing information on past, present and proposed activities of all international and national agencies and organizations in this field, with their full names and addresses. The first part of this handbook was published in September 1949.

The Secretariat also intends to publish a handbook giving summaries of housing and town and country planning legislation and related administrative texts of all countries; periodically, a legislative series, reproducing new legal texts as they are promulgated in the various countries; and a study on minimum housing standards enforceable under penalty.

The Commission also considered the advisability of a study of the social, economic and technological factors in various types of urban development, and recommended the preparation of a film catalogue.

5. Prevention of Prostitution and Suppression of the Traffic in Persons

a. TRANSFER OF FUNCTIONS FORMERLY EXERCISED BY THE FRENCH GOVERNMENT

At the fifth session of the Economic and Social Council, the French representative proposed, on 29 July 1947, the transfer to the United Nations of the functions exercised by the French Government under the International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904, the International Convention for the Suppression of the White Slave Traffic, signed at Paris on 4 May 1910, and the Agreement for the Suppression of the Circulation of Obscene Publications, signed at Paris on 4 May 1910.

By resolution 82 (V) dated 14 August 1947, the Council instructed the Secretary-General to submit a report on the question to the Social Commission and asked the Social Commission to recommend whether such a transfer was desirable, and, if so, how it should be effected. The Commission considered the report at its third session in April 1948, and requested the Council to approve the French Government's proposal.

In the course of its seventh session, the Council adopted, on 13 August 1948, resolution 155 (VII) D, recommending that the General Assembly approve the transfer of functions, and directing the Secretary-General to prepare, in consultation with the French Government, a protocol for the purpose of effecting the transfer, and to submit the protocol to the General Assembly for its approval.

The Secretary-General, accordingly, presented to the third session of the General Assembly a note (A/639/Rev.1), together with the texts of two draft protocols drawn up in agreement with the French Government. At its 142nd plenary meeting, held on 24 September 1948, the Assembly referred the question to the Sixth Committee which, at its 111th meeting on 19 November, considered the draft protocols, together with a draft resolution presented by the French delegation (A/C.6/266).

In the course of the discussion in the Committee, the delegation of the Soviet Union submitted two amendments (A/C.6/274) to the effect that the application of the agreements and convention should be extended equally to all the territories in regard to which a signatory State performs the functions of the governing and administering authority, including Trust and Non-Self-Governing Territories. With the exception of Czechoslovakia, all other delegations participating in the debate

were opposed to the USSR amendments, chiefly on the grounds that the proposed new clause did not come within the scope of the limited nature of the convention under consideration. While the French draft resolution merely proposed the transfer to the United Nations of the depositary functions of the French Government, the USSR amendments would alter the very substance of the convention.

The first Soviet amendment (which referred to the Annex to the Protocol to amend the International Agreement of 1904 for the Suppression of the White Slave Traffic and the International Convention of 1910 for the Suppression of the White Slave Traffic) was rejected by 11 votes in favour to 24 against, with 9 abstentions.

The second Soviet amendment (which referred to the Annex to the Protocol to amend the Agreement of 1910 for the Suppression of the Circulation of Obscene Publications) was rejected by 11 votes in favour to 23 against, with 10 abstentions.

The Committee adopted the French draft resolution by 35 votes to none, with 8 abstentions.

When the Sixth Committee's report (A/741) was considered by the General Assembly, at its 169th plenary meeting on 3 December 1948, the USSR representative resubmitted the amendments (A/754) previously considered by the Sixth Committee. Only three delegations took part in the debate (France, United Kingdom and USSR). The United Kingdom representative opposed the Soviet amendments on grounds both of procedure and of the constitutional principle involved. He held that the amendments were fundamentally out of order, as the only question at issue was the transfer to the United Nations of certain functions exercised by the French Government under existing international agreements and an existing international convention. Secondly, he stated, it was constitutionally impossible for his Government, in the stage of development which many British colonial territories had reached, to apply international conventions compulsorily, without ascertaining that the local legislatures would be willing to enact the necessary legislation to implement them. In this connexion, the United Kingdom representative also referred to Article 73 of the Charter, which lays down the obligation of the Administering Authorities to develop self-government in the territories under their charge.

In reply to this, the USSR representative stated that, as far as procedure was concerned, his delegation was perfectly entitled to introduce amendments because the texts of the articles concerned had already been altered considerably. For example, article 11 had originally contained four para-

graphs, and only two of them now remained in the present text. The justice of his delegation's amendments was further confirmed by the fact that in their present wording the articles under discussion not only gave the Administering Authorities the right to decide arbitrarily whether or not the existing agreements should extend to Non-Self-Governing Territories, but also gave them the right to cease applying any of the conventions to the territories under their charge.

The representative of France pointed out that his Government would not be able to accept any changes of substance in the text of the agreements or of the convention. He read extracts of a letter, dated 3 September 1946, from the French Ministry of Foreign Affairs to the Secretary-General of the United Nations, making the point quite clear.

The two Soviet amendments were rejected by 12 votes in favour to 24 against, with 15 abstentions, and 14 votes in favour to 24 against, with 14 abstentions. Subsequently, the USSR delegation stated it would vote for the resolution, though it disagreed with the text of the two articles of the Protocols in question.

At its 169th plenary meeting on 3 December 1948, the General Assembly unanimously adopted resolution 256(III), as follows:

"The General Assembly,

"Noting that the French Government exercises certain functions under article 7 of the International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, under articles 4, 8, 10 and 11 of the International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, and under articles 1, 4, 5 and 7 of the Agreement of 4 May 1910 for the Suppression of the Circulation of Obscene Publications.

"Taking note of the French Government's offer to transfer to the United Nations the functions exercised by it in virtue of these instruments,

"Considering that, by resolution 126 (II) adopted on 20 October 1947, the General Assembly decided to assume the powers and functions previously exercised by the League of Nations under the International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, the International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, and of the International Convention of 12 September 1923 for the Suppression of the Circulation of and Traffic in Obscene Publications.

"Being desirous of continuing and centralizing international co-operation in order to suppress the traffic in women and children and in obscene publications,

"Approves the transfer to the United Nations of the functions exercised by the French Government in virtue of the above-mentioned instruments;

"Approves the Protocols which accompany this resolution;

"Asks that each of these Protocols be signed without delay:

"(a) By the States Members of the United Nations which are Parties to the Agreements or to the Convention which the Protocols seek to amend;

"(b) By those States which are not Members of the United Nations and which are Parties to the Agreements or the Conventions which the Protocols seek to amend, and to which the Secretary-General shall have communicated a copy of the Protocols in conformity with international agreements in force and the recommendations contained in the resolutions of the General Assembly;

"Recommends that, pending the entry into force of the aforesaid Protocols, effect be given to their provisions by the aforementioned States, each in respect of the instruments to which it is a Party;

"Instructs the Secretary-General to perform the functions conferred upon him by the aforesaid Protocols upon their entry into force."

As of December 1949, the Protocols had been signed, respectively, by twenty-two and twenty-four Members of the United Nations.

b. DRAFT CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

(1) Preparation of a Draft Convention

At its seventh session, the Council requested the Secretary-General to prepare the draft of a new and comprehensive convention for the suppression of the traffic in women and children and the prevention of prostitution, which would unify four existing instruments for the suppression of the traffic in women and children³⁹ and also embody the substance of a draft convention on the suppression of the exploitation of the prostitution of others, prepared by the League of Nations in 1937. The Council also requested the Secretary-General to ascertain the views of Governments and international organizations specializing in this field regarding this draft, and to submit the draft convention and any views expressed on it to the Social Commission at its fourth session

The Council requested the Social Commission to give first priority to the examination of a unified draft convention, which it had advised the Council was required in the light of developments since 1937. However, the Council suggested that if the Commission lacked time to complete a comprehensive convention, it should submit a revision

³⁹ (a) International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic; (b) International Convention of 4 May 1910 for the Suppression of the White Slave Traffic; (c) International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children; and (d) International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age.

of the 1937 draft convention at the Council's ninth session.

The Secretary-General, accordingly, submitted a "Draft Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others" (E/1072) to Member Governments, interested specialized agencies, a number of non-governmental organizations, and to the fourth session of the Social Commission.

After hearing the views of the Secretariat and the representatives of nine non-governmental organizations having consultative status, the Social Commission, at its fourth session in May 1949, decided to consider the unified draft Convention (E/1072). In accordance with a request in the above resolution, it gave first priority to the examination of this draft.

After considering the draft and modifying the texts of several provisions, the Social Commission recommended in its report to the Council (E/1359), that the Council should approve the revised text of the comprehensive draft Convention, submit it to the General Assembly, recommend the conclusion of an international convention in accordance with the draft, and request the Secretary-General to inform Member Governments and the parties to the four existing instruments of such recommendations.

At the same time, recalling that the Council had empowered the Social Commission, if it lacked time, to submit "a revision of the text of the draft Convention of 1937, including any additional amendments which the Commission may see fit to suggest, but excluding amendments with regard to which there is not, in the opinion of the Commission, likely to be a general measure of agreement" (155(VII)E), the Social Commission decided to draw the Council's attention to the close voting among its members regarding a provision in the comprehensive draft Convention. This provision, in the unanimous view of the Commission, represented the most controversial point of the entire Convention, namely, a provision for the abolition of registration or supervision of prostitutes (E/1359).

The Social Commission also decided to draw the attention of the Council to other controversial provisions: a provision for the contingent reference of disputes relating to the interpretation and application of the Convention to the International Court of Justice; and provisions relating to Trust Territories and Non-Self-Governing Territories. It also decided to refer to the Council certain questions relating to the jurisdictional problems of certain States in which treaties become automatically applicable as a matter of internal law,

as well as the question of which organ of the United Nations would be empowered to invite non-member States to become parties to the Convention. Finally, the Social Commission decided to add to the draft of the Convention a protocol stating that the provisions of the Convention contained only minimum obligations, leaving the parties free to take further measures.

The recommendations of the Social Commission were considered by the Council at its ninth session in July-August 1949, at the 81st to 83rd meetings of the Social Committee on 7 and 8 July 1949.

After the Committee had heard preliminary statements by the representatives of New Zealand, the United States, France, the USSR and the United Kingdom, it decided, on the motion of the Chinese representative, not to vote on any amendments to particular articles of the draft Convention, but to limit its discussion to statements of views.

The following were some of the points raised:

(a) Whether article 1 of the draft, setting out the offences to be punished, was broadly enough phrased (USSR, Brazil, France).

(b) That article 6, providing for the repeal of any laws or regulations calling for police registration or any requirements for supervision of prostitutes, should be so phrased as to allow for socio-medical records (France). This article, as it stood, was supported by the representatives of Belgium, the United States and the United Kingdom; the representative of Turkey, however, thought that there should be a reasonable period of transition before it came into effect.

(c.) That article 17, referring to the "rehabilitation" of prostitutes, should be rephrased so as to stress the aspects of re-education and readaptation to normal social life (France); that since the measures taken under this article would vary from country to country, it would be wiser not to attempt to define them further (United Kingdom).

(d) That disputes concerning the interpretation or application of the Convention should be referred to an arbitrator selected by mutual agreement by the parties rather than to the International Court of Justice (USSR).

(e) That the Convention should apply automatically to Non - Self - Governing Territories (USSR and Poland); that this was impracticable and that the so-called "colonial clause" (article 27), under which countries responsible for the international relations of the territories might extend its application to them, should be retained (United Kingdom, France).

The draft resolution, which the Social Commission had recommended should be submitted to the

General Assembly, was approved by the Social Committee and adopted by the Council by 16 votes to none, with 1 abstention, at its 306th plenary meeting on 23 July 1949 (243(IX)B).

In this resolution, the Council submitted the draft Convention to the Assembly, together with the records of its proceedings. It recommended the conclusion of an international convention on the basis of the draft, taking into account the views expressed in the Council. The Secretary-General was asked to inform Members and parties to the instruments⁴⁰ of the recommendation.

(2) Consideration by the General Assembly at its Fourth Session

This resolution was submitted, together with the Draft Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, to the fourth regular session of the General Assembly.

The draft Convention was referred by the Assembly to the Third Committee, which considered it from its 237th meeting on 30 September to its 269th meeting on 28 November 1949.

(a) DISCUSSIONS IN THE SIXTH COMMITTEE

The Third Committee, in its turn, requested the Sixth Committee to consider those articles of the draft Convention which had definite legal implications (articles 8, 9, 10, 12, 25, 26, 28, 29, 30, 31 and 32) and to make recommendations on the text of these articles. It also asked the Sixth Committee to advise it as to what would be the legal effects of deleting or retaining the clause "subject to the requirements of domestic law" in the articles of the draft Convention where it occurred (articles 4, 7, 16, 19 and 20), and to transmit to it comments on any other legal problem arising in connexion with the draft Convention.

These questions were examined by the Sixth Committee at its 169th, 190th and 199th to 208th meetings on 19 October, and on 11 and 21 to 28 November 1949. The conclusions and observations of the Committee were set forth in a memorandum from its Chairman (A/C.6/L.102). The main points of this memorandum were: with respect to the clause "subject to the requirements of domestic law", the Sixth Committee found that its meaning was susceptible of different interpretations, and concluded that it would be desirable to eliminate this phrase completely and substitute a new clause to accomplish the result intended in each of the articles of the draft Convention in which this clause appeared: (a) that the phrase "to the extent permitted by domestic law" be inserted to qualify the obligations in articles 3, 4, 7 and 16; and (b) that the phrase "in accordance

with the conditions laid down by domestic law" be inserted in articles 19 and 20.

Special attention was given to the legal difficulties involved in article 10, dealing with the question of extradition in cases of criminal offences committed by aliens. The Sixth Committee recommended that this article be deleted because, with regard to criminal offences, a large majority of States recognizes only the principle of territorial jurisdiction or of jurisdiction based on the nationality of the offender.

The Sixth Committee also drew the attention of the Third Committee to the fact that the International Law Commission had placed the topic of "Jurisdiction with regard to crimes committed outside national territory" on its list of topics provisionally selected for codification.

In addition, the Sixth Committee made the following suggestions to the Third Committee:

(a) Throughout the draft Convention, the words "country or territory" should be replaced by the word "State", as the former phrase was no longer appropriate after article 27, concerning the application of the Convention to dependent territories, had been deleted by the Third Committee (see below).

(b) It was desirable to give, for the purposes of the Convention, a definition of the term "prostitution".

(c) In a number of States, incitement to prostitution and similar acts are only punished if committed for gainful purposes. In view of the fact that this restriction is absent from the definitions of article 1, as adopted by the Third Committee, it might be anticipated that a number of States would be unable to accept the Convention.

(d) In addition to article 10 (see above), the Sixth Committee suggested the deletion also of article 26 (specifying as to when a State shall become a Party to the Convention), to be replaced by the second paragraph in article 25, as redrafted, and article 32 (regarding the registration of the Convention by the Secretary-General), which, it recommended, should be deleted in view of the recent amendment recommended for the rules on registration of treaties. It recommended a redraft of article 24, which had been desired by the Third Committee, concerning signature and ratification of the Convention, in line with changes recommended for other articles.

(b) DISCUSSIONS IN THE THIRD COMMITTEE

The Third Committee devoted its 237th to 248th meetings, from 30 September to 12 October 1949, to the consideration of articles 1 to 6, 14,

⁴⁰ See footnote, p. 608.

15, 17, 18, and 21 to 24 of the draft Convention, as well as to the preamble and Final Protocol. At its 238th meeting, it decided, on the motion of the representative of Pakistan, to delete all except the first two paragraphs of article 1, referring to the offences to be punishable under the Convention. The paragraphs deleted were as follows:

"Provided these offences are committed for purposes of gain.

"Any person who commits or is an accessory in the commission of any of the above-mentioned offences, shall, however, be punished regardless of motives of gain:

"(a) If the person procured, enticed, led away or exploited is less than 21 years old at the time of the offence;

"(b) If the person is procured, enticed, led away or exploited for the purpose of being sent abroad;

"(c) If the person is procured, enticed, led away or exploited by the use of fraud, deceit, threat, violence, or any other means of duress."

The revised text was adopted by 25 votes to 5, with 2 abstentions.

At its 248th meeting, the Committee decided, by 25 votes to 19, with 4 abstentions, to delete article 27 (concerning the voluntary extension of the Convention to dependent territories).

After taking this decision, it adopted by a roll-call vote of 23 to 22, with 5 abstentions, a Ukrainian proposal (A/C.3/L.10) to amend article 24 by deleting the phrase

"It shall also be open for signature or accession on behalf of any Trust Territory of which the United Nations is the administering authority, and on behalf of the Free Territory of Trieste, and for the purposes of this Convention the word 'State' shall include any such territory,"

and substituting for it

"For the purposes of the present Convention the word 'State' [i. e., a non-member State to which an invitation to accede to the Convention had been addressed by the Economic and Social Council] shall include all this colonies and Trust Territories of a State signatory to or accepting the Convention, and all other territories for which such State is internationally responsible."

At its 268th and 269th meetings on 28 November 1949, the Committee examined the texts proposed by the Sixth Committee. It approved that Committee's suggestion to delete articles 10, 26 and 32,⁴¹ and its recommendation for a new version of article 24 as it appears in the final text (see below). Furthermore, the Third Committee approved articles 4, 7, 11, 13, 16, 19 and 20 of the draft Convention, taking into account the suggestions and recommendations concerning these articles which had been made by the Sixth Committee. Finally, it approved several drafting changes proposed by the Sixth Committee in

articles which had previously been adopted by the Third Committee in a different form.

At its 269th meeting, held on 28 November 1949, the Third Committee, by 34 votes to none, with 8 abstentions, adopted the draft Convention as a whole and sent it for approval to the General Assembly (A/1164).

(c) **RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY**

The Assembly considered the item at its 263rd and 264th plenary meetings, on 2 December 1949. Representatives of the following ten countries took part in the discussion: Belgium, Egypt, France, India, Pakistan, Poland, Sweden, the Ukrainian SSR, the USSR and the United Kingdom.

The United Kingdom delegation submitted five amendments (A/1175). The first of these consisted in the addition to article 1 of the paragraphs which had been deleted by the Third Committee (see above).

In introducing his amendment, the United Kingdom representative emphasized that its acceptance was considered by his country's delegation to be so important that—if it were not accepted—his Government would be unable to sign the Convention, even if all its other articles were acceptable. He further suggested that the Third Committee, by deleting the reference to purposes of gain, had widened the scope of the draft Convention and opened the way to all kinds of legal anomalies. The way to rectify the vague and unsatisfactory wording was to restore the definition of "procuring", which had originally been contained in article 1, through the inclusion of the word "for the purposes of gain".

While the Swedish delegation shared these views, the representatives of India and Pakistan spoke against the United Kingdom proposal. They maintained that the basic purpose of the Convention was to safeguard the dignity and worth of the human person and to lead towards progress and improvement in dealing with the social evil of prostitution and various attendant activities. The Convention should not be made applicable to only a limited number of cases; on the contrary, the legal systems of those countries where prostitution

⁴¹ This, together with the Third Committee's deletion of article 27, changed the original numbering of articles of the draft Convention (as submitted in the report of the Social Commission, document E/1359, annex II, and in the Council's resolution 243 (IX) B)) in the following way—numbers in parentheses representing the original numbering: articles 1 to 9, no change; article 10, deleted; articles 11 to 24 getting consequently one number below the original one; articles 26, 27 and 32 having been deleted; the remaining articles of the draft Convention were numbered as follows: 25 (28), 26 (29), 27 (30), and 28 (31).

and its attendant activities were, for traditional reasons, still tolerated, should be brought up to the standard of the Convention.

When put to the vote, the United Kingdom amendment to article 1 was rejected by 14 votes in favour to 24 against, with 9 abstentions.

The second United Kingdom proposal suggested the deletion of the final paragraph of article 23 (formerly article 24, concerning signature and ratification of the Convention), as adopted by the Third Committee, and the substitution for it of the original text which the Third Committee had deleted.

This provision was considered by the Assembly in connexion with another United Kingdom amendment, which proposed an additional article (article 24 A) for insertion between articles 24 and 25, aimed at reintroducing article 27 of the original draft which had been deleted by the Third Committee. It read as follows:

"Any Party to this Convention may, at the time of ratification or of accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that the present Convention shall extend to all or any of the territories for the international relations of which it is responsible. This Convention shall extend to the territory named in the notification as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of such notification.

"Each Party to this Convention agrees to take as soon as possible the necessary steps to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

"The Secretary-General of the United Nations shall communicate the present Convention to the States referred to in Article 23 for transmission to the responsible authorities of:

(a) Any non-self-governing territory administered by them;

(b) Any Trust Territory administered by them;

(c) Any other non-metropolitan territory for the international relations of which they are responsible."

In introducing these two proposals, the United Kingdom representative said that the amendment to article 23 was designed to bring its text to the form in which it had been amended, by a majority of only one vote, in the Third Committee, on a proposal of the Ukrainian delegation. (The other proposal (additional article) was aimed at reintroducing the text of article 27 of the original draft.) The United Kingdom delegation was seeking to reintroduce the "colonial application clause" because its Government was firmly attached to the fundamental principle that the territories for which it was internationally responsible should themselves take the necessary and independent decisions in their internal affairs wherever possible,

and thus carry the direct responsibility for any international obligations so undertaken.

The United Kingdom attitude on this question was shared by the delegations of Belgium and France who stated that, chiefly for constitutional reasons, they could not admit that the Convention should automatically apply to Non-Self-Governing and Trust Territories. It was opposed by the representatives of India, Pakistan, Poland and the Ukrainian SSR, who insisted, broadly speaking, that the Convention should automatically apply also in all dependent territories, including the colonies, because the colonial Powers should be responsible for the progress in their dependencies.

The USSR delegation emphasized that, in its opinion, questions concerning the interpretation and application of conventions should only be referred to the International Court of Justice if the two parties in disagreement admitted such a procedure.

The second United Kingdom amendment (concerning article 23) was rejected by a roll-call vote of 14 in favour to 33 against, with 4 abstentions.

The third United Kingdom proposal (concerning the additional article) was rejected by a roll-call vote of 14 in favour to 34 against, with 3 abstentions.

Thereupon, the United Kingdom representative withdrew the two remaining amendments he had submitted, because both of them were consequential upon the adoption of the additional article 24 A, which had just been rejected.⁴²

A division of opinion occurred also with respect to article 6 of the draft Convention (which provides that parties to the Convention will abolish laws and regulations for the registration of prostitutes). The French delegation emphasized that it was impossible to create a new world overnight; the problem was gradually to adapt an old society to new conditions of life. Provision must be made, even if only temporarily, for medical supervision of prostitutes. On the other hand, the representative of India did not wish to give prostitution a legal status, even in the matter of medical examination, because it necessarily involved medical registration and thus gave prostitution tacit legal recognition.

The delegation of Egypt also stated that it could vote for the adoption of article 6 only in its original form.

⁴²The following words were to be added to the final paragraph of article 25: "Such denunciation shall be operative only in respect of the State on whose behalf it was made, or if it was on behalf of a territory to which this Convention has been extended under article 24 A, then only in respect of that territory". Secondly, the following new sub-paragraph was to be inserted between (a) and (b) in article 26: "Of notifications received in accordance with article 24 A".

The United Kingdom amendments having been either defeated or withdrawn, the President put to the vote, by roll-call, the draft resolution and the draft Convention annexed thereto, as contained in document A/1164 (Third Committee's report to the General Assembly), with the following result:

In favour: Afghanistan, Argentina, Australia, Bolivia, Brazil, Burma, Byelorussian SSR, Canada, Chile, China, Cuba, Czechoslovakia, Egypt, Ethiopia, Greece, India, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Netherlands, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian SSR, USSR, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: France, United Kingdom.

Abstaining: Belgium, Colombia, Denmark, Dominican Republic, Guatemala, Honduras, Iceland, Mexico, New Zealand, Peru, Sweden, Thailand, Turkey, Union of South Africa, United States.

Consequently, on 2 December 1949 at its 264th plenary meeting, the General Assembly adopted, by 35 votes to 2, with 15 abstentions, the following resolution 317 (IV) and the Convention annexed thereto:

"The General Assembly

"Approves the following Convention, and proposes that each Member of the United Nations and each non-member State which the appropriate organ of the United Nations may invite to do so become a Party thereto."

ANNEX

TEXT OF THE CONVENTION

PREAMBLE

Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community,

Whereas, with respect to the suppression of the traffic in women and children, the following international instruments are in force:

1. International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol approved by the General Assembly of the United Nations on 3 December 1948,

2. International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended by the above-mentioned Protocol,

3. International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly of the United Nations on 20 October 1947,

4. International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended by the aforesaid Protocol,

Whereas the League of Nations in 1937 prepared a draft Convention extending the scope of the above-mentioned instruments, and

Whereas developments since 1937 make feasible the conclusion of a convention consolidating the above-mentioned instruments and embodying the substance of the 1937 draft Convention as well as desirable alterations therein;

Now therefore

The Contracting Parties

Hereby agree as hereinafter provided:

Article 1

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

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

2. Exploits the prostitution of another person, even with the consent of that person.

Article 2

The Parties to the present Convention further agree to punish any person who:

1. Keeps or manages, or knowingly finances or takes part in the financing of a brothel;

2. Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.

Article 3

To the extent permitted by domestic law, attempts to commit any of the offences referred to in articles 1 and 2, and acts preparatory to the commission thereof, shall also be punished.

Article 4

To the extent permitted by domestic law, intentional participation in the acts referred to in articles 1 and 2 above shall also be punishable.

To the extent permitted by domestic law, acts of participation shall be treated as separate offences whenever this is necessary to prevent impunity.

Article 5

In cases where injured persons are entitled under domestic law to be parties to proceedings in respect of any of the offences referred to in the present Convention, aliens shall be so entitled upon the same terms as nationals.

Article 6

Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

Article 7

Previous convictions pronounced in foreign States for offences referred to in the present Convention shall, to the extent permitted by domestic law, be taken into account for the purpose of:

1. Establishing recidivism;

2. Disqualifying the offender from the exercise of civil rights.

Article 8

The offences referred to in articles 1 and 2 of the present Convention shall be regarded as extraditable offences in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention.

The Parties to the present Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the offences referred

to in articles 1 and 2 of the present Convention as cases for extradition between themselves.

Extradition shall be granted in accordance with the law of the State to which the request is made.

Article 9

In States where the extradition of nationals is not permitted by law, nationals who have returned to their own State after the commission abroad of any of the offences referred to in articles 1 and 2 of the present Convention shall be prosecuted in and punished by the courts of their own State.

This provision shall not apply if, in a similar case between the Parties to the present Convention, the extradition of an alien cannot be granted.

Article 10

The provisions of article 9 shall not apply when the person charged with the offence has been tried in a foreign State and, if convicted, has served his sentence or had it remitted or reduced in conformity with the laws of that foreign State.

Article 11

Nothing in the present Convention shall be interpreted as determining the attitude of a Party towards the general question of the limits of criminal jurisdiction under international law.

Article 12

The present Convention does not affect the principle that the offences to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law.

Article 13

The Parties to the present Convention shall be bound to execute letters of request relating to offences referred to in the Convention in accordance with their domestic law and practice.

The transmission of letters of request shall be effected:

1. By direct communication between the judicial authorities; or

2. By direct communication between the Ministers of Justice of the two States, or by direct communication from another competent authority of the State making the request to the Minister of Justice of the State to which the request is made; or

3. Through the diplomatic or consular representative of the State making the request in the State to which the request is made; this representative shall send the letters of request direct to the competent judicial authority or to the authority indicated by the Government of the State to which the request is made, and shall receive direct from such authority the papers constituting the execution of the letters of request

In cases 1 and 3 a copy of the letters of request shall always be sent to the superior authority of the State to which application is made.

Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the State to which the request is made may require a translation in its own language, certified correct by the authority making the request.

Each Party to the present Convention shall notify to each of the other Parties to the Convention the method or methods of transmission mentioned above

which it will recognize for the letters of request of the latter State.

Until such notification is made by a State, its existing procedure in regard to letters of request shall remain in force.

Execution of letters of request shall not give rise to a claim for reimbursement of charges or expenses of any nature whatever other than expenses of experts.

Nothing in the present article shall be construed as an undertaking on the part of the Parties to the present Convention to adopt in criminal matters any form or methods of proof contrary to their own domestic laws.

Article 14

Each Party to the present Convention shall establish or maintain a service charged with the co-ordination and centralization of the results of the investigation of offences referred to in the present Convention.

Such services should compile all information calculated to facilitate the prevention and punishment of the offences referred to in the present Convention and should be in close contact with the corresponding services in other States.

Article 15

To the extent permitted by domestic law and to the extent to which the authorities responsible for the services referred to in article 14 may judge desirable, they shall furnish to the authorities responsible for the corresponding services in other States the following information:

1. Particulars of any offence referred to in the present Convention or any attempt to commit such offence;

2. Particulars of any search for and any prosecution, arrest, conviction, refusal of admission or expulsion of persons guilty of any of the offences referred to in the present Convention, the movements of such persons and any other useful information with regard to them.

The information so furnished shall include descriptions of the offenders, their fingerprints, photographs, methods of operation, police records and records of conviction.

Article 16

The Parties to the present Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention.

Article 17

The Parties to the present Convention undertake, in connexion with immigration and emigration, to adopt or maintain such measures as are required, in terms of their obligations under the present Convention, to check the traffic in persons of either sex for the purpose of prostitution.

In particular they undertake:

1. To make such regulations as are necessary for the protection of immigrants or emigrants, and in particular, women and children, both at the place of arrival and departure and while en route;

2. To arrange for appropriate publicity warning the public of the dangers of the aforesaid traffic;

3. To take appropriate measures to ensure supervision of railway stations, airports, seaports and en route, and of other public places, in order to prevent international traffic in persons for the purpose of prostitution;

4. To take appropriate measures in order that the appropriate authorities be informed of the arrival of persons who appear, *prima facie*, to be the principals and accomplices in or victims of such traffic.

Article 18

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law, to have declarations taken from aliens who are prostitutes, in order to establish their identity and civil status and to discover who has caused them to leave their State. The information obtained shall be communicated to the authorities of the State of origin of the said persons with a view to their eventual repatriation.

Article 19

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law and without prejudice to prosecution or other action for violations thereunder and so far as possible:

1. Pending the completion of arrangements for the repatriation of destitute victims of international traffic in persons for the purpose of prostitution, to make suitable provisions for their temporary care and maintenance;

2. To repatriate persons referred to in article 18 who desire to be repatriated or who may be claimed by persons exercising authority over them or whose expulsion is ordered in conformity with the law. Repatriation shall take place only after agreement is reached with the State of destination as to identity and nationality as well as to the place and date of arrival at frontiers. Each Party to the present Convention shall facilitate the passage of such persons through its territory.

Where the persons referred to in the preceding paragraph cannot themselves repay the cost of repatriation and have neither spouse, relatives nor guardian to pay for them, the cost of repatriation as far as the nearest frontier or port of embarkation or airport in the direction of the State of origin shall be borne by the State where they are in residence, and the cost of the remainder of the journey shall be borne by the State of origin.

Article 20

The Parties to the present Convention shall, if they have not already done so, take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment, in particular women and children, from being exposed to the danger of prostitution.

Article 21

The Parties to the present Convention shall communicate to the Secretary-General of the United Nations such laws and regulations as have already been promulgated in their States, and thereafter annually such laws and regulations as may be promulgated, relating to the subjects of the present Convention, as well as all measures taken by them concerning the application of the Convention. The information received shall be published periodically by the Secretary-General and sent to all Members of the United Nations and to non-member States to which the present Convention is officially communicated in accordance with article 23.

Article 22

If any dispute shall arise between the Parties to the present Convention relating to its interpretation or application and if such dispute cannot be settled by other

means, the dispute shall, at the request of any one of the Parties to the dispute, be referred to the International Court of Justice.

Article 23

The present Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the Economic and Social Council.

The present Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

The States mentioned in the first paragraph which have not signed the Convention may accede to it.

Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.

For the purposes of the present Convention the word 'State' shall include all the colonies and Trust Territories of a State signatory or acceding to the Convention and all territories for which such State is internationally responsible.

Article 24

The present Convention shall come into force on the ninetieth day following the date of deposit of the second instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification or accession, the Convention shall enter into force ninety days after the deposit by such State of its instrument of ratification or accession.

Article 25

After the expiration of five years from the entry into force of the present Convention, any Party to the Convention may denounce it by a written notification addressed to the Secretary-General of the United Nations.

Such denunciation shall take effect for the Party making it one year from the date upon which it is received by the Secretary-General of the United Nations.

Article 26

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 23:

(a) Of signatures, ratifications and accessions received in accordance with article 23;

(b) Of the date on which the present Convention will come into force in accordance with article 24;

(c) Of denunciations received in accordance with article 25.

Article 27

Each Party to the present Convention undertakes to adopt, in accordance with its Constitution, the legislative or other measures necessary to ensure the application of the Convention.

Article 28

The provisions of the present Convention shall supersede in the relations between the Parties thereto the provisions of the international instruments referred to in sub-paragraphs 1, 2, 3 and 4 of the second paragraph of the Preamble, each of which shall be deemed to be terminated when all the Parties thereto shall have become Parties to the present Convention.

Final Protocol

Nothing in the present Convention shall be deemed to prejudice any legislation which ensures, for the enforcement of the provisions for securing the suppression

of the traffic in persons and of the exploitation of others for purposes of prostitution, stricter conditions than those provided by the present Convention.

The provisions of articles 23 to 26 inclusive of the Convention shall apply to the present Protocol.

After the vote had been taken, the representative of Denmark explained that he had abstained because the wording of essential articles of the Convention was not compatible with the present Danish legislation on the subject. The Danish Government would have to consider whether or not it could appropriately amend Danish legislation so as to enable Denmark to adhere to the Convention at a later date.

c. PROGRAMME OF WORK

At its fourth session in May 1949, the Social Commission also adopted a programme of work (E/1359, paras. 26 and 27). This provided for: compilation of a bibliography and of a legislative series; periodic publication of summaries of reports from Governments; preparation of a report on the question of a regional bureau in the Far East for the suppression of the traffic in persons; and preparation of a report "outlining in a preliminary fashion measures involving a programme of action for combating the traffic in persons and for the prevention and suppression of the exploitation of the prostitution of others".

At its ninth session, the Economic and Social Council took note of this programme (243 (IX)).

6. Prevention of Crime and **Treatment** of Offenders

a. COLLABORATION OF INTERNATIONAL ORGANIZATIONS

The Economic and Social Council, at its seventh session in July-August 1948, in resolution 155-(VII) C, endorsed the opinion of the Social Commission that the United Nations should assume leadership in promoting study in the field of prevention of crime and treatment of offenders, on an international basis, taking into consideration the knowledge and experience of international and national organizations with interest and competence in this field.

Under the sponsorship of the United Nations, a meeting of representatives of the principal international organizations and interested specialized agencies was held in Paris, on 15 and 16 October 1948 (E/CN.5/104). The purpose of the meeting was to decide the best methods to bring about effective co-ordination of effort and close co-operation between the United Nations and

the organizations concerned, and to ensure the full utilization of the programme of study endorsed by the Economic and Social Council.

The meeting recognized that the complexity of the subject called for a progressive programme and close collaboration between the Secretary-General and the organizations. It therefore recommended that the international organizations concerned should appoint representatives resident in the United States to maintain close contact with the Division of Social Activities of the United Nations.

It was also decided that a permanent committee of the principal international institutions and organizations working in the field should be established under the auspices of the United Nations. It was proposed that this committee should (1) establish contact between the United Nations Secretariat and other organizations represented on the committee, (2) co-ordinate, with the assistance of the United Nations Secretariat, the studies undertaken in common, (3) co-ordinate the conferences and congresses called by the organizations to study the prevention of crime and treatment of offenders, and (4) plan the use of questionnaires in order to prevent their excessive usage. The first meeting of the permanent committee was scheduled to be held in the spring of 1950.

It was further considered desirable that the Secretariat of the United Nations should (a) publish an annual report on its work and on that of the interested institutions and organizations, covering the progress made with problems under study, the results achieved and future plans in the field of prevention of crime and treatment of offenders, and (b) consider the possibility of asking the various Governments for reports on their activities and experiences in these fields.

Meanwhile, a meeting of the representatives of the international organizations concerned and of the interested specialized agencies was held on 30 March 1949 to discuss ways and means of making full use of the knowledge and experience of the organizations in implementing the work programme approved by the Council in August 1948.⁴³ The group agreed upon an outline of areas and methods of collaboration between the United Nations Secretariat and the organizations with respect to the studies on juvenile delinquency and probation already undertaken by the Secretariat (E/CN.5/153).

At its fifth session in December 1949, the Social Commission (E/1568) expressed satisfaction with the progress made by the Secretariat in the establishment of co-operative relationships with the

⁴³See Yearbook of the United Nations, 1947-48, p. 613.

interested specialized agencies and international organizations with special competence in the field. The representative of the USSR expressed the view that the question of prevention of crime and treatment of offenders was not one which required international action. In his opinion, such problems fell under the domestic jurisdiction of the countries concerned.

b, INTERNATIONAL GROUP OF EXPERTS

The Council, at its seventh session, also requested in resolution 155(VII)C the Secretary-General, subject to budgetary limitations, to convene in 1949 a group of internationally-recognized experts to act in an honorary capacity, and to advise the Secretary-General and the Social Commission in devising and formulating policies and programmes appropriate to (a) the study on an international basis of the problem of prevention of crime and treatment of offenders, and (b) international action in this field.

In accordance with this resolution, an international group of experts met at Lake Success from 1 to 8 August 1949. The Group was composed of internationally-recognized experts of different nationalities from various regions of the world and representing different scientific disciplines: criminal law, criminology, criminal sociology, criminal psychiatry and penology. The Group made recommendations (E/CN.5/154) with respect to the programme of studies, the methods to be used in carrying out the programme, and international action other than studies. The Group also recommended that a permanent international advisory group of experts should be established, with members appointed for a period of one year.

Meanwhile, the Council, at its 306th plenary meeting on 23 July 1949, endorsed in its resolution 243 (IX) the resolution adopted by its Social Committee at its 85th meeting. This requested the Secretary-General, subject to budgetary limitations, to convene an international advisory group of experts in 1950.

The report of the Group of Experts was considered by the Social Commission at its fifth session in December 1949 (E/1568). The Commission approved the report in general, and recommended that the Secretary-General should give effect to the recommendations contained in it. The Commission was in general agreement with the recommendation of the Group that the programme of technical assistance in the field should be further extended.

The Social Commission regarded the suggested

publication of an international review on the prevention of crime and treatment of offenders an effective means for spreading information, and one of the means for assuming international leadership in the field. It therefore requested the Secretary-General to give immediate attention to the publication of such a periodical, which should be issued at least twice a year. The Commission agreed to defer the final decision on the form in which effect should be given to the recommendation that the United Nations should publish an annual report on legislative and administrative measures taken by Governments in the field, and requested the Secretary-General to report on the subject at a future session. The Social Commission recommended, as suggested by the Group of Experts, that the Secretary-General should investigate the possibility of undertaking the preparation of a standard classification of offences, taking into account the difference in the criminal law and its administration in different countries, in order that Governments might submit statistical returns on criminality on standard schedules. The Commission decided to defer to a future session the question of the advisability of the establishment on a permanent basis of an international advisory group of experts. It recommended that the Council should ask the Secretary-General to plan for a quinquennial world conference, in cooperation with other international organizations.

On the recommendation of the Group of Experts, the Social Commission further approved the revision of the Standard Minimum Rules for the treatment of prisoners, prepared by the International Penal and Penitentiary Commission (IPPC) (see below) and adopted by the League of Nations in 1935. The Commission agreed that the IPPC should undertake the preliminary work in connexion with the revision, and requested the Secretary-General to co-operate with that body in transmitting its questionnaire to Governments. It also requested the Secretary-General to consult with the Commission on Human Rights and with Governments and interested specialized agencies and international organizations with regard to the preparation of an appropriate international agreement on minimum standards for the treatment of prisoners who have been apprehended by the police, are awaiting trial and sentence, or have been sentenced by the courts. The agreement was to be submitted for the approval of the appropriate organs of the United Nations.

With respect to the revised programme of study and research contained in the report of the Group of Experts, the Commission discussed, and agreed upon, a number of guiding principles for and

qualifications to, the recommendations of the Group. It was agreed that the question should be considered generally, without prejudice to the negotiations between the United Nations and the IPPC for the integration of the latter within the United Nations. There was also general agreement that the Social Defence Section of the Secretariat should limit itself to the collection of information on the experience of different countries with respect to specific preventive measures, to the exclusion of the study of general measures of social improvement and of the causation of crime and delinquency. The Commission approved the principle of using the services of outside specialists in carrying out the programme of studies and research in this field. This procedure, it held, should be limited, at the discretion of the Secretary-General, to appropriate but exceptional circumstances.

The Commission recommended that the Council at its tenth session approve its programme, as adopted at the Commission's fifth session on the basis of the report of the International Group of Experts.

c. RELATIONS WITH THE INTERNATIONAL PENAL AND PENITENTIARY COMMISSION (IPPC)

Since it had been informed that the International Penal and Penitentiary Commission (IPPC) had amended its constitution and that Franco Spain had ceased to be a member of the Commission, the Council, in August 1949, requested the Secretary-General to consult the IPPC with a view to submitting a plan in the near future for the eventual integration of the Commission within the United Nations. It invited Member Governments of the United Nations or of the Commission to submit any comments they wished to make on this subject (262 (IX) B)⁴⁴

d. STUDY PROGRAMME AND INTERNATIONAL ACTION

Of the subjects outlined by the Social Commission at its third session, four were selected for immediate study: the problem of juvenile delinquency; the medical, psychiatric and social examination of adult offenders before sentence is passed; probation; and criminal statistics. During 1949, the Secretary-General prepared full reports on the topics of probation and criminal statistics. Concerning juvenile delinquency, a first study was prepared on penal legislation relating to juvenile delinquents in the twenty republics of Latin America, to be supplemented later by other studies. In

addition, a study was begun, in collaboration with the World Health Organization, on the subject of medical, psychiatric and social examination of adult offenders before sentence is passed.

Consultants have been placed at the disposal of the Government of the Philippines to advise on measures for the prevention and treatment of juvenile delinquency, and at the disposal of the Bolivian Government to advise it with regard to the establishment of a juvenile court in that country. Czechoslovakia and Poland have also requested consultant services. Twenty-eight fellowships have been granted for the study of the prevention and treatment of juvenile delinquency, and six for the study of probation and after-care of prisoners to candidates from twenty countries. National working groups have been established in some countries to act as supplementary channels for the international exchange of ideas and experience in the field.

7. Welfare of the Aged

Concurrently with child welfare, the United Nations has been concerned with the welfare of the aged. At the request of the Government of Argentina (A/621), the item was placed on the agenda of the third session of the General Assembly.

The representative of Argentina submitted a Draft Declaration of Old Age Rights (A/C.3/213), which mentioned specifically the following rights: right to assistance; right to accommodation; right to food; right to clothing; right to take care of physical health; right to take care of moral health; right to recreation; right to work; right to stability; and right to respect.

The draft resolution introducing the declaration referred to Article 55 of the Charter, according to which the Members of the United Nations are pledged to create conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, by promoting higher standards of living, full employment and conditions of general progress, and the solution of related social problems. The first paragraph of the proposed declaration stated that

"old age rights, having the same origin and purpose as other universal social safeguards, are essential for the improvement of the living conditions of the worker and for his welfare when his physical strength is at an end and he is exposed to poverty and neglect".

At its 152nd meeting on 22 November 1948, the Third Committee heard a statement, on which there was no discussion, by the Chairman of the

⁴⁴ For relations with the IPPC, see pp. 703-4.

Argentine delegation introducing the draft declaration. At its 167th meeting, held on 30 November, the Committee adopted, by 28 votes to none, with 10 abstentions, a draft resolution submitted by Argentina (A/C.3/384), referring the question to the Economic and Social Council for further study. This was approved by the General Assembly, at its 170th plenary meeting on 4 December 1948, without discussion, by 48 votes to none, with 1 abstention, in resolution 213(III):

"The General Assembly

"Decides to communicate the draft declaration of old age rights submitted by the Argentine delegation (A/C.3/213/Rev.1) to the Economic and Social Council in order that the latter may make a study thereof and report thereon to the General Assembly at one of its future sessions."

Consequently, the subject was considered by the Council at its eighth session, in February-March 1949. It was discussed at the 69th and 70th meetings of the Social Committee, on 21 February. After examining a draft resolution on the question submitted by the delegation of Denmark (E/1151), the Committee decided, by 15 votes to none, with 3 abstentions, to recommend that the Council should request the Secretary-General:

(1) To prepare, in collaboration with the International Labour Organisation and other appropriate bodies, a summarized documentation on the subject, concerning in particular (a) the basic features of measures, legislative or otherwise, for the benefit of aged persons, especially in countries with comprehensive old age pension schemes; (b) the effect of such measures on their standard of living;

(2) To submit to the Social Commission and to the Commission on Human Rights at an early session the documentation prepared.

The Committee also recommended that the Council should request the Social Commission and the Commission on Human Rights to report on the subject to a future session of the Council (E/1185).

The Council, at its 258th plenary meeting on 2 March 1949, approved these recommendations in adopting, by 11 votes to none, with 5 abstentions, resolution 198(VIII).

The Council, in adopting the resolution, took into account the financial estimate presented by the Secretary-General, in which he stated that the most practical way of implementing the resolution proposed by the Social Committee would be to undertake an investigation in two stages: (1) an analysis and summary of essentials contained in available documentary material, and, especially, records of work already accomplished by ILO in

the field of gerontics and by WHO in the field of geriatrics, and (2) such further comprehensive study of those aspects of the question and of their social implications which the Council then decided to undertake (E/1185/Add.1).

The first phase of this investigation was immediately undertaken by the Secretary-General, in collaboration with the International Labour Organisation and other appropriate bodies.

Consideration of the question was postponed by the Social Commission at the fourth session (E/1359), and by the Commission on Human Rights at the fifth session (E/1371), pending the submission to them of the documentation that was being prepared.

8. Survey of World Social and Cultural Situation

The item, "World Social and Cultural Situation", submitted by Lebanon during the first part of the third session of the General Assembly, was postponed until the second part of that session in April-May 1949. It was considered by the Third Committee at its 227th meeting on 12 May 1949.

a. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS THIRD SESSION

In introducing the relevant draft resolution (A/C.3/408/Rev.1), the representative of Lebanon stated that, while a series of general studies on the world economic situation had been initiated by the Council, no comparable action was contemplated in the social, humanitarian and cultural fields. However, the Lebanese delegation thought that, in order to fulfil its double function, the Economic and Social Council would need a world survey of the social and cultural as well as of the economic situation.

The proposal met both with approval and objections. The objections were based mainly on the opinion that the Council and its subsidiary organs, and in particular its Social Commission, were already engaged in a number of studies of this kind; it was also stressed that it would not be advisable to add new tasks to the existing responsibilities of the Secretary-General.

The delegation of Australia formally moved an amendment, to the effect that the proposal be referred to the Council "for appropriate action at the Council's discretion" (A/C.3/515). This suggestion was supported by the representatives of Denmark, the Union of South Africa, New Zealand, the United States, the Philippines, Canada, Belgium and the United Kingdom. The last two

stated that they would have preferred an outright rejection of the Lebanese draft resolution.

On the other hand, the representatives of Guatemala, India, the Ukrainian SSR and Uruguay favoured the adoption of the proposal. The representative of Guatemala, in particular, said that he failed to understand why priority was always accorded to political questions, which served only to divide countries, and why the social, cultural and humanitarian aspects of life, which made for international peace and friendship, were always treated as subsidiary matters, and an attempt made to defer consideration of them. The Lebanese proposal involved merely a plan to obtain fuller knowledge of the conditions under which peoples lived.

The representative of Peru offered a compromise solution by suggesting that the Lebanese proposal might be amended to contain a proposal that a questionnaire should be drawn up in co-operation with the specialized agencies concerned which, once approved, should be circulated to Member States. The representative of Lebanon suggested that this might be borne in mind for future reference; for example, when a research plan had been prepared, it might be circulated to Governments for their comments before coming up for discussion before the Council. However, the Peruvian proposal was only made orally and was not voted upon.

The representative of France submitted an amendment (A/C.3/516), which would invite the Council to consider, on the basis of a report by the Social Commission, the possibilities of drafting a general report on the world social and cultural situation, to take the place of the Lebanese proposal that the Secretary-General submit a study and research plan at a later session with a view to the subsequent production of a report. This amendment was accepted by the representative of Lebanon, together with two minor drafting changes suggested by the Chairman.

The Australian draft resolution was rejected by 14 votes in favour to 26 against, with 5 abstentions. The Lebanese draft resolution, as amended, was adopted by 34 votes to 8, with 5 abstentions, and was submitted for approval to the Assembly on 13 May 1949, at its 211th plenary meeting. There was no additional discussion on the subject, and the proposed text was adopted by 29 votes to 4, with 6 abstentions, as the Assembly's resolution 280(III). It reads:

"The General Assembly,

"Considering that the Economic and Social Council has been entrusted by the Charter with the responsibility of helping to solve international problems in the economic, social, humanitarian and cultural fields,

"Considering that solutions to these problems can best be achieved through exhaustive studies in the corresponding fields,

"Considering that the Council has already initiated, in the economic field, a series of general studies on the world economic situation which has been of the greatest practical use to it in carrying out its work,

"Invites the Economic and Social Council to consider, on the basis of a report by its Social Commission and after consultation with the specialized agencies and the non-governmental organizations concerned, the possibility of drafting a general report on the world social and cultural situation."

b. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL

The Social Commission, at its fourth session in May 1949, after taking cognizance of the Assembly's resolution, considered that it would be advisable to await further instruction from the Council on the subject (E/1359). The matter was therefore taken up by the Council at its ninth session, in July-August 1949. It was considered at the 85th, 86th and 87th meetings of the Council's Social Committee on 9, 10 and 11 July 1949.

France and Lebanon introduced a joint draft resolution (E/AC.7/W.69) requesting the Social Commission to prepare for the Council, preferably not later than 1 June 1950, a report on (1) the possible plans of a survey on the world social and cultural situation, and the methods by which they could be initiated and expanded; and (2) the availability of pertinent data relating to this subject, and the required studies which would be essential for such a survey. Furthermore, it instructed the Secretary-General: (a) to obtain from specialized agencies and non-governmental organizations concerned their views as to the scope and content of such a survey and the extent and nature of the assistance they would be able to offer in its preparation; and (b) to report their views to the Social Commission. Finally, the Secretary-General was requested to submit an estimate of the financial implications involved in the preparation of such a survey.

In the course of the debate, amendments to this proposal were introduced by Australia (E/AC.7/W.70) and Denmark (E/AC.7/W.71). China submitted an alternative draft resolution (E/AC.7/W.73, later revised and issued as E/AC.7/W.73/Rev.1). Broadly speaking, the arguments advanced in favour and against the proposed survey followed the lines of those previously stated in the discussion during the third session of the General Assembly (see above). Representatives also referred to the financial implications of the proposed programme, emphasizing that it should be kept within practicable limits. The delegations of

Denmark, France and Lebanon prepared a new, enlarged text (E/AC.7/W.76) to meet some of the criticisms raised in the course of the debate. The Social Committee, however, adopted the Chinese draft by 14 votes to 4. The Council, at its 306th plenary meeting on 23 July 1949, adopted this text unanimously, without any further discussion, as its resolution 244(IX). It reads:

"The Economic and Social Council,

"Taking note of General Assembly resolution 280(III) of 13 May 1949 on the world social and cultural situation and of the report of the fourth session of the Social Commission,

"Requests the Social Commission to prepare for the Council, preferably for the eleventh session, a report on the possibility of drafting a general report on the world social and cultural situation;

"Instructs the Secretary-General:

"(a) To obtain from the specialized agencies concerned, and the non-governmental organizations concerned which have consultative status, their views on the above question;

"(b) To report their views to the Social Commission; and

"(c) To transmit to the Social Commission and to the specialized agencies concerned the records of the discussions on the subject which took place at the ninth session of the Council."

9. Social Problems of the Aboriginal Populations and Other Under-Developed Groups of the American Continent

During the first part of the third session of the General Assembly (September-December 1948), the Bolivian delegation submitted a draft resolution (A/610), proposing that the Economic and Social Council should "organize a sub-commission of the Social Commission on the study of the social problems of the aboriginal populations of the American continent", and inviting the Secretary-General to make the necessary preparations.

Consideration of the question was deferred until the second part of the third session. The General Assembly considered it at the 53rd and 54th meetings of its ad hoc Political Committee on 10 May, and at its 208th plenary meeting on 11 May 1949.

In the discussion in the ad hoc Political Committee and in plenary meeting of the Assembly, the debate assumed a political character. The representative of the USSR stated in the plenary meeting that the situation of the aboriginal populations should be studied within the general framework of the fight against racial discrimination and the protection of national minorities. He alleged that a policy of racial discrimination was being carried out against the coloured populations of the American countries, and in particular, against the Negroes in the United States.

The representative of Poland spoke in favour of the proposed study; he said, *inter alia*, that his delegation was prepared to give the United States the benefit of the doubt, and hoped that it would be among the first to request the assistance provided for in the report.

The representatives of Bolivia, Guatemala and Ecuador also spoke in favour of the study. The representative of Guatemala stated categorically that there was no racial discrimination in his country. The problem of the aborigines in Guatemala was not a racial problem, but rather a social and cultural phenomenon.

The Cuban representative reserved the right to raise again the question of a world study with all its implications at a more propitious moment.

The ad hoc Political Committee, at its 54th meeting, by 28 votes to none, with 9 abstentions, adopted, with minor drafting changes, a revised Bolivian proposal (A/AC.24/72/Rev.2). The resolution incorporated amendments proposed by Cuba and Haiti, which would extend the study to under-developed social groups, and by Mexico, which would associate the Instituto Indigenista Interamericano with the study.

The Committee rejected by 12 votes in favour to 15 against, with 6 abstentions, amendments proposed by the representative of Denmark which, *inter alia*, would refer the question to the Economic and Social Council for study and appropriate action.

At its 208th plenary meeting, the General Assembly, on the recommendation of the ad hoc Political Committee, adopted by 37 votes to none, with 14 abstentions, resolution 275(III), as follows:

"Whereas the Charter sets forth as one of the objectives of the United Nations the promotion of social progress and higher standards of living throughout the world,

"Whereas there exist on the American continent a large aboriginal population and other under-developed social groups which face peculiar social problems that it is necessary to study in the field of international co-operation,

"Whereas several American nations are directly and vitally interested in that problem,

"Whereas the material and cultural development of those populations would result in a more profitable utilization of the natural resources of America to the advantage of the world,

"The General Assembly

"1. Recommends that, in accordance with Articles 13 and 62 of the Charter, the Economic and Social Council, with the assistance of the specialized agencies concerned, and in collaboration with the Instituto Indigenista Interamericano, study the situation of the aboriginal populations and of the above-mentioned under-developed social groups of the States of the American continent requesting such help;

"2. Invites the Secretary-General to co-operate in such studies as are deemed necessary, in consultation with the interested Member States and taking into account the studies and conclusions of the Instituto Indigenista Interamericano, in compliance with the terms of this resolution."

Meanwhile, in connexion with problems of economic development of under-developed countries, the Population Commission, at its fourth session in April 1949, considered as of considerable import the demographic problems of culturally-handicapped groups, such as the aboriginal populations of the American continents. It therefore requested the Secretary-General, in consultation with the relevant specialized agencies, to consider methods for identifying such groups and, when requested by Governments concerned, to investigate the inter-relationships of the demographic, economic and social characteristics of the groups concerned (E/1313).

At the ninth session of the Economic and Social Council (July-August 1949), the Secretary-General reported that he had requested the Governments of Canada, the twenty-one American Republics, France, the Netherlands and the United Kingdom, as well as the Instituto Indigenista Interamericano, to make preliminary comments or suggestions for appropriate actions (E/1364). The Secretary-General also transmitted to the Council the text of a joint resolution of Bolivia, Ecuador, Mexico and Peru, which had been unanimously adopted at Cuzco in June-July 1949 by the Second Inter-American Indigenous Congress, and which recommended that

"the Governments of those American nations with very large indigenous populations jointly request that the studies in question be carried out",

and that

"they likewise request the United Nations that such studies and other forms of assistance for the improvement of the living standards of the Indians and rural populations of the under-developed countries be implemented through the establishment of permanent institutions, with their headquarters in those countries, whose task it would be to promote or ensure more positive co-operation" (E/1432).

Furthermore, the text of a resolution concerning the conditions of life and work of indigenous populations, which had been adopted at Montevideo in April-May 1949 by the fourth Labour Conference of American States members of the ILO, was also communicated to the Council (E/1389).

The Council discussed the matter at its 320th meeting, on 3 August 1949.

In the course of the debate, the representatives of the United States and of Belgium maintained that no action could be taken on the Assembly's resolution unless the countries with larger indige-

nous populations requested this type of technical assistance. The representative of Poland, on the other hand, considered that the question should be referred to one of the Council's functional commissions, without waiting for applications from Governments concerned. The Council, by 16 votes to none, with 1 abstention, adopted a resolution proposed jointly by Brazil, Chile, France, Peru, the United States and Venezuela (E/1487), with an amendment proposed verbally by the USSR. In this resolution (245 (IX)), the Council asked the Secretary-General to report to its eleventh session on the progress made in the field by all parties concerned and, in particular, to report on the comments received from Governments.

Several Latin American countries meanwhile had expressed the wish to hold a seminar with regard to the problem of the welfare of the aboriginal populations, and, in September 1949, representatives of Bolivia, Ecuador, Guatemala, Mexico and Peru met with consultants familiar with the subject. Representatives of these countries, together with those of FAO, ILO, UNESCO, WHO and the Inter-American Indian Institute, subsequently met on 23 November 1949, to review the possibility of organizing such a seminar and to exchange views.

10. Earthquake in Ecuador

At its 337th to 339th plenary meetings on 12 and 13 August 1949, the Council considered a proposal by the representative of Chile (E/1523/Rev.1) concerning measures to be adopted in connexion with the earthquake in Ecuador, and unanimously adopted resolution 254 (IX), which expressed the deep concern of the Council at the earthquake, invited Member nations to consider what assistance they might be in a position to offer to the Government of Ecuador, invited the World Health Organization and the United Nations International Children's Emergency Fund to give urgent attention to the resulting problems within their field of activity, expressed the Council's trust that other specialized agencies in a position to assist would pay due attention to these problems, and requested the Secretary-General to bear the situation in Ecuador in mind when deciding on the services to be extended to various countries, and to take steps to co-ordinate the efforts of United Nations organs in the matter.

On 10 August 1949, the Interim Committee expressed its unanimous feelings of solidarity and sympathy with the Ecuadorean representative. The Committee was subsequently informed that a high

official of the Social Affairs Department of the Secretariat had been sent to Ecuador, and that the Economic and Social Council, seized of the prob-

lem, was actively studying the question in co-operation with the Secretary-General, with a view to supplying the best possible assistance.

G. UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND (UNICEF)

The General Assembly, by resolution 57(I), on 11 December 1946 established the United Nations International Children's Emergency Fund for the benefit of children and adolescents of countries which were the victims of aggression or had been receiving help from UNRRA, and for child health purposes generally.⁴⁵

The Economic and Social Council, on 20 August 1948, expressed its satisfaction that twenty-one States had thus far contributed to the Fund, some of them for a second time, and noted with approval the arrangements for co-operation which had been achieved between WHO and the Fund. The Council approved the report of the Executive Board (E/901)⁴⁶ which briefly summarized UNICEF's activities up to July 1948, and transmitted it to the General Assembly, drawing particular attention to the Board's request concerning the urgent need for \$20,000,000 in Government contributions for the work of the Fund in 1949 (161 (VII)).

1. Consideration by the General Assembly at its Third Session

The General Assembly considered the item "Report of the Executive Board of the International Children's Emergency Fund", which had been submitted by the Economic and Social Council (A/625), at its Third Committee's 169th meeting on 2 December, and at the 177th plenary meeting on 8 December 1948.

The Assembly also had before it a note by the Secretary-General which pointed out that the Council had decided, in March 1947 (44(IV)), that the Fund's reports should be considered by the Social Commission prior to the Council's action. Due to the date of the Social Commission's third session, this had not been possible, and the Council had considered the report in plenary meeting.

At its 169th meeting, the Third Committee heard a report from the Chairman of the Executive Board of UNICEF, in which he briefly reviewed the Fund's work during 1948, emphasizing that in creating such a body the General Assembly had shown that the rights of mothers and children were universally recognized. He pointed out that since

1947 the work of the Fund had spread progressively from Europe to the Middle East and the rest of Asia, as well as to North Africa and Latin America, until it had covered thirty-one countries and five Non-Self-Governing Territories.

He pointed out, *inter alia*, that, by the end of 1948, 80,000 tons of food, including 50,000 tons of milk, 11,000 tons of meat and fish, 2,300 tons of cod liver oil, as well as cotton, wool, leather, medical supplies, machines for the dairy industry, and laboratory equipment, had been distributed. Eighty-five per cent of the expenditure had gone to the purchase of foodstuffs, 8 per cent to medical supplies and other provisions, as well as to services, and 3 per cent for administrative expenses.

The Chairman of the Fund stated that it was estimated that \$78,000,000 would be needed for 1949, of which \$37,000,000 had already been allocated. The Fund intended to expand the programme of training of personnel in all the professions concerned with children's aid. In general, he said, "it should be realized that the action of the UNICEF was far from satisfying the vast needs of mothers, children, and adolescents throughout the world."

During the brief discussion which followed, the majority of Members praised the work of the Fund and supported the Australian-United States joint draft resolution (A/C.3/392), which would approve the report of the Fund and stress the need for additional contributions. The representative of New Zealand emphasized particularly the importance of the principle of local matching on the part of recipient Governments which, in fact, doubled the value of contributions, because each dollar paid into the Fund enabled the Fund to spend two dollars. The representative of the United States spoke favourably of the Fund's relationship with the specialized agencies, particularly WHO, and thought it would be desirable if the same type of relations could be created with other agencies, including FAO.

The Third Committee (A/759), on 2 Decem-

⁴⁵ See Yearbook of the United Nations, 1946-47, pp. 163-64.

⁴⁶ For details of the comprehensive report submitted to the seventh session of the Council, see Yearbook of the United Nations, 1947-48, pp. 621-22.

ber 1948, adopted the joint draft resolution by 26 votes to none, with 5 abstentions. At the 177th plenary meeting of the General Assembly on 8 December, the resolution recommended by the Third Committee was adopted (resolution 214 (III)), without comment, as follows:

"The General Assembly,

"Having considered the reports of the Economic and Social Council and of the Executive Board of the International Children's Emergency Fund,

"Notes that substantial relief for the emergency needs of children in many countries has been administered during 1948, that additional countries are applying for assistance in 1949, and that additional resources accordingly are needed;

"Notes the conclusion of the Economic and Social Council that there exists practical and effective means for bringing relief to the continuing emergency needs of children, provided that further contributions are received;

"Notes with satisfaction the successful arrangements made for co-operation between the Fund and the World Health Organization;

"Approves the report of the Executive Board;

"Expresses gratification that twenty-five States thus far have contributed to the Fund, some of them having already made second contributions;

"Draws the attention of Members to the necessity for prompt contributions from Governments to enable the procurement of supplies to proceed for the work of the Fund in 1949 and, generally, to meet the objectives for which the Fund was established."

The General Assembly, at its 150th plenary meeting on 8 October 1948, had also adopted, without objection, resolution 229(III), as recommended by the Fifth Committee (A/668) at its 109th meeting on 28 September 1948. The Fifth Committee, in recommending the adoption of the resolution, had considered the report of the Executive Director of the Fund for the first financial period ended 31 December 1947, and the auditors report for that same period (A/641). It had also noted the fact that these reports had been accepted by the Executive Board of the Fund (E/901) and had also been examined by the Advisory Committee on Administrative and Budgetary Questions (A/598).

Resolution 229(III) reads as follows:

"The General Assembly

"1. Accepts the financial report and accounts of the International Children's Emergency Fund for the period ended 31 December 1947 and the certificate of the Board of Auditors;

"Takes note of the observations of the Advisory Committee on Administrative and Budgetary Questions with respect to the report of the Board of Auditors."

2. Activities of the Fund

The United Nations International Children's Emergency Fund presented to the Council, at its

eighth (E/1144 and Add. 1 and 2) and ninth (E/1406) sessions, reports of the Fund's activities for the year July 1948 to July 1949, including a statement of contributions and pledges from Governments, and an outline of the operational programmes for 1949 and 1950. (See below.)

The Fund reported that during its second year of operation its programme had been extended to include Europe, Asia, North Africa, the Middle East and Latin America. The scope of its operations were indicated by the fact that during the second quarter of 1949 more than 5,000,000 children and mothers had been provided with a daily supplement of protective food, and funds had been allocated to provide approximately 2,000,000 children with layettes, shoes, underwear or outer garments. In the Middle East, 500,000 mother and child refugees from Palestine had received UNICEF food, blankets and medical supplies. In addition, approximately 8,000,000 children had been tested for tuberculosis and 4,000,000 vaccinated by the beginning of June 1949, and a total of approximately 135,000 metric tons of supplies, procured from thirty-three different countries, had been shipped by UNICEF.

The total accumulated contributions and pledges to the Fund amounted to \$132,500,000 on 30 June 1949, an increase of over \$60,000,000 in a twelve-month period. Sixty-eight per cent had been derived from Government contributions, 24 per cent from UNRRA's residual assets, and 8 per cent from 1948 United Nations Appeal for Children (UNAC) campaigns and other voluntary contributions. The number of Governments contributing to the Fund increased from twenty-one to thirty-two during the year, with many Governments contributing a second or third time. These contributions had made it possible to expand the programme to provide not only for children of countries victims of aggression, and of former UNRRA-receiving countries, but also for "child health purposes generally".

The Executive Board reported the following allocations for UNICEF feeding and medical supply programmes for the year 1949 and early 1950: \$45,000,000 for Europe, \$19,300,000 for Asia, \$2,500,000 for Latin America, \$7,200,000 for Palestine mother and child refugees, and \$5,000,000 for anti-tuberculosis campaigns in Lebanon, Morocco and Tunisia. Of the total contributions to UNICEF since its inception, \$129,800,000 had been allocated, and only \$2,700,000 remained unspent or unallocated by June 1949. The Fund also reported that United States legislation, authorizing \$100,000,000 for UNICEF on a matching basis of US \$72 for every \$28 equivalent contributed by

other Governments to the Fund, had been extended to 30 June 1950. Of this amount, \$75,000,000 had already been appropriated by the United States Congress.

The reports, *inter alia*, surveyed the extent of need for international assistance to children, and described the child care programmes aided by the Fund during its second year. The activities are briefly as follows:

a. CHILD FEEDING

In the second quarter of 1949, UNICEF was helping to provide a daily supplementary meal for over 5,000,000 infants, children, and nursing and pregnant mothers in twelve European countries. UNICEF provided the imported components of the daily food supplement—about 200 to 300 calories of skim milk, fats and cod-liver oil, and in some countries meat and fish. The countries themselves provided an equal caloric amount of cereals, vegetables and fruits. The fund was also contributing half of a daily ration of some 1,500 to 1,700 calories for approximately 500,000 children and mothers among the Arab and Jewish refugees in the Palestine area (United Nations Relief for Palestine Refugees (UNRPR) was supplying the other half). Smaller feeding programmes were in operation in the Philippines and Hong Kong. In addition, the Fund supplied cod-liver oil for some 600,000 children in Germany during the winter.

At no time had the number of children reached been large in proportion to the need. The number provided for represented only a small percentage of the child population of the assisted country.

b. MILK CONSERVATION

Five million dollars had been allocated to assist countries to conserve and make better use of their local milk supplies. The Fund supplied milk-drying and pasteurization equipment which was not available locally, while the Governments or local agencies provided the buildings, labour and ancillary equipment.

c. RAW MATERIALS FOR CHILDREN'S CLOTHING AND SHOES

Over 5,000,000 had been used by UNICEF for the purchase of raw cotton, wool and leather. These materials had been converted, or were being converted, into children's wear, layettes and institutional supplies. The cost of manufacture was borne by the recipient country, and the finished product was distributed free to the neediest children.

In some instances, finished articles were supplied,

such as shoes, underwear, outer garments and blankets. In others, piece goods were distributed to be cut and sewn together according to patterns devised locally. Approximately 2,000,000 children, including 250,000 in Germany, would benefit. Besides the blankets, for which UNICEF was supplying raw material, the Fund had already distributed 400,000 finished blankets to child refugees in Greece and the Middle East.

d. MEDICAL SUPPLIES

The help which the Fund was giving in the prevention and eradication of disease among children was essentially a supply programme, carried out in co-operation with the Governments of the assisted countries. The technical direction needed from international sources was provided by the World Health Organization (WHO).

The UNICEF medical supply programme, as of June 1949, amounted to approximately \$10,900,000, or about 10 per cent of the funds thus far spent or allocated for all programmes.

The Fund's report contained a description of its main medical supply programme:

(1) The **BCG** Anti-Tuberculosis Vaccination Programme

This programme, for which an over-all allocation of \$5,000,000 had been made, was begun in March 1948, and was being carried on as a joint enterprise with the Danish Red Cross and its Scandinavian associates. It constitutes the largest single mass-immunization ever undertaken. The vaccination reduces the chances of contracting tuberculosis by about 80 per cent. It was expected that some 50,000,000 children would be tested in Europe, and an equal number or more in countries outside Europe. Assistance had already been approved for twenty-four countries, and requests from additional countries were expected. As a part of the programme, local technicians were being trained, and sources for local production of vaccine were being developed, so that the countries themselves could continue this preventive work without outside assistance.

(2) Anti-Syphilis Campaign

The Fund had allocated \$2,000,000 to assist receiving countries in providing penicillin and other medical supplies for the treatment of pregnant women (so that babies can be born free of syphilis) and congenitally syphilitic children. UNICEF supplies were provided, however, only as part of a larger over-all venereal disease campaign undertaken by the country, or as part of a demonstration campaign.

(3) Other Medical Supplies

The sum of \$300,000 was being used to purchase medical supplies as part of a programme for epidemic control in the Middle East, in co-operation with UNRPR and WHO.

UNICEF was also providing DDT, sprayers and other necessary equipment for anti-malaria and insect-control campaigns in Asia and Europe, as a means of combatting one of the most important causes of infant mortality and morbidity. Streptomycin in small quantities was being provided, out of country allocations, to eight European countries for demonstration and research centres devoted to the treatment of children with certain active types of tuberculosis. These programmes were carried out with the technical advice and approval of WHO.

e. TRAINING PROGRAMMES

UNICEF had given brief practical training courses to groups of physicians, nurses, social workers, pediatricians, directors of children's institutions and other persons who carry responsibilities for child care programmes in their own countries. This group-training, which consisted of lectures, observation and exchange of experience in social pediatrics, had been undertaken in France, Switzerland, Sweden and the United Kingdom for several hundred persons from more than twenty countries. The costs had been borne by the host countries as contributions to UNICEF.

In addition, a number of individual fellowships would be awarded to countries in the Far East for training in child-care fields closely related to programmes being developed with the help of UNICEF supplies.

In China, a new type of local training was being developed with the help of UNICEF supplies. Local people with no technical education were being trained "by practice" to immunize against common childhood diseases, to mitigate child-birth hazards, to teach elementary sanitation and child-care practices, and generally to build in the villages and rural areas the basis for better child care.

f. OFFER OF THE GOVERNMENT OF FRANCE TO ESTABLISH A CHILDREN'S CENTRE IN PARIS

In March 1949, the French Government offered facilities to UNICEF, for a three-year period, for a Children's Centre to be established in Paris. This Centre would provide research and training facilities in the fields of child care and welfare. Specifically, training courses for physicians, nurses, social workers and administrators in social pediatrics, already undertaken by the French Government as a

contribution to UNICEF, would be continued. Laboratory research, in connexion with the production of BCG anti-tuberculosis vaccine and similar research related to children, would also continue. Other studies in the fields of child health, education and social welfare would be developed with the technical advice of the United Nations and the specialized agencies.

The Executive Board of UNICEF established a special committee to examine the detailed proposals of the French Government. This committee, on the basis of suggestions made by the representatives of the Secretary-General of the United Nations, WHO and other specialized agencies, regarding the structure and organization of the centre, it established, recommended to the Executive Board acceptance of the offer of the French Government. This recommendation was adopted by the Executive Board in June, and the special committee was instructed to arrive at an agreement with WHO and the French Government, in accordance with certain principles accepted by the Board. The Executive Board of WHO subsequently passed a resolution which approved in principle that, jointly with UNICEF, it would assist for a period of three years, the establishment by the French Government of a Children's Centre in Paris, and set down the type of assistance WHO would provide, together with the terms of the arrangement.

The Chairman of the Executive Board of UNICEF reported to the Council that the special recommendations as to the methods of organization and was being made with a view to developing committee and the representative of the French Government had accepted the terms of co-operation suggested by the WHO Executive Board, and would report on its negotiations to the next session of the Executive Board.

g. STUDY OF THE CONTINUING NEEDS OF CHILDREN

In co-operation with the Secretary-General, the Social Commission and the interested specialized agencies, the Executive Director of UNICEF engaged in a study of the continuing needs of children. This study, based upon data already available, procedure within the United Nations and the specialized agencies required to ensure that the continuing needs of children may be identified and given due emphasis and attention within the programmes of the United Nations and the specialized agencies. A report on this study was to be made by the Executive Board of UNICEF to the tenth session of the Economic and Social Council.

3. Consideration by the Economic and Social Council

The Council discussed the question at its eighth session at the 281st meeting on 18 March 1949. It adopted, by 16 votes to none, with 2 abstentions, resolution 206(VIII) noting the inclusion of new geographic areas among those aided by the Fund, and also noting the necessity for prompt contributions from Governments in order to permit the procurement of supplies to proceed with the work of the Fund in 1949, and generally to meet the objectives for which the Fund was established.

At its ninth session, the Council, at the 105th to 107th meetings of its Social Committee on 26 and 27 July, and at its 314th plenary meeting on 28 July 1949, discussed the needs of children and the programmes of the Fund.

The Social Committee, at its 105th to 107th meetings, had before it, inter alia, the report of the Fund (E/1406) and a joint draft resolution on the report submitted by Australia, France and India (E/AC.7/W.93). This draft resolution proposed that the Council express its appreciation for Government contributions; note the steps taken by the Fund with respect to the United Nations Appeal for Children (UNAC); note the arrangements between UNICEF and the United Nations Department of Social Affairs, WHO and FAO, whereby UNICEF in its programmes relies as far as possible on these agencies for technical assistance and advice; note the decision of the Fund to report to the Council's tenth session on a study to be conducted as to methods of organization and procedure within the United Nations and the specialized agencies which are required to ensure that the continuing needs of children might be identified and given due emphasis and attention; and transmit the Fund's report and the Council's resolution to the Assembly, drawing particular attention to the fact that further contributions were necessary to fill the gap in its programme envisaged for the year ending 1 July 1950.

The Committee also had before it a communication from WHO (E/1431) on the proposed Children's Centre. This communication stated that WHO had accepted the French Government's offer of an arrangement whereby the principles agreed upon by the Joint Committee on Health Policy governing the co-operative relationship between the UNICEF and WHO would apply; the French Government would have the administrative responsibility for the proposed Centre; and it was considered desirable to set up a technical advisory committee.

After this question had been discussed, a draft-

ing committee of the Social Committee drew up a resolution (E/AC.7/W.96) to take account of the various views expressed. This was adopted by the Social Committee, and also by the Council, at its 314th meeting on 28 July, by 13 votes to none, with 2 abstentions, as resolution 257 (IX):

"The Economic and Social Council,

"Having considered, the report of the United Nations International Children's Emergency Fund,

"Records its appreciation that thirty-two Governments have contributed to the Fund, many of them for a second and third time, and that, in addition, millions of individuals contributed to the United Nations Appeal for Children in 1948 and are doing so again in 1949;

"Notes the steps taken by the Fund with respect to the United Nations Appeal for Children pursuant to General Assembly resolution 215(III);

"Notes the arrangements between the Fund and the United Nations Department of Social Affairs, the World Health Organization and the Food and Agriculture Organization whereby the Fund in its programme relies so far as possible on these agencies for technical assistance and advice;

"Notes the decision of the Executive Board of the Fund to report to the tenth session of the Council on a study to be conducted in co-operation with the Secretary-General, the Social Commission and interested specialized agencies with a view to developing recommendations as to methods of organization and procedure within the United Nations and the specialized agencies required to ensure that the continuing needs of children may be identified and given due emphasis and attention;

"Notes the decision of the Executive Board of the Fund regarding the French Government's generous offer to establish a Children's Centre in Paris providing facilities for instruction, demonstrations and research of an international character, and expresses its gratification at the type of collaboration offered by the Executive Board of the World Health Organization for the purpose of establishing the Centre;

"Recommends to the Executive Board of the Fund that it make, in the light of the action taken by the Executive Board of WHO, the necessary adjustments in the arrangements for the establishment and the administration of the Children's Centre in Paris, and keep the Council informed of the progress made in implementation of this project; and

"Transmits the report of the Fund and this resolution to the General Assembly, drawing particular attention to the fact that further contributions are necessary to enable the Fund to carry out the programme it envisages for the fiscal year ending 30 June 1950."

4. Consideration by the General Assembly at its Fourth Session

At its fourth regular session, the General Assembly considered (a) Report of the United Nations International Children's Emergency Fund: item proposed by the Economic and Social Council, and (b) United Nations Appeal for Children: report of the United Nations International Children's Emergency Fund.

a. REPORT OF THE CHAIRMAN OF THE FUND'S EXECUTIVE BOARD

The Chairman of the Executive Board of UNICEF, taking into account the Fund's report to the ninth session of the Council (E/1406), and the subsequent report (E/ICEF/136) covering the period from July 1949 to November 1949, presented an up-to-date account of the work which had been accomplished.

Funds collected up to date amounted to \$141,500,000. Contributions amounting to \$98,250,000 had been received from thirty-six governments. The residual assets of UNRRA, which had been transferred to UNICEF, amounted to \$31,500,000. Public donations, collected mainly through the United Nations Children's Fund, amounted to \$11,750,000.

Various Governments had contributed sums ranging from a few thousand to over \$71,000,000; twenty-three Governments had each contributed more than \$100,000. The United States and Australia had contributed the largest shares in absolute figures, but if public collections were also taken into account, Iceland headed the list as it had contributed more than \$4 per head of population. By geographical area, the division was as follows: North America \$78,700,000; Oceania (Australia and New Zealand) \$14,500,000; Europe \$11,500,000; Africa \$1,900,000; Latin America \$1,500,000; the Far East \$280,000; the Middle East \$25,000. The countries receiving aid from the Fund contributed over \$6,000,000.

The sums at the disposal of the Fund were allocated in accordance with a priority system adopted three years previously by the General Assembly, on the unanimous recommendation of the Third Committee. Children of countries which were victims of aggression were the first to benefit; secondly came the children of countries which were receiving help from UNRRA in 1946; thirdly, funds were set aside for health programmes, implemented according to priority for children of countries which had been victims of aggression.

In accordance with the recommendations of the Third Committee, which the General Assembly had unanimously approved three years previously, those sums were used in the following order: the purchase of food; the purchase of medical supplies and therapeutic equipment and of various material; and the training of the necessary staff to enable the programme to be put into operation. Of the \$141,500,000 received, about \$77,000,000 had been spent on the purchase of food, \$45,000,000 on the purchase of equipment and various supplies, \$1,800,000 on training, \$11,100,000 on freight, \$5,600,000 on administration. Those figures repre-

sent the following percentages: 54.6 per cent for food, 32.2 per cent for various supplies and equipment, 1.2 per cent for training, 8 per cent for freight and 4 per cent for administration.

When it was considered that the Fund had in three years purchased supplies amounting to \$123,000,000, that it had already dispatched 160,000 tons of food and supplies and had 120,000 tons still to send, it might be thought that such figures were very large. It should not be forgotten, however, that all the Fund had been able to do in three years was to load fifty-five ships of 5,000 tons, as an average, or three ships every two months, for fifty-three countries in Europe, the Middle East, North Africa, Asia and Latin America. Means, and consequently results, were not equal to needs.

The Chairman of the Executive Board then analysed the principles followed in the work carried out by the Fund. The first and absolute principle was that of non-discrimination. The Fund then endeavoured to obtain supplies which were not available locally and were necessary for the implementation of its programmes of child welfare. It acted as trustee on behalf of both donor and recipient. The carrying out of the operations was entrusted, however, to the Governments of the countries receiving assistance, which, in turn, acted as trustees for the distribution of the supplies and had to account for the goods and the services placed at their disposal. Such a method helped to ensure rapid and economical handling of the questions dealt with by the Fund, while it strengthened, at the same time, the child health services in the country receiving assistance. The importance of the latter principle would be more easily understood when it was realized that, for European countries helped by the Fund alone, the distribution of food was carried out through 52,400 centres. Help was supplied by the Fund, as much as possible, with a view to producing lasting results, that was to say that the Fund endeavoured to make a long-term contribution to child welfare. The degree of urgency was the predominant factor of the programme, but the help supplied by the Fund was used, as much as possible, to meet immediate needs in such a way that programmes in which it was currently participating could in time effectively be taken over by the countries assisted, and extended to a larger number of children. Finally, the Fund relied, as far as possible, on the United Nations Secretariat and the appropriate specialized agencies for any technical assistance and advice which should come from international sources.

The Chairman of the Fund's Executive Board went on to report that, of 62,000,000 European children, about 5,000,000 belonging to fourteen

countries were receiving and would continue to receive once a day, until 15 May 1950, a meagre supplementary meal of skimmed milk, fat, cod-liver oil and, in some countries, a little fish and meat, equivalent to 200 to 300 calories altogether. That daily ration was intended to complete the meals supplied to children in the schools and other institutions under national feeding programmes. He stressed the fact that the assistance given by UNICEF was of a supplementary nature. Only a very small proportion of the children aided directly by Governments received this assistance. The same remark applied to all the other aspects of the programme of maternal and child welfare. The expenses of the Fund could not be compared with the expenditure incurred by Governments. The Fund restricted itself to obtaining supplies which were not produced locally, and did not always succeed in satisfying all needs. But its help was none the less necessary and sought after. It always aimed at supplementing the efforts made by Governments and at ensuring that national child welfare programmes received priority treatment by Governments.

Anti-tuberculosis vaccination had been an outstanding example in that connexion. Owing to the generous support of the Scandinavian countries and especially of Denmark, it had been possible to start a mass campaign of vaccination against tuberculosis in Europe. That programme, which had been started in July 1948, had resulted in the examination of 11,000,000 children and the vaccination of more than 6,000,000. Future prospects were even more interesting because, as the project developed, the beneficiary countries were helped to carry out such preventive work themselves.

Another investment in the future was the provision of specialized equipment for the pasteurization of milk and for the processing of powdered milk so as to facilitate distribution, under safe conditions, in regions where the necessary means of preservation were not available. That measure would contribute greatly to the campaign against infant mortality.

The Chairman also quoted the example of the provision of insecticides, sprayers and other material required for the eradication of insects, including the malaria mosquito; he also referred to the supply of penicillin and other medical products for the treatment of syphilis in mothers and children.

The report showed that the same policy was being adapted to Asia and Latin America. Thus, eighteen countries in Asia had received allocations; if the greater part of the funds provided had not yet been utilized, it was because of the delicate and often lengthy discussions which had to be carried out with the Governments concerned in order to

determine what measures best corresponded to their needs. The activities envisaged would continue beyond 1950. Apart from the establishment of a number of feeding centres, the main contribution of the Fund consisted in shipping equipment for the demonstration of methods of combatting infantile diseases. In these countries, professional training was a priority problem because of the shortage of trained personnel. Negotiations were taking place with Governments with a view to setting up an international training centre on Indian territory, and also encouraging professional training on a national scale.

As regards Latin America, fifteen countries had asked for assistance from the Fund; the programme there consisted of setting up demonstration feeding-centres, but more particularly supplying material required for the fight against infantile disease.

In the Middle East, the Fund was assisting four countries, in addition to the refugees. A vaccination campaign against tuberculosis was in operation in Egypt, Lebanon, Syria and Israel. The last country had also asked for milk and medical supplies. As regards refugees, more than half a million women and children from military-occupied zones were sure of receiving food, medical supplies and BCG vaccine, until March 1950. In North Africa, a mass vaccination campaign was in full swing in Morocco, and another had been started in October 1949 in Tunisia.

The Chairman of the Executive Board called the Assembly's attention to the help given by the Fund to the victims of the tragic earthquake in Ecuador. The Fund had immediately promised to supply, for a period of five months, milk, fats, blankets and soap to the children affected. The Executive Board had recently allocated \$140,000 to extend that period to ten months.

It was also the task of the Fund to provide facilities for training the personnel required if national programmes of child welfare were to be properly implemented. For two years, France, Switzerland, the United Kingdom, Sweden, Belgium and the Netherlands had been providing courses in social pediatrics. Such collective training, which had proved very useful, consisted of lectures, observations and exchange of personal experience, participated in by people who would later, in their respective countries, supervise the institution and development of various child welfare programmes.

France had offered facilities to the Fund for an international centre in Paris for training and research on child problems (see above). That centre would work in close co-operation with the World Health Organization and arrangements had already

been made for a preliminary period of three years. The centre would, the following year, take over responsibility for the running of courses in social pediatrics and the testing of BCG vaccines; it would also train specialized personnel in physiology and child nutrition, would institute research in those fields, and arrange for the exchange of information between the various countries, and also for exhibitions showing the progress achieved in child welfare.

The Executive Board had made allocations for the setting-up of the Centre, to which the French Government was also making a very considerable contribution. It was also proposed to contribute to the development or setting-up of national centres along similar lines.

In discussing methods of operation, the Chairman, *inter alia*, pointed out that the observation methods used were very flexible. In some very large countries, a single resident representative covered a territory sometimes larger than Europe. In other areas, two or three countries were combined under one Chief of Mission.

b. DISCUSSIONS IN THE THIRD COMMITTEE

The question was discussed at the 265th to 267th meetings of the Third Committee on 18 and 21 November 1949. The representative of Australia introduced a joint draft resolution (A/C.3/L.35) submitted by Australia, France, Israel, New Zealand and Mexico. The resolution, *inter alia*, would (1) note the steps taken by the Fund with respect to UNAC, (2) congratulate the Fund for its great humanitarian efforts, (3) note with concern that emergency needs arising from the war still existed and that the Fund's experience demonstrated great needs in under-developed countries, (4) recognize its importance in the United Nations structure, (5) express gratitude for Governments' support, and (6) draw the attention of Members to the urgent necessity for further contributions.

In introducing the resolution, the representative of Australia emphasized the importance of continuing UNICEF on its present basis. This view was also expressed by the representatives of Greece, Uruguay, Yugoslavia, Pakistan, Lebanon, India, Israel, France, New Zealand and Mexico.

The representative of Mexico introduced an amendment (A/C.3/L.36) to the joint resolution, proposing that an appeal should be made to various private and official international organizations interested in the question of child welfare to collaborate with UNICEF by making studies or procuring moneys from private sources to assist in its support.

A draft resolution was also submitted by the

representative of the United States (A/C.3/L.34), which would note with appreciation the contributions to the Fund and to UNAC, and would draw Members' attention to the need for further prompt contributions to assure procurement of supplies to enable the Fund to carry out its programme for the fiscal year ending 30 June 1950, in pursuance of the objectives for which the Fund was established. This was supported by Bolivia, Brazil and the United Kingdom.

The United States had announced, its representative pointed out, that its participation on a "matching" basis in the Fund would not extend beyond 30 June 1950. It was the United States opinion that the general needs of many countries, and especially the needs of the under-developed areas of the world, were vastly beyond the scope of UNICEF. The needs of children throughout the world were so enormous as to defy full comprehension, and they would continue for a long time. The United Nations should face the question wisely and take care to assess its strength and its limitations. Under the auspices of the Council, a study to assess the continuing needs of children was being carried out. The representative of the United States stated that she would deplore any action taken in the Third Committee that might interfere with this work. The United States resolution was therefore more practical at this point.

The representative of the United Kingdom agreed, and pointed out that, in the opinion of his Government, UNICEF showed a lack of balance in the allocation of its resources in the past. He stated that the Fund had been created as an emergency measure, but that it had tended to vote money for countries which had previously received emergency assistance and now no longer needed assistance as such. The United Kingdom could not go on contributing for the purposes for which the Fund had so far tended to devote the major part of its resources. The interest of future generations could best be served on a long-term basis through the development of the work of the permanent agencies of the United Nations.

The representative of New Zealand pointed out that the Fund had no fiscal year which ended 30 June 1950, as mentioned in the United States resolution, and, as mentioned by the Fund, that date was merely a target date for certain projects. He therefore did not see why the Fund should end on that date. Moreover, in reply to the remarks of the representative of the United Kingdom, he pointed out that the General Assembly, in 1946, had given UNICEF its terms of reference, and had laid down a system of priorities which had hampered the Fund in its effort to expand activities in a more

balanced manner, although it had done so to a considerable degree.

The Committee generally agreed that Europe no longer needed the concentration of all the Fund's efforts. The immediate effects of the war had been overcome, and the Fund should now turn to other areas of need. However, the representatives of Uruguay and Australia pointed out that, while this was true, the situation in Europe was still bad, particularly with reference to the milk problem. Europe was only producing 62 per cent of its pre-war level of milk supplies. Many representatives, inter alia, those of Australia, Ecuador, Pakistan, China, Lebanon and India, spoke favourably of the extension of the Fund's activities to under-developed regions. The representative of Uruguay considered that it was the responsibility of the Assembly to give special attention to problems of children requiring aid throughout the world, and submitted a draft resolution (A/C.3/L.37) to this effect. Both the representatives of Canada, and France emphasized that Governments would want to study thoroughly the implications of such a statement before extending the Fund's terms of reference to include the whole world.

It was later agreed, without further discussion, to submit this draft resolution to the Working Group on Continuing Needs of Children, for study and report.

The representatives of Argentina and Brazil presented a joint amendment (A/C.3/L.38) to the joint draft resolution, primarily in an effort to combine the United States draft resolution and the joint resolution. They also included a new paragraph designed to remove the misunderstandings which appeared to exist in regard to the terms of reference of UNICEF, and to make its activities universal. Poland also spoke in favour of an extension of the Fund's terms of reference.

The representative of Australia finally presented a resolution (A/C.3/L.39), which took into account most of the suggested amendments, and embodied important changes as well. The representative of the United States therefore withdrew her draft resolution. The Committee adopted by 38 votes to none, with 5 abstentions, a revised joint Argentina-Brazil amendment (A/C.3/L.38) to the Australian draft resolution, calling on the Assembly to note with approval the decision of the Fund to devote a greater share of its resources to developing programmes outside Europe.

c. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

After a few minor drafting changes the amended Australian draft resolution (A/C.3/L.39) was adopted by 40 votes to none, with 3 abstentions.

The General Assembly, at its 264 plenary meeting on 2 December 1949, briefly considered the report of the Third Committee (A/1152), and adopted resolution 318(IV) by 44 votes to none, with 3 abstentions. This resolution read as follows:

"The General Assembly,

"Having considered the report of the Economic and Social Council to the General Assembly and the report of the United Nations International Children's Emergency Fund,

"Recognizing the important role which the Fund has been playing in the structure of the United Nations,

"1. Notes the steps taken by the Fund with respect to the United Nations Appeal for Children pursuant to General Assembly resolution 215(III) of 8 December 1948;

"2. Appeals to the various official and private international organizations interested in child welfare to collaborate with the Fund in every possible way;

"3. Congratulates the Fund, now in its third year of operations, for its great humanitarian effort in Europe and in the Middle East, now being extended to Asia, Latin America and Africa, in bringing substantial aid of lasting value, through feeding, medical and related programmes, to millions of mothers and children;

"4. Notes with concern the existence of children's emergency needs arising out of war and other calamities as well as the great needs which the Fund's experience has demonstrated as existing in under-developed countries;

"5. Notes with approval the decisions of the Executive Board of the Fund to devote henceforth a greater share of the Fund's resources to the development of programmes outside Europe;

"6. Expresses gratification at the continued generous support of the Fund by Governments and individuals, amounting to forty million dollars in the past year;

"7. Draws the attention of Members to the urgent necessity of further contributions to enable the Fund to carry out its programme."

The Assembly had also had before it the financial report and accounts of the Fund for the period ended 31 December 1948 and the report of the Board of Auditors (A/963). The Assembly in this connexion considered the observations of the Advisory Committee on Administrative and Budgetary Questions, set forth in its third report of 1949, pertaining to the report of the Board of Auditors (A/1001).

The Fifth Committee had discussed these reports briefly at its 186th meeting on 28 September 1949 and had recommended (A/1019) the following resolution which had been adopted without objection by the General Assembly at its 231st plenary meeting on 20 October 1949. The resolution (340 (IV)) read:

"The General Assembly

"1. Accepts the financial report and accounts of the United Nations International Children's Emergency Fund for the financial year ended 31 December 1948, and the certificate of the Board of Auditors;

"2. Takes note of the observations of the Advisory Committee on Administrative and Budgetary Questions with respect to the report of the Board of Auditors."

H. UNITED NATIONS APPEAL FOR CHILDREN (UNAC)

The Economic and Social Council, during its seventh session, examined the question of the continuation of a United Nations Appeal for Children⁴⁷ and, on 12 August 1948, decided in resolution 162 (VII), *inter alia*, to request the Secretary-General to provide for a continuation of present administrative arrangements for a further period, not to extend beyond 31 December 1948, for the purpose of completing and finally reporting on the results of the Appeal.

1. Consideration by the General Assembly at its Third Session

On the request of the representative of Australia, an item was placed on the agenda of the General Assembly's third session, with a view to a reconsideration of that resolution and to extending during 1949 the United Nations Appeal for Children (A/637).

The General Assembly discussed the question at the 169th to 172nd meetings of its Third Committee on 2 and 3 December 1948.

a. REPORT OF THE SECRETARY-GENERAL

The Assembly had before it, among other things, a note by the Secretary-General (A/C.3/387) bringing up to date the information on the United Nations Appeal for Children (UNAC) contained in the Secretary-General's annual report (A/565).

The Secretary-General reported that, since the inception of the Appeal, campaigns in response to it had been launched in a total of seventy countries and Non-Self-Governing Territories. Twenty-seven of these campaigns had been completed. The remaining forty-three were still in progress. In addition, there were eight other countries which had formed national committees, but had not yet launched their campaigns. At 15 November 1948, the aggregate gross collections of national committees and other organizations participating in UNAC amounted to the equivalent of US \$30,755,-841. More than one third of the prospective proceeds had been allocated directly to the United Nations International Children's Emergency Fund (UNICEF). Ten countries had allocated their collections in entirety to the Fund. The Secretary-General reported progress in the conclusion of agreements with participating countries as to the disposal of national collections and as to the purchase of supplies. The Secretary-General's note gave examples to illustrate the dynamic character

of response to the Appeal in various countries, and stressed the spontaneous non-governmental character of the response throughout the world and the importance of the support accorded by non-governmental organizations. It concluded with a reference contained in the Secretary-General's annual report (A/565), as follows:

"In addition to supplementing the resources of the Children's Fund and other agencies engaged in child relief, the Appeal has been productive of other valuable results. There is no doubt that, through the Appeal, the plight of millions of children and the urgent obligation to remedy the situation have been brought to the attention of vast sections of the world's population. The conviction has also been strengthened that, where relief is required, the generosity of peoples is not confined within national boundaries. Furthermore, great numbers of people have learned through the Appeal to appreciate the purposes and objectives of the United Nations and the value of an organization which is working for the benefit of mankind through the concerted action of the majority of nations."

b. DISCUSSIONS IN THE THIRD COMMITTEE

The discussion in the Third Committee showed that some countries were in favour of continuing the Appeal in 1949, whereas others were not. Some countries proposed that the terms of reference of the Appeal should be changed to stipulate that the proceeds of national campaigns in response thereto should be given exclusively to UNICEF, instead of being divided between UNICEF, on the one hand, and national organizations for relief of children, on the other, at the option of national committees and in agreement with the Secretary-General; other countries were opposed to this proposal. Some countries expressed themselves in favour of merging the administration of the Appeal with the administration of UNICEF.

The Third Committee had before it a joint draft resolution (A/C.3/369), submitted by the representatives of Argentina, Canada, the Dominican Republic, Iraq, Pakistan, the United States and Uruguay⁴⁸. A number of amendments were proposed to this joint draft resolution by the representative of Australia (A/C.3/388 and Rev.1), and drafting amendments were proposed by the representative of New Zealand (A/C.3/393), in which the reference to "national campaign committees" was changed to refer to "national campaigns", since some Governments did not work through national committees. The resolution, as adopted by the Third Committee and the General

⁴⁷ See also Yearbook of the United Nations, 1947-48, pp. 623-28.

⁴⁸ For the text of this proposal, as amended, see p. 633.

Assembly, included the drafting changes suggested by New Zealand and the following two Australian amendments: (1) the greater well-being of the children throughout the world is a moral responsibility of all people, and (2) the addition of a paragraph continuing the Appeal.

Other Australian amendments, which were rejected, (1) called for co-operation of Governments and non-governmental organizations in supporting national campaign committees; (2) deleted the reference to Council resolution 162 (VII) providing for the discontinuance, on 31 December 1948, of separate administrative arrangements for the Appeal; (3) provided that funds be used primarily for UNICEF and other United Nations bodies in their work with children; (4) provided that the name of the Appeal be used in accordance with this principle and in keeping with Assembly resolution 92 (I);⁴⁹ and (5) set up a committee of eleven members to advise the Secretary-General on general policy and administration of the Appeal and the execution of the funds. Amendments proposed by the representatives of the Netherlands (A/C.3/395 and 396), Chile (A/C.3/394), and Norway (A/C.3/390) to some of these Australian amendments were likewise rejected.

The Committee also had before it an alternative proposal by the representative of the United Kingdom (A/C.3/391), who stated that she was convinced of the necessity for a centralized agency in the Secretariat which would undertake the work of information and co-ordination. The United Kingdom proposal would provide that: (1) a further appeal be authorized; (2) the Assembly request the Council to determine policy regarding the Appeal, advise the Secretary-General on its administration, and supervise its progress; and (3) the Secretary-General be asked to provide the necessary staff, inform and advise Governments, national committees and interested organizations, and report to the Council and the Assembly.

c. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The General Assembly, on 8 December 1948, at its 177th plenary meeting, unanimously adopted, without discussion, resolution 215(III) as recommended by the Third Committee (A/763). It read as follows:

"The General Assembly,

"Noting the widespread response to the United Nations Appeal for Children, the large number of countries which have co-operated in the conduct of national campaigns, and the co-operation and support for the Appeal provided by non-governmental organizations,

"Recognizing that the aftermath of devastation and dislocation resulting from war has revealed specific needs of children in many countries, and that a moral responsibility falls on the peoples of all countries to act for the greater well-being of children throughout the world,

"Noting, with approval, the provisions of resolution 162 (VII) adopted by the Economic and Social Council on 12 August 1948,

"1. Continues the United Nations Appeal for Children as a world-wide appeal for voluntary non-governmental contributions to be used for the benefit of children, adolescents, and expectant and nursing mothers, without discrimination on account of race, religion, nationality or political belief;

"2. Invites the co-operation of peoples of all countries to assist and support national activities in favour of the Appeal;

"3. Decides that the proceeds of the collections in each country shall be for the benefit of the United Nations International Children's Emergency Fund, and that the name United Nations Appeal for Children shall be used only in national campaigns which are conducted for this purpose, subject to the provisions of resolution 92 (I) of the General Assembly governing the use of the United Nations name and abbreviations of that name;

"4. Requests the United Nations International Children's Emergency Fund, as the United Nations agency entrusted with special responsibility for meeting emergency needs of children in many parts of the world:

"(a) To assist in the conduct of national campaigns for the benefit of the International Children's Emergency Fund, with a view to providing international co-ordination of voluntary governmental and non-governmental appeals for the benefit of children;

"(b) To report concerning the appeals to the ninth session of the Economic and Social Council and to the fourth regular session of the General Assembly."

2. Consideration by the Council at its Eighth Session

a. REPORTS PRESENTED TO THE COUNCIL

The Economic and Social Council, at its eighth session, had before it a report of the Special Committee of the Council on the United Nations Appeal for Children (E/1189), a further report of the Secretary-General on the 1948 UNAC campaigns and on the termination of administrative arrangements relating thereto (E/1214), and a report of the UNICEF Executive Board (E/1114 and Add.1), containing information on action taken by UNICEF with respect to the continuation of the Appeal.

The report of the Special Committee contained the recommendations made by the Committee to the Secretary-General subsequent to the seventh session of the Council as to the termination of promotional work for obtaining additional

⁴⁹This resolution governs the use of the name of the United Nations. See Yearbook of the United Nations, 1946-47, pp. 251-52.

1948 campaigns, acceleration of the process of signing agreements between the Secretary-General and UNAC national committees regarding disposition of proceeds, and the termination of 1948 campaigns.

The Committee's report observed that the action taken by the General Assembly at its third session, to continue the Appeal under the administration of UNICEF, gave added emphasis to the desirability of an early completion of 1948 campaigns, and noted with satisfaction that by the end of December 1948 all but a few of the UNAC national committees had actually completed their 1948 collections, and that all but a few had likewise concluded the necessary agreements with the Secretary-General regarding disposition of such funds.

The report recognized that the time-lag between the completion of national collections and the distribution of the funds raised, the auditing of accounts and the preparation of detailed reports had made it impossible for the Secretary-General to submit to the eighth session of the Council a complete report of the character specified in the Council's resolution 162 (VII), and recommended that the Council accept from the Secretary-General, at its ninth session, the balance of the information requested.

The Secretary-General's report (E/1214) presented up-to-date information on the extent and results of the 1948 campaigns. The number of campaigns organized had reached a total of seventy-nine, including thirty-four in Non-Self-Governing territories and non-metropolitan territories. The total gross collections reported up to 15 February 1949 amounted to the equivalent of US \$33,686,963.⁵⁰ UNICEF had been a beneficiary of seventy-six of the seventy-nine campaigns and the sole beneficiary of thirteen, and would receive in all somewhat more than one third of the total net proceeds. UNESCO had been the beneficiary of nine campaigns. The greater portion of funds allocated to agencies other than UNICEF and UNESCO, i.e., to agencies of a national or local character, were to be spent on child relief in countries other than those in which the funds had been collected. The Secretary-General reported that the following action had been taken to implement the Council's resolution 162 (VII):

(a) Administrative arrangements. In consultation with the Special Committee, steps had been taken to reduce the staff maintained by the Secretariat for administration of UNAC by progressive steps, and to continue a liquidation staff consisting of three officers and two secretaries until 1 March 1950, or until such time as the UNICEF Admin-

istration might be prepared to take over responsibility for any further work in liquidation of 1948 campaigns.

(b) Consultation with the Special Committee of the Council. The Secretary-General expressed his appreciation of the valuable assistance rendered by the Committee.

(c) Reports from Committees. The Secretary-General had reminded all committees individually of their obligations to submit audited accounts and to furnish information on the utilization of funds allocated to nationally selected voluntary agencies.

The reports of the UNICEF Executive Board (E/1114 and Add.1 and 2) indicated that the Board (1) had agreed that UNICEF should comply with the General Assembly's request, contained in resolution 215 (III), that UNICEF assist in the conduct of national campaigns in 1949; (2) had requested the Executive Director of UNICEF to take up with Governments and national committees the desirability of holding such campaigns for the sole benefit of UNICEF; (3) had decided that national committees should be encouraged to emphasize features of the Fund's programme of particular interest to their area; and (4) had established a Committee on Voluntary Fund-Raising, to give policy direction to the Administration in its conduct of UNAC and of other voluntary fund-raising for the benefit of UNICEF.

The Board had noted that, under General Assembly resolution 215(III), the name "United Nations Appeal for Children" might be used only in national campaigns conducted for the sole benefit of UNICEF and, at the same time, recognized that in some countries voluntary collections for UNICEF might be coupled with other national drives for the benefit of other international or domestic agencies. The Board also decided that the Administration might wish to assist committees raising voluntary contributions for UNICEF, approving in this connexion the Administration's recommendation that in the case of partial campaigns UNICEF should endeavour to induce the sponsors to announce in advance, and to indicate in all their publicity material, the extent to which UNICEF would benefit from the funds collected. The Board had approved a ceiling of \$180,000 recommended by the Committee on Voluntary Fund Raising on administrative expenditures for assisting and co-ordinating campaigns for the remainder of 1949.

⁵⁰ This is figure subsequently proved to be in error, as explained in the Secretary-General's final report on the 1948 campaigns (E/1589), dated 17 January 1950, which places the aggregate reported gross proceeds at \$31,475,110.

b. RESOLUTION ADOPTED BY THE COUNCIL

The Council considered the question at its 281st plenary meeting on 18 March 1949. By 14 votes to none, with 4 abstentions, the Council adopted resolution 207(VIII), as proposed by the representative of Australia and amended in discussion, to include minor drafting changes (E/1286) and to urge that all peoples give their fullest support to efforts undertaken in 1949 in various countries, rather than call on all nations to support the Appeal *per se*. The resolution read as follows:

"The Economic and Social Council,

"Having considered the report of its Special Committee on the United Nations Appeal for Children and the Secretary-General's report on the Appeal during 1948 and on the termination of existing administrative arrangements relating to the Appeal, and the report of the Executive Board of the United Nations International Children's Emergency Fund of 2 March 1949,

"Noting the continuance of the Appeal and the preparation by the Fund for the co-ordination of national campaigns,

"Requests the Secretary-General to report to the ninth session of the Council all the information he can obtain in pursuance of Council resolution 162(VII) of 12 August 1948; and

"Urges the fullest support by all peoples of national activities organized during 1949 in favour of the Appeal."

3. Consideration by the Council at its Ninth Session

At its ninth session, the Economic and Social Council, at its 288th plenary meeting on 8 July 1949, considered a report of the Secretary-General transmitting additional information concerning the 1948 UNAC campaigns (E/1346), and a report of the Chairman of the Special Committee of the Council on UNAC (E/1365).

The Secretary-General, recalling that he had fixed 28 February 1949 as the international termination date for 1948 UNAC campaigns, listed for the information of the Council six such campaigns which, with his approval, in view of special national circumstances and after consultation with the Special Committee, had been continued for varying periods after the said termination date and were still not concluded. These six campaigns were those being held in Denmark, India, Iran, Peru, Thailand and Uruguay. He also listed audited financial reports received from the national committees for 1948 subsequent to the date of his previous report to the Council, and recommended that no additional efforts be brought to bear upon committees with respect to the submission of financial reports or reports on distribution of proceeds through voluntary agencies, but that

any further information received from committees simply be reported to the Council. The Secretary-General remarked that the remaining tasks connected with the liquidation of 1948 campaigns would be discharged by UNICEF, and without further cost to the United Nations.

The report of the Chairman of the Special Committee (E/1365) concurred in the Secretary-General's recommendation that no additional efforts be brought to bear upon 1948 committees to obtain audited financial statements or other information still due from them.

During the discussion, the representatives of New Zealand and the United States submitted a joint draft resolution (E/1379) which emphasized the necessity for the national committees submitting the requested information by 31 December 1949. They were of the opinion that, since the campaigns had been launched in the name of the United Nations, compliance with reasonable standards of public accounting was imperative.

The representative of Australia was in favour of this draft resolution, provided the Council also expressed its appreciation of the work of the appeal committees.

The drafters of the resolution accepted this amendment, as well as an amendment by the representative of Poland. It was the opinion of the representative of Poland that the joint resolution contained an implicit threat insofar as it mentioned that the final report to be submitted to the tenth session of the Council would show which national committees had reported, and which had not. He therefore proposed that the reference to specific committees be deleted, since the report would automatically indicate which ones had reported.

The Council, on 8 July 1949, unanimously adopted the amended joint draft resolution. This expressed the Council's appreciation of the work of the Appeal committees, and requested the Secretary-General to inform the 1948 committees which had not yet reported that a financial report on this matter would be submitted to the tenth session of the Council, and that such committees should submit the requisite information by 31 December 1949 in order that this information might be contained in the final report to the Council (258(IX)).

The Council, during its discussion concerning UNICEF⁵¹, had before it UNICEF's report (E/1406) which, *inter alia*, described measures taken during the first six months of 1949 in pursuance of the continuation of the Appeal. UNICEF had established a small staff, under the direction of a

⁵¹See p. 627.

Fund-Raising Co-ordinator, to provide for international dissemination of information and to lend assistance towards the launching of national campaigns. The Secretary-General had written letters to the Foreign Ministers of Member nations and to fourteen non-member nations, expressing the hope that their Governments would agree to encourage and facilitate the organization of national campaigns in 1949. Up to 14 July 1949, three countries had responded by undertaking further national campaigns or fund-raising projects for the sole benefit of UNICEF, and eight other countries had launched or promised campaigns under national auspices, without use of the name of UNAC, from which UNICEF would benefit by receiving only a portion of the proceeds.

The Council noted, in resolution 257 (IX), adopted on 28 July 1949, the steps taken by UNICEF with respect to UNAC. The resolution was subsequently transmitted to the fourth session of the General Assembly (A/1006), together with the UNICEF report.

The General Assembly, on 2 December 1949, unanimously adopted a resolution regarding UNICEF (318(IV))⁵², in which it noted the steps taken by the Fund with respect to UNAC, pursuant to General Assembly resolution 215(III) of 8 December 1948.

4. Reports on the Appeal

The Secretary-General, in his annual report on the work of the organization (A/930), likewise recorded the progress of the Appeal during the first six months of 1949, and added the following comment:

"At the time of writing it appears inevitable that the aggregate proceeds to the International Children's Emergency Fund from campaigns launched in 1949 will be considerably less than the Fund's share of the proceeds of the 1948 campaigns. Two major factors have operated to restrict support of the Appeal in 1949. The first of these is that in certain countries where 1948 campaigns were not concluded until late last year or early in 1949, the Governments or national Committees have apparently considered that the people would not favorably respond to further campaigns before 1950. The second and more important factor arises from the provision in resolution 215(III) that the name 'United Nations Appeal for Children' may be used only in

national campaigns conducted solely for the benefit of the International Children's Emergency Fund. There are a number of countries which held 1948 campaigns from which the Fund, as a part beneficiary, received substantial sums, but where, in view of public sentiment, or for fear of conflicting with the fund-raising activities of important voluntary agencies operating for the benefit of children, it is considered impractical or unwise to attempt campaigns for the benefit of the Fund alone. A few of these countries have accepted the alternative of holding campaigns without the benefit of the use of the name of the Appeal and of allocating a portion of the proceeds to the Fund. Others, however, have apparently been discouraged by the necessity of changing the form of approach to the public in this way. The effect has been to forestall the organization of 1949 campaigns in an important group of countries, and, further, to confine to a very small minority of the 1949 campaigns thus far undertaken the use of the name 'United Nations Appeal for Children.' "

In his report (E/1589) on the results of the 1948 campaigns, as of January 1950, the Secretary-General gave the following information. The aggregate reported gross proceeds of the 1948 campaigns amounted to \$31,475,110 in U.S. dollar equivalents. Reported net proceeds after administrative deductions of appeal committees amounted to \$29,791,283. Of this amount, the equivalent of \$11,138,871 went to UNICEF; \$1,358,757 to UNESCO; \$11,210,705 to nationally selected voluntary agencies for child-relief operations in countries other than those in which the funds were collected; and \$6,011,865 to nationally selected agencies for relief of children in the countries of the donors.

As regards the 1949 campaigns, by the end of 1949, fifteen countries had responded to the General Assembly resolution of 8 December 1948, continuing the Appeal, either by undertaking new UNAC campaigns for the benefit of UNICEF or by adopting the alternative of holding campaigns under other auspices for funds to be divided between UNICEF and other relief agencies. Campaigns for the sole benefit of UNICEF were being held in Australia, Canada and the United States, and a similar campaign was being planned in Pakistan. Campaigns of a mixed character had been held in Switzerland, were being held in Belgium and the Dominican Republic, and were being planned in Ceylon, Chile, Colombia, Ecuador, Italy, Liechtenstein, Monaco and Yugoslavia.

⁵²See p. 631.

I. INTERNATIONAL CONTROL OF NARCOTIC DRUGS

During the period under review, various aspects of the problem of the international control of narcotic drugs have been discussed by the third and fourth sessions of the General Assembly, by the eighth and ninth sessions of the Economic and Social Council, and by the fourth session of the Commission on Narcotic Drugs. The matters considered included: a protocol to bring new drugs, especially synthetic drugs, under the existing instruments of control; the drafting of a new single convention to replace existing international instruments and to include provisions for the limitation of the production of narcotic raw materials; the dispatch to South America of a Commission of Inquiry on the Coca Leaf; and the question of reaching an international agreement for limiting the production of raw opium to medical and scientific needs.

1. Application of International Instruments

Throughout the period under review (21 September 1948-31 December 1949), the Commission on Narcotic Drugs continued its efforts towards the re-establishment, under the United Nations, of the international control of narcotics on a basis at least as effective as existed immediately before the Second World War. One aspect of this work has been the proposal to make certain changes to strengthen the administration of the control system to meet the changed conditions resulting from the war, in so far as the provisions of the existing treaty instruments allow such changes to be made.

a. ANNUAL REPORTS OF GOVERNMENTS

As an instance of its continuing responsibilities in supervising the implementation of the treaties, and as an example of the necessary changes referred to above, annual reports forwarded by Governments to the Secretary-General under article 21 of the Convention of 13 July 1931 may be cited. Although the number of such reports submitted in respect of the year 1947 rose to 101, as against ninety-four for 1946, the fact that a relatively large number of States had failed to submit reports covering the post-war years, as well as the incomplete and inadequate character of many of those which had been submitted, led the Commission, during its fourth session in May-June 1949, to consider further steps to remedy a

situation still far from satisfactory. It recommended (E/1361) that the Council adopt two resolutions: the first, requesting the Secretary-General to ask Governments to furnish such explanations or additional information regarding statements contained in annual reports, in seizure reports, in texts of laws and regulations, or in other reports forwarded by them to the Secretary-General, within his functions under the Charter; and the second, requesting the Secretary-General to address a special communication to those Governments which since 1945 have failed to submit annual reports for two years, including the year 1947.

At its ninth session in July-August 1949, the Council, accordingly, dealt with these two draft resolutions at its 285th plenary meeting on 6 July 1949. In the course of the debate concerning the first draft resolution, the United States representative suggested the substitution of the words "as may be necessary to enable the Commission on Narcotic Drugs to discharge its functions" for the words "within his functions under the Charter." The USSR representative considered the resolution unnecessary, the additional information to which it referred not having been provided for in the existing conventions on narcotic drugs. He thought that the fact that these conventions specifically defined the information which Governments should supply was sufficient to render the present draft resolution superfluous. On the other hand, the representative of Lebanon pointed out that the resolution did not request the Secretary-General to ask for explanations or additional information in every case, but only when the available information was incomplete or insufficiently clear. Therefore—and also to meet the Soviet representative's comment—he suggested that the recommendation could "authorize", instead of "request" the Secretary-General to ask for explanations or additional information, which would permit him to do so only when the necessity arose.

When put to the vote, the first draft resolution (E/1361, Annex A) was adopted by 15 votes to none, with 3 abstentions, as amended by Lebanon and the United States. It became Council resolution 246(IX)B, which reads as follows:

"The Economic and Social Council,

"Being informed that it is essential for the Commission on Narcotic Drugs, in the exercise of its supervision over the application by Governments of the provisions of the international instruments on narcotic drugs, including those synthetically produced, to be furnished with complete and accurate information regarding such application,

"Authorizes the Secretary-General to ask Governments to furnish such explanations or additional information regarding statements contained in annual reports, seizure reports, texts of laws and regulations or in other reports or documents forwarded by them to the Secretary-General, as may be necessary to enable the Commission on Narcotic Drugs to discharge its functions."

The second draft resolution (246(IX)C) was adopted, without discussion, by 15 votes to none, with 3 abstentions, as follows:

"The Economic and Social Council,

"Having had its attention drawn by the Commission on Narcotic Drugs to the fact that on 16 May 1949, the date of the opening of the fourth session of the Commission, annual reports for the year 1947, to be submitted by Governments under article 21 of the 1931 Convention, had not been received from a number of countries,

"Being informed that such reports are indispensable to the proper functioning of the Commission,

"Requests the Secretary-General to address a special circular note verbale to the Governments mentioned in the list annexed to this resolution, which since 1945 have failed to submit their reports for two years including the year 1947, calling attention to their obligations under article 21 of the 1931 Convention to forward annually a report on the working of the Convention in their territories, and to the fact that this report is to reach the Secretary-General on or before 30 June of the year following that to which it relates, in accordance with the Commission's decision as approved by the Council."

ANNEX

LIST OF COUNTRIES WHICH SINCE 1945 HAVE FAILED TO SUBMIT ANNUAL REPORTS FOR TWO YEARS INCLUDING 1947

Africa:	Monaco
Ethiopia	Portugal
Liberia	Romania
Asia:	San Marino
Afghanistan	USSR
Burma	North and Central America:
Iran	Costa Rica
Lebanon	Guatemala
Saudi Arabia	Honduras
Siam [Thailand]	Nicaragua
Syria	Panama
Transjordan	South America:
Europe:	Bolivia
Iceland	Ecuador
Liechtenstein	Paraguay
Luxembourg	Peru

b. ILLICIT TRAFFIC IN NARCOTICS

As in previous years, the Commission emphasized the importance of the grave problem of illicit traffic in narcotics. It drew the Council's attention in its report to the fact that the volume of this traffic throughout the world was still considerable, that the amounts of narcotic drugs in the traffic in certain areas had increased alarmingly, that clandestine factories were still operating, and

that a new danger had been created by the appearance of synthetic drugs.

On 6 July 1949, the Council discussed the matter at its 286th plenary meeting, when a United States draft resolution on the suppression of illicit traffic (E/1376), embodying the Commission's recommendations, was submitted.

The representative of Peru proposed that the reference to coca leaves be deleted from the draft resolution. With reference to the provision that traffickers should be subject to "severe penalties", he urged the deletion of the word "severe" on the ground that while it was fully understood that traffickers should be severely punished, account should be taken of the domestic legislation of the various States concerned. The representative of Poland doubted the need for such a resolution, since all the measures it provided for were already covered by existing conventions.

The representative of the Secretariat replied to these comments. He stated that coca leaves were produced both licitly and illicitly in the same way as opium. The draft resolution envisaged the suppression of illicit production, i.e., the production that was not in conformity with national laws and international conventions. As regards the proposal to delete the word "severe", he pointed out that the 1936 Convention on Illicit Traffic contained a similar term; the difficulty was that in certain countries the laws were still lenient to traffickers, while in other countries, where legislation was more severe, there was a tendency to impose light sentences. In reply to the objections of the representative of Poland, shared by the representative of Denmark, he said that it should be realized that the Commission had time and again been confronted with breaches of existing conventions, and that the resolution would be a weapon for exposing such breaches.

The representative of Peru stated that if the word "severe" were not to be deleted, he would propose the deletion of the words "under existing laws," since if the original text were maintained, it would imply that existing laws were severe, which in fact they were not. This Peruvian amendment was accepted by the United States delegation.

The United States draft resolution, as amended, was accepted by 13 votes to 4, as the Council's resolution 246(IX)E. Its operative part recommended that all States should:

"1. Increase their efforts to detect and suppress the illicit production of opium, coca leaves and other raw narcotic materials from which narcotic drugs are produced, and the illicit manufacture of these drugs as well as those produced synthetically;

"2. Apply stringent measures of control to the trade in and the distribution and transportation of narcotic

drugs, paying special attention to the smuggling of drugs in aircraft;

"3. Strengthen measures for apprehending traffickers and subject them to severe penalties."

c. SUMMARIES OF NATIONAL LAWS AND REGULATIONS

As part of its programme in strengthening the international control of narcotic drugs; the Commission on Narcotic Drugs, at its fourth session, considered that the publication of annual summaries of national laws and regulations on narcotic drugs and the preparation of a digest of such legislation, tasks which the Council had entrusted to the Secretariat (49(IV)), would be very useful in printed form, and accordingly recommended that this practice should be followed in the future. The first printed issue of the Annual Summary of Laws and Regulations Relating to the Control of Narcotic Drugs—1947 appeared in 1948. The Annual Summary—1948 was to be published in May 1950.

d. THE PREPARATION "VALBINE"

With regard to the particular case of the preparation "Valbine", the Executive Council of the World Health Organization approved, during its session held from 21 February to 9 March 1949, a recommendation of the Expert Committee on Habit-Forming Drugs that exemption from the provisions of the Convention of 19 February 1925 should not be granted in favour of this preparation, as had been requested by the Government of France, and that the decision should be notified to the Economic and Social Council for transmission to the French Government.

The matter was brought to the Council's attention on 6 July 1949, at its 286th plenary meeting (E/1324). The representative of France explained that his Government had originally requested that "Valbine" be exempted from the provisions of the 1925 Convention, but that subsequently the French Government accepted the decision of the Expert Committee on Habit-Forming Drugs of the WHO.

Thereupon, the Council authorized the Secretary-General to transmit to the French Government the decision of the WHO relating to "Valbine".

2. Protocol of 19 November 1948

At its seventh session in July-August 1948, the Economic and Social Council approved, for submission to the General Assembly, a draft protocol

to bring under international control certain drugs outside the scope of the Convention of 13 July 1931 for limiting the manufacture and regulating the distribution of narcotic drugs, as amended by the Protocol signed at Lake Success on 11 December 1946 (159(VII)).

a. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS THIRD SESSION

At the General Assembly's third session, the draft protocol (E/1065) was examined at the 86th, 87th and 88th meetings of the Third Committee on 29 and 30 September 1948, and at the 149th and 150th plenary meetings of the Assembly on 8 October 1948.

(1) Discussions in the Third Committee

The discussion by the Third Committee centred mainly on article 8 of the draft Protocol, dealing with the application of the proposed measures in Non-Self-Governing Territories. The USSR representative maintained that this article left the metropolitan Power free to decide whether the provisions of the Protocol should be extended to the territory. He therefore proposed an alternative text (A/C.3/208), which would provide that the Protocol extend equally to the territory of the signatory State and to all territories which the State administered and for which it was responsible. This was rejected by a roll-call vote of 17 votes in favour to 25 against, with 11 abstentions.

In urging the unanimous acceptance of the Protocol, the representative of India suggested (A/C.3/209), as a compromise, that a supplementary article be inserted after article 8, which would provide that signatory States notify the Secretary-General each year of the territories to which the Protocol has not yet been extended and why. The United Kingdom proposed an amendment to the first part of the Indian proposal, which would provide that all States Members of the United Nations and all Parties to the 1931 Convention which did not accept the Protocol within a year after its entry into force should "at the end of that time notify the Secretary-General of the reasons for their non-acceptance. States responsible for Non-Self-Governing Territories [should] similarly . . .".

The Committee, after accepting a Belgian proposal to substitute the words "for which it has international responsibility" in place of "for the foreign relations of", adopted article 8 by 33 votes in favour to 8 against, with 12 abstentions. It decided that the United Kingdom and Indian amendments should take the form of an addition

to the draft resolution to be submitted by the Committee to the General Assembly.

The representative of the United States declared that her Government wished it to be inserted in the record that the United States, in accepting the Protocol, would extend it to all territories for which it was responsible, and desired to have it understood that on its part article 8 should not be considered as constituting a precedent.

The draft text of article 6, concerning the coming into force of the Convention, also occasioned some discussion in the Committee. Some delegations, including those of Uruguay and Guatemala, were opposed to the "discriminating" second part of this article because it specified, inter alia, that the Protocol shall come into force only if the States which have signed it or accepted it shall include five of the eleven countries considered—according to the statement by the representative of the Secretariat—the main drug-producing countries of the world. Other delegations, including those of Belgium, China and Haiti, were of the opinion that the contested clause should be retained, as it was intended with a view to efficiency, and not discrimination. The article was then put to the vote in two parts. The first part, ending with the words "in accordance with Article 5", was adopted unanimously. The second part was adopted by 37 votes to 5. Article 6, as a whole, was adopted by 37 votes to 3, with 2 abstentions.

When the Chairman put the whole draft protocol before the Third Committee, the representatives of Poland and of the USSR reserved the right to object again to article 8, but otherwise supported fully the proposed text. Thereupon, a vote was taken by a show of hands, and the draft Protocol was adopted unanimously at the 87th meeting of the Committee on 29 September.

At the 87th meeting, the Committee also began its consideration of the draft resolution to introduce the Protocol (A/C.3/210). At the close of the meeting, the Chairman announced that he would redraft the resolution along the lines suggested by the Committee. He also asked the representatives of India, the United Kingdom, Egypt and China to draft a text embodying the Indian representative's proposal.

Accordingly, at its 88th meeting, the Committee considered the revised text (A/C.3/210/Rev.1) and an amendment to it (A/C.3/212), drawn up by the representatives of the four countries. The amendment was incorporated in the revised resolution, which was unanimously adopted with minor drafting changes.

The Third Committee also unanimously approved a supplementary draft resolution B, urging

all parties to the Protocol to communicate to the Secretary-General any material information in their possession regarding certain drugs on which the World Health Organization would be asked to give opinion.

(2) Resolutions Adopted by the General Assembly

The report of the Third Committee (A/666/-Corr.1) was submitted to the General Assembly and discussed at its 149th and 150th plenary meetings on 8 October 1948.

The representatives of China, Haiti and Lebanon spoke in favour of the draft Protocol and praised the Council and Assembly for the speed with which it had acted. The representatives of the United States, the USSR and the United Kingdom, while expressing their satisfaction with the draft, restated their positions in regard to article 8 (see above).

Resolutions A and B, together with the text of the Protocol, were then adopted, without objection, at the 150th plenary meeting of the Assembly on 8 October 1948, as follows (211(III)):

- A. PROTOCOL BRINGING UNDER INTERNATIONAL CONTROL DRUGS OUTSIDE THE SCOPE OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL SIGNED AT LAKE SUCCESS ON 11 DECEMBER 1946

"The General Assembly,

"Taking note of the recommendations contained in resolution 159 (VII) of the Economic and Social Council,

"Approves the attached Protocol bringing under international control drugs outside the scope of the Convention of 13 July 1931;

"Requests the Secretary-General to fix the earliest possible date on which the Protocol will be opened for signature during the present session of the General Assembly;

"Urges all States Members of the United Nations to sign or accept this Protocol at the present session;

"Urges any State Member of the United Nations not signing or accepting the Protocol to communicate to the Secretary-General its reasons therefor;

"Invites all States non-members, in accordance with the wish expressed by the Economic and Social Council in the above-mentioned resolution and in accordance with the provisions of resolution 54 (I) of the General Assembly, to sign or accept this Protocol at the earliest possible date;

"Urges all States signing or accepting the Protocol to take as soon as possible the necessary steps in order to extend the application of this Protocol to territories for which they have international responsibility, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories;

"Urges that every State signing or accepting the Protocol which does not make the declaration under article 8 thereof in respect of any territories for which it has international responsibility, shall communicate to the Secretary-General before 31 August 1949 the names

of all such territories, together with the reasons for not making the declaration."

ANNEX
TEXT OF THE PROTOCOL
PREAMBLE

The States Parties to the present Protocol,

Considering that the progress of modern pharmacology and chemistry has resulted in the discovery of drugs, particularly synthetic drugs, capable of producing addiction, but not covered by the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success on 11 December 1946,

Desiring to supplement the provisions of that Convention and to place these drugs, including the preparations and compounds containing these drugs under control in order to limit by international agreement their manufacture to the world's legitimate requirements for medical and scientific purposes and to regulate their distribution,

Realizing the importance of the universal application of this international agreement and of its earliest possible entry into force,

Have resolved to conclude a Protocol for that purpose and have agreed upon the following provisions:

CHAPTER I. CONTROL

Article 1

1. Any State Party to the present Protocol which considers that a drug which is or may be used for medical or scientific purposes and to which the Convention of 13 July 1931 does not apply, is liable to the same kind of abuse and productive of the same kind of harmful effects as the drugs specified in article 1, paragraph 2, of the said Convention, shall send a notification to that effect, with all material information in its possession, to the Secretary-General of the United Nations, who shall transmit it immediately to the other States Parties to the present Protocol, to the Commission on Narcotic Drugs of the Economic and Social Council, and to the World Health Organization.

2. If the World Health Organization finds that the drug in question is capable of producing addiction or of conversion into a product capable of producing addiction, this organization shall decide whether the drug shall fall:

(a) Under the regime laid down in the 1931 Convention for the drugs specified in article 1, paragraph 2, group I, of that Convention; or

(b) Under the regime laid down in the 1931 Convention for the drugs specified in article 1, paragraph 2, group II, of that Convention.

3. Any decision or finding in accordance with the preceding paragraph shall be notified without delay to the Secretary-General of the United Nations, who shall transmit it immediately to all States Members of the United Nations, to non-member States Parties to this Protocol, to the Commission on Narcotic Drugs, and the Permanent Central Board.

4. Upon receipt of the communications from the Secretary-General of the United Nations notifying a decision under paragraph 2 (a) or (b) above, the States Parties to this Protocol shall apply to the drug in question the appropriate regime laid down by the 1931 Convention.

Article 2

The Commission on Narcotic Drugs, upon receipt of the notification from the Secretary-General of the United Nations in accordance with paragraph 1 of article 1 of this Protocol, shall consider as soon as possible whether the measures applicable to drugs specified in article 1, paragraph 2, group I, of the 1931 Convention should provisionally apply to the drug in question, pending receipt of the decision or finding of the World Health Organization. If the Commission on Narcotic Drugs decides that such measures should provisionally apply, this decision shall be communicated without delay by the Secretary-General of the United Nations to the States Parties to this Protocol, to the World Health Organization, and the Permanent Central Board. The said measures shall thereupon be applied provisionally to the drug in question.

Article 3

Any decision or finding taken under article 1 or article 2 of this Protocol may be revised in the light of further experience, in accordance with the procedure provided in this chapter.

CHAPTER II. GENERAL PROVISIONS

Article 4

The present Protocol does not apply to raw opium, medicinal opium, coca leaf or Indian hemp as defined in article 1 of the International Convention relating to Dangerous Drugs signed at Geneva on 19 February 1925, or to prepared opium as defined in chapter II of the International Opium Convention signed at The Hague on 23 January 1912.

Article 5

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature or acceptance on behalf of any Member of the United Nations and also of any non-member State to which an invitation has been addressed by the Economic and Social Council.

2. Any such State may:

(a) Sign without reservation as to acceptance;

(b) Sign subject to acceptance and subsequently accept; or

(c) Accept.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article 6

The present Protocol shall come into force upon the expiration of thirty days following the day on which twenty-five or more States have signed it without reservation, or accepted it in accordance with article 5, provided that such States shall include five of the following: China, Czechoslovakia, France, Netherlands, Poland, Switzerland, Turkey, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia.

Article 7

A State which has signed without reservation as to acceptance, or has accepted pursuant to article 5, shall become a Party to this Protocol upon its entry into force, or upon the expiration of thirty days following the date of such signature or acceptance if executed after the entry into force of the Protocol.

Article 8

Any State may, at the time of signature or the deposit of its formal instrument of acceptance or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that the present Protocol shall extend to all or any of the territories for which it has international responsibility; and this Protocol shall extend to the territory or territories named in the notification as from the thirtieth day after the date of receipt of this notification by the Secretary-General of the United Nations.

Article 9

After the expiration of five years from the date of the coming into force of the present Protocol, any State Party to the present Protocol may, on its own behalf or on behalf of any of the territories for which it has international responsibility, denounce this Protocol by an instrument in writing deposited with the Secretary-General of the United Nations.

The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year.

Article 10

The Secretary-General of the United Nations shall notify all Members of the United Nations and non-member States referred to in articles 5 and 6 of all signatures and acceptances received in accordance with these articles, and of all notifications received in accordance with articles 8 and 9.

Article 11

In accordance with Article 102 of the Charter of the United Nations, the present Protocol shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol on behalf of their respective Governments.

Done at Paris this nineteenth day of November one thousand nine hundred and forty-eight, in a single copy, which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all the Members of the United Nations and to the non-member States referred to in articles 5 and 6.

B. TRANSMISSION OF INFORMATION RELATING TO ANY DRUG NOTIFIED TO THE SECRETARY-GENERAL UNDER ARTICLE 1 OF THE PROTOCOL

"The General Assembly

"Recommends that all Parties to this Protocol, on receipt of a notification under its article 1, paragraph 1, communicate any material information in their possession regarding the drug or drugs mentioned in the notification to the Secretary-General of the United Nations, who shall transmit such information to all Parties to the present Protocol, to the Commission on Narcotic Drugs, and to the World Health Organization."

b. PARTIES TO THE PROTOCOL

The Protocol was opened for signature in Paris on 19 November 1948, and came into force on

1 December 1949, when the required number of States had become parties to it. By the end of December 1949, the following countries had become parties to the Protocol in the order given: Afghanistan, Australia, the Byelorussian SSR, Canada, China, Lebanon, Mexico, Monaco, New Zealand, Saudi Arabia, the USSR, the United Kingdom, the Union of South Africa, France, Ceylon, Poland, Sweden, Italy, Ethiopia, Norway, Yugoslavia, Albania, Egypt, Denmark, Finland, Yemen.

3. Precautionary Measures to be Taken with regard to Synthetic Narcotic Substances

During its first session in January 1949, the Expert Committee on Habit-Forming Drugs of the World Health Organization decided that chemical compounds, which have a structure similar to the synthetic narcotic drug dolantin (also known under the names demerol, pethidine, piridosal and others) and amidone (also known under the name methadone and others), must be under suspicion as to habit-forming properties until the contrary was proved. The Committee further considered that Governments should watch these compounds with extreme care and should take appropriate action immediately on the discovery that any one of them possessed such properties (WHO/HFD/9 and Corr.1).

The Commission on Narcotic Drugs considered the question at its fourth session, and submitted a resolution (E/1361) which was unanimously adopted by the Council, without discussion, at its 286th plenary meeting on 6 July 1949, as resolution 246 (IX) G. In this resolution, the Council requested the Secretary-General to transmit to all Governments the recommendation of the Expert Committee of the World Health Organization

"that each Government should endeavour to apply at the earliest possible moment provisions whereby drugs of a particular chemical type, analogues of which have been proved to be habit-forming (for example, analogues of dolantin and amidone), could be placed under control until such time as they have been shown not to be habit-forming."

4. Drafting of a Single Convention on Narcotic Drugs

At its seventh session, the Economic and Social Council adopted, on 3 August 1948, resolution 159 (VII) II D requesting the Secretary-General to

begin work on the drafting of a new single convention to replace and simplify the existing international treaties for the control of narcotic drugs, and to include provisions for the limitation of the production of narcotic raw materials.

During its fourth session in May to June 1949, the Commission on Narcotic Drugs considered that the most pressing subject studied at that session was the review of the progress so far made towards the elaboration of such a new single convention. The documentary material prepared by the Secretary-General on the subject consisted of four monographs (E/CN.7/W.41, 44, 50 and 53), outlining the more important problems connected with the drafting of a new single convention, and indicating in broad outline possible means of solving them. These, together with a paper prepared by the joint secretariat of the Permanent Central Opium Board and the Supervisory Body (E/OB/W.78), were considered by the Commission. In its report to the Council (E/1361 and Add.1), the Commission dwelt at some length on this material, and made a number of recommendations covering the next stage of the work, the most important being that the Secretary-General should prepare a skeleton of the single convention, drafted in due legal form, to be circulated to the representatives of Governments on the Commission, if possible, in January 1950, to enable the Commission to make a detailed study of the document during its fifth session in the spring of 1950.

In drafting the single convention, the Secretariat was asked to take into account the resolution adopted by the World Health Assembly regarding the interest of WHO in appointing a technical member or members to the administration control body. The Commission further requested the Expert Committee on Habit-Forming Drugs of WHO to furnish the Commission, at its fifth session, with definitions of certain terms relating to drugs.

The Council, at its ninth session, at the 286th plenary meeting on 6 July 1949, in resolution 246 (IX) D, adopted by 13 votes to none, with 5 abstentions, approved the decisions taken by the Commission on Narcotic Drugs with a view to the elaboration of a new single convention, and asked the Secretary-General to take the necessary steps to give effect to these decisions as soon as possible.

5. Provisional Agreement on Opium

On 3 August 1948, the Economic and Social Council, on the recommendation of the Commission on Narcotic Drugs, adopted resolution 159-

(VII)II.E,⁵³ requesting the Secretary-General to initiate studies and inquiries on the desirability of convening a conference of the opium-producing countries and of countries using opium in the manufacture of drugs for medical and scientific needs, with a view to reaching an interim agreement limiting the production and export of opium to such purposes.

The Commission on Narcotic Drugs considered the results of these studies and inquiries during its fourth session (May-June 1949), and appointed a sub-committee of the representatives of the principal opium-producing countries (India, Iran, Turkey, the USSR, and Yugoslavia) to study the matter in detail. The sub-committee, the meetings of which were not attended by the representative of the Soviet Union, reported (E/1361) that it was of the opinion that the holding of such a conference would be most desirable, but that its chances of ultimate success would be mainly dependent upon the willingness of the principal producing countries of opium, while the successful operation of any agreement arrived at by such a conference would largely depend on the collaboration of the manufacturing countries. As a first step, it therefore recommended that a preliminary meeting of the principal producing countries should be held, in an attempt to explore the possibility of agreement to limit production.

The sub-committee considered that the limitation of production to medical and scientific needs should be based on the estimates of opium requirements submitted by the Governments of consuming countries to an international co-ordinating authority. It further proposed that before the preliminary meeting of the representatives of the principal producing countries, there should be an exchange of governmental views on the methods of allocating exports of opium to be produced under the interim agreement, on the establishment of complete government monopolies covering every stage of production and disposal in the producing countries, and on the advisability of creating an international purchasing and selling agency to facilitate and reinforce the international control of the opium trade.

The Commission on Narcotic Drugs, accordingly, proposed to the Council that, as recommended by its sub-committee, an ad hoc committee composed of the representatives on the Commission of the principal opium-producing countries should meet as soon as possible during 1949, and informed the Council that an invitation had been received from the Government of Turkey for the

⁵³ See Yearbook of the United Nations, 1947-48, p. 633.

ad hoc Committee to hold its meetings at Ankara or Istanbul (E/1361).

During its ninth session, at the 286th plenary meeting on 6 July 1949, the Council approved this recommendation (246 (IX) D) and took note of a suggestion in the Commission's report that a further exploratory meeting, at which both producing and manufacturing countries would be represented, might be held early in 1950, if the results of the meetings of the ad hoc Committee made this desirable.

The ad hoc Committee met at Ankara, Turkey, from 21 November to 7 December 1949, with India, Iran, Turkey and Yugoslavia participating. The USSR, which was also invited to take part in the Committee's deliberations, was of the opinion that the conclusion of an interim agreement to limit the production of opium to medical and scientific needs was not necessary at present, and therefore declined the invitation.

The Committee worked out in some detail a proposed structure for an interim agreement required to enable Governments to put into effect their declared intention of limiting the production of opium.

The Committee unanimously agreed that such limitations should be based on estimates of their opium requirements to be furnished annually by Governments to a co-ordinating authority.

It proposed further that at the national level, the interim agreement should be given effect through government opium monopolies, which would be operated on a generally uniform pattern in all producing countries of which the Governments had become parties to the interim agreement.

The concept of the Government opium monopoly would be applied on the international plane by the creation of an international purchasing and selling agency. The Committee considered this innovation in the field of international relations to be an essential part of the final solution of the allied problems of opium-drug addiction and the illicit traffic in opium and opium-drugs, since it would render valuable assistance in eliminating the considerable over-production of opium, which at present fed that trade and made possible the clandestine manufacture of drugs. The agency, which would be established as a non-profit-making, self-supporting corporation, would be under the obligation to buy each year from the opium monopolies of Governments parties to the proposed interim agreement their total production of opium over and above any required for use within the country in question. Such opium monopolies would be entitled to sell only to the agency, which

would itself assume the reciprocal obligation of limiting its purchases of opium from those monopolies. Similarly, the agency would have a monopoly in the trade to countries desirous of importing opium for the manufacture of drugs, or for other medical or scientific purposes.

The Committee envisaged the establishment of a co-ordinating authority which, in the name of the parties to the proposed interim agreement, would take the executive decisions required to ensure its smooth application. In particular, it would have functions in connexion with the estimates of their opium requirements to be furnished annually by Governments, and with the notification to each producing country of the proportion of the world production of opium allocated to it each year. The Committee also considered it to be of great importance that the co-ordinating authority should have the power of prescribing sanctions against any party contravening the provisions of the interim agreement, particularly in any case of continued over-production of raw opium.

The Committee also recommended the percentage shares of the world production of opium to be allocated annually to each producing country. It asked the Secretary-General to publish these shares, as soon as possible, with the agreement of the Governments concerned.

Finally, the ad hoc Committee recommended that a meeting between representatives of the principal opium-producing countries and of the principal countries manufacturing drugs from opium should be held during the next session of the Commission on Narcotic Drugs, in April 1950. The purpose of this meeting would be to work out a draft interim agreement to be approved by the Economic and Social Council at its eleventh session in July 1950. The interim agreement, if so approved, could be opened for signature during the next regular session of the General Assembly (E/CN.7/188). All decisions of the ad hoc Committee were adopted unanimously.

6. Drug Addiction

The Secretary-General, in accordance with a request made by the Commission on Narcotic Drugs during its third session in May 1948, classified and analysed the replies to a questionnaire on drug addiction and drug addicts, which had previously been sent to Governments (E/CN.7/166).

At its fourth session in May-June 1949, the Commission on Narcotic Drugs considered the documentation submitted to it by the Secretary-

General, and requested him to begin work on an analytical study of the national laws and regulations relating to this problem (E/1361). It also asked him to consult the World Health Organization to ascertain the present state of medical research on the subject.

The Commission emphasized that the incidence of drug addiction was closely connected with the problem of the limitation of production of narcotic raw materials, since the excess production over the amount required for medical and scientific purposes inevitably found its way into the illicit traffic, which in turn was the main source of supply for drug addicts. The view was also expressed that in certain parts of the world a reduction in drug addiction had been obtained by improvements in social conditions, by the raising of the standards of living and by better education. The Commission's report suggested that, since education and legislation were closely related, greater use of education in combatting drug addiction might be further explored after the analytical study of the laws and regulations on the subject had been completed.

7. Abolition of Opium-Smoking in the Far East

On the recommendation of the Commission on Narcotic Drugs, the Economic and Social Council adopted, at its seventh session, resolution 159-(VII) II B, inviting the Governments of all countries in which opium-smoking had been at any time prevalent to adopt a policy of suppression; requesting those Governments which had declared their intention to suppress opium-smoking to forward to the Secretary-General, before 31 March each year, a report on the progress of suppression in the preceding calendar year and further requesting such Governments forthwith to prohibit the import of raw opium into their territories, except for medical and scientific purposes.

In accordance with this resolution, the Secretary-General, on 20 August 1948, communicated with the Governments which had announced their intention of suppressing opium-smoking in the Far East, but he was only able to indicate to the Commission on Narcotic Drugs, in May 1949, that the results of the inquiry up to that date had not been very satisfactory.

At its fourth session in May-June 1949, the Commission considered the replies received, none of which could, strictly speaking, be considered as constituting the special report requested by the above resolution of the Council. In its report to

the Council (E/1361), the Commission referred to the fact that reports were not available from the Governments of those countries in which opium-smoking had formerly been particularly prevalent. Certain representatives on the Commission made oral statements regarding the measures taken in their countries to suppress the practice of opium-smoking.

8. Methods of Determining the Origin of Opium

On the recommendation of the Commission on Narcotic Drugs, the Council adopted, at its seventh session, resolution 159(VII) II C, instructing the Secretary-General to transmit to Governments all documentation available to him at that time regarding the methods of determining the origin of opium by chemical and physical means; to inquire whether Governments would be prepared to take part in a joint programme of research into the problem; and to invite them to furnish for such international research samples of the opium produced in their countries.

The Secretary-General, accordingly, addressed two communications to Governments, on 20 August and 13 October 1948, respectively, and the replies to these inquiries were examined by the Commission on Narcotic Drugs during its fourth session. In the light of the information thus obtained, which indicated that a number of Governments would be prepared to co-operate in an international programme of research on the problem, and on the basis of further scientific studies undertaken by the Secretariat during 1949, the Commission considered means whereby such research might be co-ordinated and carried out under the auspices of the United Nations.

The Commission's debate on the draft resolution submitted to the Council emphasized that the proposed research would not be purely theoretical, but would rather be designed to develop practical tests for determining the country of origin of opium seized from the illicit traffic. The development of internationally standardized and accepted methods for determining the origin of opium would place an invaluable new weapon in the hands of national authorities which were fighting opium smugglers in many parts of the world.

The relevant recommendations of the Commission were considered by the Council at the 285th and 286th plenary meetings on 6 July 1949. The representatives of the Byelorussian SSR and the USSR were opposed to the adoption of the Commission's draft resolution, holding that the crea-

tion of the proposed research centre within the framework of the United Nations would be expensive and unnecessary.

With reference to the clause in the resolution (see below) which provides for maintaining "in the custody of the Government of the United States a centre for the distribution and exchange of samples of opium", the representative of the Secretariat explained that it would be legally impossible for the Secretary-General to import and export opium for the purpose of supplying it to those scientific institutions which would participate in the joint research project. Such imports or exports could only be made by Governments; in this particular case, the Government of the United States was willing to assume the responsibility.

On being put to the vote, the draft resolution proposed by the Commission, with a minor amendment proposed by Denmark, was adopted by 14 votes to 2, with 1 abstention, as the Council's resolution 246(IX)F. It read as follows:

"The Economic and Social Council,

"Having taken into account the replies of Governments to enquiries made by the Secretary-General pursuant to its resolution 159 (VII) H, C on the methods of determining the origin of opium,

"Having noted the fact that the Secretary-General has not at present the material means necessary for the safe keeping of dangerous substances, or laboratory facilities for carrying out chemical research activities,

"Considering that the Government of the United States of America has declared its willingness, informally and without undertaking any legal obligation, to place United States laboratory facilities at the disposal of the United Nations, in a way to be arranged in detail with the Secretary-General, for the purpose of:

"(a) Enabling officials of the Secretariat to carry out research on the methods of determining the origin of opium by chemical and physical means;

"(b) Co-ordinating the research activities undertaken by other Governments in this field;

"(c) Maintaining in the custody of the Government of the United States a centre for the distribution and exchange of samples of opium among those scientists and scientific institutions that may be designated by Governments which participate in the joint research project in accordance with the Council's resolution referred to above,

"Requests the Secretary-General to further, within the means available, research on the methods of determining the origin of opium; and

"Recommends the Secretary-General to accept, if he finds this desirable, the laboratory facilities which the Government of the United States has offered to place at his disposal for this purpose."

9. Commission of Inquiry on the Coca Leaf

The Council, having approved (159(VII)-IV) at its seventh session the dispatch, at the

earliest possible date, of a Commission of Inquiry to Peru to investigate the effects of chewing the coca leaf and the possibilities of limiting its production and controlling its distribution, the General Assembly was asked during its third session to appropriate the funds necessary to enable the Commission of Inquiry to devote two months to its tasks.

At its 171st meeting on 8 December 1948, the Fifth Committee (A/798), on the recommendation of the Advisory Committee on Administrative and Budgetary Questions, approved an amount of \$17,000 for a Commission of Inquiry into the effects of chewing the coca leaf. The Advisory Committee had emphasized that there was an imperative need for limiting supplementary credits, and had therefore recommended that the Commission be composed of no more than four experts, to be assisted by six members of the Secretariat, and that the estimate be correspondingly reduced to \$17,000 (A/765). The General Assembly, in approving the Budget of the United Nations for 1949 (resolution 252(III)) at its 186th plenary meeting on 11 December 1948, approved this amount.

The Council, at its eighth session, considered the Secretary-General's plan for the Commission of Inquiry, which included a list of candidates for membership. This had involved consultation with the World Health Organization (WHO) and to obtain the nomination of medical experts, and with the Bureau of the Commission on Narcotic Drugs. The latter had suggested that the non-medical members should be drawn from the names selected by its members.

The Council, accordingly, adopted by 14 votes to none, with 3 abstentions, the Social Committee's proposal (E/1167), which had been suggested by the representative of the United States (E/AC.7/-W.42). In its resolution 202 (VIII), the Council requested the Commission on Narcotic Drugs:

"to select during its fourth session, for membership of the Commission of Inquiry into the Effects of Chewing the Coca Leaf, a team of two experts in the international administration and control of narcotic drugs, and a team of two medical experts to be chosen after consultation with the World Health Organization from the list of candidates already proposed by that organization."

During the Council's discussion, the representative of Peru placed on record his opinion that: the problem did not affect Peru exclusively, other countries being also concerned, such as Colombia, Ecuador, Bolivia and the northern part of Argentina; that there should be a fifth member appointed to the Commission of Inquiry, as a food expert representing FAO; and that a minimum

stay of two months would be necessary for the Commission of Inquiry, in order to visit the respective regions of Peru and fulfil its mission properly.

On 20 April 1949, the Secretary-General received a request from the Government of Bolivia that the Commission of Inquiry should extend its activities to that country. This request was considered by the Commission on Narcotic Drugs during its fourth session. The Commission concluded that it would be desirable for the Commission of Inquiry to visit Bolivia as well as Peru, and recommended that it be given the financial means to enable it to spend enough time in each country for a thorough study of its problems. In its report to the Council (E/1361), the Commission on Narcotic Drugs stressed the need for the Commission of Inquiry to issue an authoritative report, in view of the considerable diversity of opinion as to the effects of the chewing of coca leaves on various sections of the population in the Andean region of South America, and in view of the inter-relationship which is held to exist between the habit and the economic, social and climatic conditions in certain areas of that region.

The Commission on Narcotic Drugs submitted its recommendations, together with the names of the four members of the Commission of Inquiry it had elected on 1 June 1949, for approval to the ninth session of the Council. The experts selected were: Professor D. Granier-Doyeux, Professor F. Verzar, Mr. H. B. Fohda and Mr. P. Razet.

The question was considered by the Council at its ninth session, at the 88th meeting of its Social Committee on 12 July 1949, and at the 306th plenary meeting on 23 July 1949. The Social Committee adopted, with a minor amendment, the resolution proposed by the Commission on Narcotic Drugs.

In considering this, the Council also considered a statement by the Secretary-General (E/1442), in which he expressed doubt at his power to appropriate the additional \$27,000 which the adoption of the draft resolution would necessitate. He informed the Council that the Advisory Committee on Administrative and Budgetary Questions had agreed with him that neither it nor the Secretary-General had the power to increase a specific appropriation which the General Assembly had reduced. In view of this situation, the Secretary-General submitted an alternative text of the proposed draft resolution which, inter alia, called on the Assembly to appropriate additional funds, so that the Commission might under its terms of reference spend at least three months in Bolivia and Peru.

In the course of the debate which followed, the representative of New Zealand formally moved the adoption of the text (E/1442) presented by the Secretary-General. The USSR and the Byelorussian SSR delegations spoke against additional money appropriations for the Commission of Inquiry. On the other hand, the Chairman of the Commission on Narcotic Drugs, the representative of Yugoslavia, stressed that it was in the interest of the entire world that there should be an adequate investigation into the matter.

The Council, by 13 votes to 3, with 1 abstention, adopted the resolution recommended by the Social Committee, amended in line with the Secretary-General's proposals, as resolution 246(IX) H:

"The Economic and Social Council,

"Having noted that the Commission on Narcotic Drugs elected, during its fourth session, in implementation of resolution 202(VIII), the following experts to membership of the Commission of Enquiry on the Coca Leaf:

Professor D. Granier-Doyeux

Professor F. Verzar

Mr. H. B. Fohda

Mr. Razet

"Having been advised by the Commission on Narcotic Drugs that the Commission of Enquiry should be given adequate time to perform its tasks satisfactorily, and that the funds so far appropriated by the General Assembly for the investigation in Peru are insufficient to allow a thorough enquiry to be conducted in that country,

"Having noted also that the request of the Government of Bolivia for the Commission of Enquiry to extend its investigations to that country was transmitted to the Secretary-General after the General Assembly had made the aforementioned budgetary appropriations,

"Having been informed that the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions of the General Assembly are of the opinion that only the General Assembly is competent to appropriate the additional funds necessary to enable the Commission of Enquiry to remain longer in Peru and to extend its investigations to Bolivia also,

"Decides:

"1. To record its satisfaction at the declarations made to the Commission on Narcotic Drugs by the representatives of Bolivia and Peru of the willingness of the Governments of these two States to grant to the Commission of Enquiry all assistance and facilities for the successful performance of its mission;

"2. To request the members of the Commission of Enquiry to start work in Peru not later than during the second week of September 1949;

"3. To endorse the opinion of the Commission of Narcotic Drugs that the means should be given to the Commission of Enquiry to extend its investigations to Bolivia and to carry out its tasks satisfactorily; and accordingly

"4. To request the General Assembly to appropriate before 30 September 1949 the additional funds necessary to enable the Commission of Enquiry, with the terms of reference given in resolution 159 (VII) IV, to spend at least three months in Bolivia and Peru and to prepare

a report on its work after the conclusion of its investigations in the field."

The representative of the United Kingdom explained that he had abstained from voting because he wished to reserve his Government's position at the forthcoming session of the General Assembly with regard to the Commission of Inquiry and, in particular, with regard to the financial aspect of the question.

The Fifth Committee of the General Assembly, at its 185th meeting on 23 September 1949, briefly discussed the memorandum from the Secretary-General (A/C.5/297) dealing with a request for the appropriation of additional funds in connexion with the Commission of Inquiry. The Committee (A/1016) agreed by 38 votes to 5, with 1 abstention, to concur with the Secretary-General's recommendation that the use of existing surpluses from appropriations made under section 6 of the 1949 budget should be authorized for the purpose of increasing the sum appropriated for the Commission of Inquiry by \$27,000, in order that the Commission should be able to extend its investigations to Bolivia and to carry out its tasks in accordance with the terms of the resolution of the Economic and Social Council adopted at its ninth session.

The General Assembly, in resolution 354 (IV), adopted at its 274th plenary meeting on 9 December, approved the supplementary estimates for the financial year 1949, which included the additional sum for the Commission of Inquiry.

10. Bulletin on Narcotics

On 3 August 1948, the Council approved at its seventh session the issue of a United Nations bulletin on narcotics, and invited the Secretary-General to make the necessary provisions in his 1949 budget estimates. These estimates were approved by the General Assembly on 11 December 1948. The first number of the Bulletin was published in October 1949.

The Bulletin, which is issued quarterly in English and French, attempts to give the most recent news on the results obtained in the control of narcotic drugs and the struggle against addiction, by Governments, by the United Nations and by the organizations established under the international conventions on narcotic drugs. In addition, it contains technical and scientific articles on narcotic drugs and on legislation and administration in various countries, as well as bibliographical material.

11. Permanent Central Opium Board

During its eighth session, the Council considered the annual report of the Permanent Central Opium Board (E/OB/4) and the administrative arrangements between the Council and the Board, at the 62nd and 63rd meetings of the Social Committee on 10 February 1949, and the Council's 258th plenary meeting on 2 March 1949.

In resolution 200(VII), unanimously adopted, the Council took note of the Board's report. It also, after some discussion in the Social Committee, adopted unanimously a resolution (201 (VIII)) approving the provisional arrangements made between the Permanent Central Board and the Secretary-General as regards the budget of the Board and its staff, and requesting the Secretary-General, inter alia, to submit plans to the General Assembly during its fourth session for assessing signatories of the Convention of 19 February 1925 who are not Members of the United Nations for their fair share of the Board's expenses.

This question was discussed at the fourth session of the General Assembly, at the 221st meeting of the Fifth Committee on 8 November, and at the 255th plenary meeting on 24 November 1949.

The Assembly had before it a memorandum by the Secretary-General (A/976) outlining two alternative methods of assessment; a communication from the President of the Permanent Central Opium Board (A/C.5/334), which stated that, while the Board was aware of resolution VII of the Final Act of the 1925 Convention, under which non-members were required to bear their share in the Board's expenses, it had reached the conclusion, after careful consideration, that it was not competent to express an opinion on a matter which was essentially one of financial administration; and a note by the Secretary-General (A/C.5/340) suggesting to the Fifth Committee that consideration of the Council's resolution 201 (VIII) might be more profitably deferred until the fifth regular session of the Assembly, and that, in the meantime, a more detailed and thorough study of the matter should be undertaken.

In support of this last proposal, it was pointed out that, in addition to the Central Board, there were other treaty bodies and organs of the United Nations which exercised related powers and functions under the 1931 Convention and the Paris Protocol of 1948, and that the interlocking functions and powers of these various bodies and organs, co-ordinated as they were under the existing treaties, constituted an organic and inseparable whole. The view was therefore expressed that it might seem anomalous for non-member States of

the United Nations, signatories to the international agreements, conventions and protocols on narcotic drugs, to contribute to the expenses of the Permanent Central Opium Board only, and not to the total expenses of the international narcotic drugs administration as a whole.

On the Fifth Committee's unanimous recommendation (A/1128), the Assembly, at its 255th plenary meeting, approved without objection, resolution 353 (IV), as follows:

"The General Assembly,

"Taking Note of the last paragraph of resolution 201 (VIII) of the Economic and Social Council of 2 March 1949 concerning the assessment of signatories of the Convention of 19 February 1925 relating to narcotic drugs which are not Members of the United Nations for their fair share of the expenses of the Permanent Central Opium Board, and of the Secretary-General's memorandum on this subject,

"Requests the Secretary-General:

"1. To undertake a thorough study of this general question, regard being had to the total expenses incurred in connection with the international administration of narcotic drugs and of such other functions or powers responsibility for which is shared by non-members of the United Nations under existing treaties;

"2. To submit the results of this study, together with appropriate recommendations, for the consideration of the General Assembly at its next regular session."

12. Election of Members of the Commission on Narcotic Drugs

At its seventh session, the Council, in resolution 159 (VII) G, confirmed the terms of office of the original members of the Commission on Narcotic Drugs until 31 December 1949, and deferred until the eighth session discussion of the procedure for electing their successors.

At the eighth session, it considered the question at the 30th and 31st meetings of its Committee on Procedure on 11 February, and at its 258th plenary meeting on 2 March 1949. It adopted by 10 votes to 2, with 5 abstentions, resolution 199 (VIII), in which it decided:

"4. The Commission shall be composed of fifteen (15) Members of the United Nations, which are important producing or manufacturing countries or coun-

tries in which illicit traffic in narcotic drugs constitutes a serious social problem.

"The following ten (10) Members of primary importance in these fields are appointed to membership of the Commission for an indefinite period until such time as they may be replaced by decision of the Economic and Social Council:

"The term of office of the other five (5) Members shall be three years. They shall be eligible for reappointment. The following five Members are appointed to membership of the Commission for a period of three years;

"The term of office of the members of the Commission shall begin on the day of the first meeting of the session following their election and end on the eve of the first meeting of the session following the election of their successors."

"Decides that this amendment shall not apply retroactively to those States which are not at present members of the Commission and which were not appointed for an indefinite term, and to extend their term of office until the first meeting of the session following the election of their successors; and

"Amends paragraph 6 of its resolution 1/9 of 16 February 1946 to read as follows:

"6. The Council requests the following Governments to designate one representative each to constitute the Commission in accordance with the provisions of paragraph 4 above;"

The representative of the United States, supported by the representative of Venezuela, had suggested (E/1181/Rev.1) that the members of the Commission should be elected for three years so as to allow for some rotation, holding that the stability in membership of the Commission would be assured by the requirement that it should consist of Member States which were important producing or manufacturing countries or countries in which illicit traffic in narcotic drugs constituted a serious problem.

The majority of representatives, however, felt that the constitution of this Commission should be somewhat different from that of other commissions, because its work was of a very specialized nature requiring much experience, and because the problems it dealt with were of particular concern to certain countries.

At its ninth session, the Council elected members of the Commission under the new procedure.⁵⁴

J. POPULATION AND MIGRATION QUESTIONS

The Population Commission held its fourth session at Geneva, from 11 to 22 April 1949. This session, like the two preceding ones held respectively from 18 to 27 August 1947 and from 10 to 25 May 1948,⁵⁵ was devoted chiefly to the implementation of the work programme

outlined in the resolution concerning population, adopted at the fourth session of the Council (41 (IV)).

⁵⁴ See pp. 114-15.

⁵⁵ See Yearbook of the United Nations, 1947-48, pp. 637-41.

1. Population Problems

This programme had provided, *inter alia*, for: the preparation of population statistics, estimates and studies needed by the United Nations and by the various specialized agencies; assistance by the Secretariat to Member States preparing to take comparable population censuses in or around 1950, and co-operation with the Food and Agriculture Organization and with Member States participating in the 1950 world census of agriculture; the publication of a Demographic Yearbook; the preparation of proposals for improving the comparability and quality of basic population statistics; population studies of Trust Territories; studies of population growth in relation to economic conditions; and plans for the study of the interplay of the economic, social and demographic factors, which hinder the attainment of an adequate standard of living and the cultural development of the population in certain countries, where the Governments of the countries requested assistance in studying such problems.⁵⁶

The Council, at its ninth session, considered the Commission's report (E/1313), at the 114th meeting of its Social Committee on 1 August 1949, and took note of it in resolution 235 (IX), unanimously adopted at its 325th plenary meeting on 6 August 1949. Comments made in the Council are referred to under the separate headings given below.

a. STUDIES OF INTER-RELATIONSHIPS OF DEMOGRAPHIC, ECONOMIC AND SOCIAL FACTORS

At its earlier sessions, the Commission had devoted a major share of its discussions to the problems of developing adequate statistical information about world population conditions and changes. At the fourth session, it placed more emphasis on the application of existing knowledge of the scientific study of population as a factor in world economic and social problems. In particular, the Commission recommended that priority be given to studies of the inter-relationships between demographic changes and economic and social factors, and of the most favourable rates of population change.

As a first step in this work, the Secretary-General prepared working papers on the methodological problem of establishing certain major types of demographic and economic situations, into which the areas of the world could be classified. The reports prepared by the Secretariat on this field of study (E/CN.9/W.27 and 29) were

examined by the Commission during its fourth session. The Commission considered that the next stage was to prepare definite plans for the study of inter-relationships between social, economic and population changes in particular areas, while paying special attention to the economic, social and ethnic characteristics of the various groups in the populations concerned. The first area or areas should be so selected that the results of the study would (a) be of general value to the Economic and Social Council in its consideration of the current problems of under-developed countries, and (b) provide methodological guidance for further studies in this field.

The Commission consequently requested the Secretary-General to select areas in accordance with these criteria, and to approach the Governments concerned, in order to obtain their consent to and co-operation in the project. Further, having regard to the interest shown by the Council, at its eighth session, in the economic development of under-developed countries, the Commission urged the Secretary-General to undertake a survey of the existing scientific studies concerning the relationship between population trends and economic and social factors, and to present to the Commission, at its next session, a report summarizing the findings derived from such studies with reference to problems of economic development.

b. STUDIES OF RECENT TRENDS IN THE BIRTH RATE

As a special aspect of the study of relationships between demographic changes and economic and social factors, the Population Commission considered the preliminary documentation prepared by the Secretariat (E/CN.9/W.25), and recommended that the Secretary-General examine the statistics for those countries in which the birth rate has risen during recent years, with a view to ascertaining to what extent that rise reflects an actual change in fertility levels and trends. A report on this question was to be prepared as early as practicable.

c. STUDIES OF THE POPULATION OF TRUST TERRITORIES

Resolution 41 (IV) of the Economic and Social Council called for a series of studies of the population of Trust Territories. The Commission took note of the report of the Secretariat on the progress of such studies (E/CN.9/W.26). Noting that the study of the population of Western

⁵⁶See Yearbook of the United Nations, 1946-47, pp. 510-13.

Samoa had been published and that reports for Tanganyika and Ruanda-Urundi were nearing completion, the Commission urged that the studies for the remaining Trust Territories be completed as quickly as feasible, and that relevant economic and social factors as well as the demographic factors in the areas concerned be included. The report on Tanganyika was published in September 1949.

d. DEMOGRAPHIC YEARBOOK

The Population Commission continued, at its fourth session, to give attention to developing and making available more adequate statistical information on population characteristics and population trends. In this connexion, it reviewed the proposed contents of the United Nations Demographic Yearbook. In the Council's discussions at its ninth session, the representatives of the United Kingdom and France opposed the inclusion of unemployment statistics in the Yearbook, the United Kingdom representative stating that these were already published by ILO and would appear in the United Nations Statistical Yearbook. The representative of France also considered that data on industrial diseases should not be included in the Demographic Yearbook.

The first volume of the Demographic Yearbook was published in October 1949. It includes the following topics: area and population; economically active population; international migration; natality; mortality; morbidity; marriage and divorce.

A digest of the laws in force in the principal States in regard to population matters was begun by a group of experts working on behalf of the United Nations. It was planned subsequently to keep the material in this digest up to date by means of reviews of legislation published in the Demographic Yearbook or elsewhere.

e. RECOMMENDATIONS REGARDING CENSUSES OF POPULATION TO BE TAKEN IN OR ABOUT 1950

At its third session, the Population Commission proposed recommendations to Governments concerning types of data to be obtained in their population censuses taken in or about 1950, with a view to improving the quality and comparability of the results (E/805).⁵⁷

At its fourth session, the Commission developed its recommendations on this subject, and made comprehensive suggestions regarding the manner in which the data obtained in these censuses might be tabulated, so as to improve the quantity,

quality and comparability of available population statistics. It considered, in particular, the possible range of tabulations of census data, the standardization of definitions and terms relating to the economically active population, and statistics on the level of education and on physically and mentally handicapped persons. In drawing up these suggestions, the Commission was assisted by the studies made by the Secretary-General on the types of population statistics available from recent national censuses. The results of these studies have been published by the United Nations in a report entitled *Studies of Census Methods*.

The Commission also noted the report on the 1950 Census of the Americas, submitted by the Inter-American Statistical Institute (E/CN.9/34), and a statement by the Food and Agriculture Organization on the 1950 world census of agriculture (E/CN.9/33). In the Council's debate on the Commission's report, the representative of the United Kingdom expressed some doubt as to the wisdom of using an industrial classification in population censuses for the purpose of classifying the whole population. The representative of New Zealand stated that it was his Government's understanding that the recommended tabulations of data from population censuses were intended to serve only as a list for the purpose of facilitating comparability.

The Commission also recommended that the Secretary-General continue the research on standard terminology, methods of enumerating and defining industrial or social status groups, occupational and industrial classification, definitions of urban and rural population, and methods of measuring the educational level of the population and investigating physical and mental handicaps, in connexion with the forthcoming population censuses (E/1313).

f. IMPROVEMENT OF MIGRATION STATISTICS

At its seventh session, the Economic and Social Council, in its resolution 156(VII)B, had expressed the wish that

"international arrangements in matters of migration include as soon as possible . . . Means for the improvement of statistics on international migration so as to increase their adequacy and comparability".

At its fourth session, the Population Commission had before it recommendations prepared by the Secretariat in consultation with the International Labour Office (E/CN.9/C3/2), and a statement prepared by the International Labour Office

⁵⁷See Yearbook of the United Nations, 1947-48, p. 640.

(E/CN.9/35) on the improvement of migration statistics. The Secretariat had also prepared a survey of the methods of collection, types of classification and forms of tabulations of migration statistics published by seventy-one countries. (This survey was to be published in 1950 under the title *Problems of Migration Statistics*.) The Population Commission also took account of the resolutions of the International Conference of Migration Statisticians of 1932, as well as other relevant international resolutions. It prepared a series of draft recommendations for a standardized method of collecting migration statistics, with a view particularly to: (i) greater precision in the definition of migrants and (ii) the adequate collection, classification and tabulation of co-ordinated statistics of the various categories of international travellers.

At the Commission's request, the draft recommendations were brought to the attention of the Statistical Commission, which considered them at its fourth session from 25 April to 6 May 1949 (E/1359). The recommendations were to be revised in the light of the Statistical Commission's discussions and sent to Member Governments for their comments. The Secretary-General was asked to report on the question to the next session of the Population Commission.

In the Council's discussions on the Population Commission's report, the representative of the United Kingdom expressed the view that migration statistics could be improved by a better co-ordination of the papers to be completed for different purposes by persons crossing frontiers.

The Population Commission also requested that the Secretary-General take appropriate action for:

"(a) completing the documentation available to the United Nations and the Specialized Agencies on the methods and schedules at present used for the collection of migration statistics in the various countries;

"(b) compiling as complete as possible a list of the publications containing migration statistics for the various countries."

Studies in preparation, which are being undertaken by the Secretariat in collaboration with the International Labour Office, include: a bibliographical list of sources for statistics on movement of travellers and migration for 1925 and subsequent years; a compilation of available statistics on the sex and age distribution of international migrants, covering the period from the end of the First World War to 1947 (due in the fall of 1950); a parallel compilation of statistics on the occupational characteristics of international migrants; a methodological study of the problems of collection and tabulation on these character-

istics of the migrants, aimed at promoting an improvement of existing methods; a study on the methods for estimating the volume of migration derived from census and vital statistics, with the aim of supplementing incomplete migration statistics, replacing defective ones or checking uncertain data.

g. INFANT MORTALITY STATISTICS

Pursuant to the recommendation of the Population Commission at its second session that the Secretariat examine, in consultation with the World Health Organization and other interested agencies, the possibilities of improving the international comparability of data on infant mortality (E/571),⁵⁸ the Secretary-General submitted a progress report at the Commission's fourth session (E/CN.9/31). He reported that, in collaboration with WHO, plans had been prepared for a monograph on infant mortality statistics and on the problems of improving them, and on international analyses of the level and trends of infant mortality and of the related social and economic factors. The Commission requested the Secretary-General to proceed with the work in this field in collaboration with WHO. The Commission especially desired that attention be given to the problems of improving the completeness of registration of vital statistics, and of obtaining the data needed for the application of improved methods of constructing infant mortality rates.

h. DEMOGRAPHIC DICTIONARY

The Population Commission developed further, at its fourth session, the recommendation made at its third session for the preparation by the Secretariat of a multilingual demographic dictionary, intended to provide the basis for a better international understanding of statistics and analytical studies relating to population.

The preparatory work was done by an ad hoc committee, appointed during the third session of the Commission and consisting of the representatives of France, Peru, the USSR and the United Kingdom. The Committee met shortly before the fourth session of the Commission, and considered the documentation submitted on the question by the Secretariat (E/CN.9/C.1/W.1 and 2) and by the representative of France (E/CN.9/C.1/W.3). Based on the recommendations of this Committee, the Commission outlined the procedure to be followed in the compilation of the dictionary.

⁵⁸ See Yearbook of the United Nations, 1947-48, pp. 640-41.

i. UNESCO PROPOSAL FOR A UNITED NATIONS CONFERENCE ON WORLD POPULATION PROBLEMS

At its third session, the Population Commission received a suggestion from the representative of UNESCO that the United Nations sponsor a world conference on population problems, and requested the Secretary-General to study the proposal and report at the next session.

The Secretariat therefore prepared a report on the subject (E/CN.9/W.28) which the Commission considered at its fourth session. The report was prepared on the basis of a conference with the specialized agencies and a survey of opinions of population experts in various countries.

The Commission decided that it would be inappropriate to hold a conference until at least the main results of the various censuses to be taken in or around 1950 were available, and considered that 1954 would be about the earliest suitable date. It therefore decided to postpone until a later session any detailed discussion of the proposal for a conference, while requesting the Secretariat to keep it informed of the views of the interested agencies and institutions.

j. FUTURE PROGRAMME OF WORK

In reviewing, at its fourth session, the work accomplished by the Secretariat in the development of basic population data, the Commission considered that increased emphasis should be laid on the analysis of available data, with a view to providing the Economic and Social Council and Member Governments with the basic information necessary for taking demographic factors into account in the development of economic and social policies. For this purpose, work on the inter-relationship of economic, social and population changes should receive first priority.

Furthermore, the Commission considered that a study of the demographic aspects of unemployment and employment was important in connexion with population problems. The Secretariat was therefore requested to examine the scope of work that might be undertaken along this line of study, and to submit at the next session of the Commission a report describing the relevant work being done by other commissions and specialized agencies of the United Nations, the existing sources of data, and possible types of study which might be sponsored by the Population Commission.

2. Migration Problems⁵⁹

a. CO-ORDINATION OF WORK IN THE FIELD OF MIGRATION

At its seventh session, the Economic and Social Council approved proposals for allocating functions among the various organs of the United Nations and the specialized agencies, concerned in the field of migration (156(VII)A).

It decided that the functions of the Social Commission should be to arrange for studies and to advise the Council on the social aspects of migration with a view, particularly, to ensuring the migrants of social and economic rights equal to those of local populations.

The Population Commission, it decided, should arrange for studies and advise the Council on the demographic aspects of migration, on the relationships between demographic, economic and social factors in migration, and on the over-all co-ordination of international research and study in this field by the United Nations and the specialized agencies.

The Council recognized that the other functional commissions might have to deal with aspects of migration falling within their respective fields. It invited the regional economic commissions and the functional commissions to consult, when desirable, through the Secretary-General, on migration problems which might be put to them, and to inform the Social and Population Commissions of their activities.

The Council asked the Secretary-General to consult with those non-governmental organizations interested in migration problems, particularly with trade union organizations, with a view to arrangements being made for co-ordinating their respective activities.

It invited the specialized agencies and the Secretary-General to submit to the Administrative Committee on Co-ordination any migration problems on which overlapping might occur or important aspects be neglected.

In implementation of this resolution, a questionnaire was sent by the Secretary-General, in November 1948, to thirty non-governmental organizations which had consultative status and were concerned with migration. In December 1948, the questionnaire was sent to twenty-eight non-governmental organizations without consultative status but active in the field. The questionnaire requested the submission of data with respect to the purposes and objectives of the various organizations in so far as they related to migration

⁵⁹ For migration statistics, see pp. 651-52.

activities, the types of assistance rendered to migrants, and their 1949-1950 migration programmes. Inquiry was also made as to the methods which the non-governmental organizations would suggest, whereby they could make arrangements for co-ordination of their activities in the field.

The United Nations and the International Labour Organisation agreed to sponsor a conference of representatives of the organizations early in 1950 to consider, *inter alia*, whether there should be a kind of permanent inter-organizational body responsible for the clearing of information and suggesting methods for co-operation, or whether conferences should be convened from time to time to discuss specific problems and perhaps programmes.

At the ninth session of the Economic and Social Council, the Secretary-General presented to the Council a report on the co-ordination of activities in the field of migration (E/1341). The report contained general statements concerning the work in this field by WHO and UNESCO, and a review of the activities carried on in 1948 and part of 1949 by the United Nations, ILO, FAO, WHO, the Bank, UNESCO and IRO, as well as an account of the co-ordination of current and future activities.

The matter was examined by the Council's Co-ordination Committee, at its 30th, 32nd and 41st meetings, held in July 1949. In its report to the Council (E/1470), the Committee proposed that the Secretary-General, in co-operation with the specialized agencies concerned, should submit for the information of the Council figures indicating the requests for services received from emigrant and immigrant countries, and the services rendered. The representative of the Secretary-General stated that such information was being prepared and would be submitted to the next session of the Social Commission.

b. STUDIES OF THE DEMOGRAPHIC ASPECTS OF MIGRATION

The Population Commission, at its fourth session, urged that the broad programme of studies and research, which the Commission had formulated at its third session, on the demographic aspects of migration and their relationships with economic and social conditions, be vigorously implemented. This programme falls under five main headings: (1) improvement of migration statistics; (2) analysis of change in the size and structure of populations in the countries of origin and destination, resulting from migration; (3) analysis of the influence of migration on the size

and characteristics of the labour force in the countries of immigration and emigration; (4) analysis of the influence of economic and social factors on migration; and (5) influence of legislation on migration (E/805 and E/1313). The implementation of this programme is to be carried out by the Secretariat, in collaboration and consultation with the specialized agencies, and organized so that questions of common interest to the Population Commission and to other Commissions be so dealt with by the Secretariat as to be of value to the various organs concerned.

The work which has been or is being done in connexion with migration statistics has been reviewed in part 1, section f, of this chapter. In relation to the other parts of the programme, a general study, bearing on international migration and the social and economic conditions to which it is related, is being carried out by the United Nations Secretariat, in co-operation with the International Labour Office, the International Bank for Reconstruction and Development, the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization. This study will be published under the title "Prerequisites to Immigration". It will deal with the demographic, economic, social, cultural and legal factors, which it is necessary or desirable to take into account to give to immigration the greatest chances of being successful. Another report, prepared at the request of the Economic Commission for Latin America, examines in detail the problems of immigration into Brazil (E/CN.12/169/Add.1), Chile (E/CN.12/169/Add.2) and Venezuela (E/CN.12/169/Add.3). A study is being planned concerning the influence of international migrations on the size and structure of the labour force in one or two selected countries of immigration and one or two selected countries of emigration, utilizing all sources of data and making estimates where necessary. Another study also being planned, in consultation with UNESCO, concerns the proper interpretation to be given to public opinion polls on the desire to emigrate, and the relationship between the desires so expressed and the volume and direction of actual movements.

c. PROTECTION OF MIGRANT AND IMMIGRANT LABOUR

The delegation of Poland submitted to the third session of the General Assembly the item "Discrimination Practiced by Certain States against Immigrating Labour and, in particular, against

Labour Recruited from the Ranks of the Refugees" (A/614).

At the second part of the third session in April to May 1949, before discussion of the item took place in the Assembly's Third Committee, the representative of Poland stated that he was willing to withdraw his proposal if the Committee agreed that it should be placed on the agenda of the following session of the Assembly. The Committee unanimously adopted a resolution to this effect (A/872).

At the request of the representative of Poland, the General Assembly, at its 215th meeting on 16 May 1949, added a paragraph recommending the inclusion of the item in the agenda of the fourth regular session. Resolution 282 (III), which reads as follows, was adopted without objection.

"The General Assembly,

"Considering the statement made by the Polish delegation to the effect that it wishes to postpone examination of the item to the fourth regular session of the General Assembly,

"1. Withdraws from the agenda of its third regular session the item entitled: 'Discriminations practised by certain States against immigrating labour and, in particular, against labour recruited from the ranks of refugees';

"2. Recommends the Secretary-General to include this item in the provisional agenda of the fourth regular session of the General Assembly, as an item outstanding from the agenda of the third regular session."

Meantime, the International Labour Conference, which met in June and July 1949, adopted a revised convention on Migration for Employment, designed to protect migrant workers with regard to travelling, health conditions, housing, wages and social security, and to bar discrimination on the grounds of sex, race or religion. The Conference also adopted a Recommendation on the subject.

The item proposed by Poland was considered at the General Assembly's fourth session, at the 249th to 251st meetings of the Third Committee from 14 to 17 October 1949.

The Polish delegation submitted a draft resolution (A/C.3/524), recommending specific measures to be applied by Member States in their treatment of immigrant workers with a view to preventing any discrimination against them, and requesting the Secretary-General to transmit to all Members employing immigrant labour a questionnaire on the situation of such labour.

During the debate on the Polish draft, a counter-proposal was introduced by the United Kingdom delegation under the title "Draft Resolution on treatment of migrant labour". This document, as revised (A/C.3/L.19), requested the General Assembly to refer the matter to the International Labour Organisation "with the request that it

should do all in its power to expedite the adoption and application of the Convention by its Members, in view of the importance of the principle of non-discrimination embodied in the Declaration of Human Rights." The representative of Mexico introduced an amendment (A/C.3/L.20) to this United Kingdom draft resolution, proposing the addition of a phrase at the end of the draft, after the words "Declaration of Human Rights", as follows:

". . . and with a view to its observance from the standpoint of the social relations of the workers and their families with the inhabitants of the region so that no offensive distinctions may be established and all facilities for accommodation, food, education, recreation and medical assistance, both public and private, provided for the community, may be available to them."

The Mexican suggestion was accepted and the United Kingdom draft resolution, thus amended, was adopted by 37 votes to 6, with 4 abstentions, the Polish proposal having previously been rejected by a series of votes on individual paragraphs.

The General Assembly considered the report of the Third Committee (A/1052) at its 242nd plenary meeting on 16 November 1949. The delegation of Poland reintroduced in a new form (A/1084) the substance of its draft resolution which previously had been defeated in the Third Committee. The draft resolution read as follows:

"Whereas,

"(1) Discriminations are practised in many States against immigrant labour, and, in particular, against labour recruited from the ranks of refugees and displaced persons, in respect of working and living conditions, social insurance, trade union rights and the right of protection of economic and occupational interests; in respect of the right to education and culture and in respect of other civic rights; and whereas such discriminations subject immigrant labour to particularly intense exploitation at the hands of the employers,

"(2) These discriminations are incompatible with the fundamental principles of the United Nations Charter and with fundamental human rights,

"The General Assembly

"Recommends Member States

"(a) To apply to immigrant labour the principle of non-discrimination as regards nationality, race, religion or citizenship, and to accord such labour equal treatment with their own citizens;

"(b) To grant to immigrant labour the right to transfer savings to the country of origin;

"(c) To grant to immigrant labour the right of repatriation at the expense of the country of immigration;

"(d) To recruit immigrant labour and fix the working and living conditions of such labour exclusively on the basis of bilateral conventions concluded between the countries of emigration and immigration and negotiated with the participation of the trade unions of the countries concerned;

"Requests the Secretary-General to transmit to all

Member States employing immigrant labour a questionnaire on the situation of such labour and to report to the fifth regular session of the General Assembly."

Statements were made by the representatives of the United States, Poland, France, Mexico, the United Kingdom, the Byelorussian SSR, the Ukrainian SSR, Czechoslovakia, the USSR and Yugoslavia.

During the debate, all speakers agreed that there was no difference in their views on matters of substance: discrimination against immigrant labour was something which all Governments deplored and sought to eradicate. The representatives of Czechoslovakia, the Byelorussian SSR, the Ukrainian SSR and the USSR supported the Polish draft resolution, arguing that immigrant labour was often exploited by being paid lower wages, by being given the harder and less desirable jobs, and by receiving fewer opportunities for training and promotion. They considered that the General Assembly rather than a specialized agency, such as ILO, should deal with the problem and act to protect the rights and interests of immigrant workers. Other representatives who took part in the discussion were in favour of the draft resolution submitted by the Third Committee. They considered that ILO had the chief responsibility in this field and that, in view of the action it had taken in adopting both a Convention and a Recommendation on Migration for Employment, the matter should be referred to it, together with the records of the Assembly's discussions.

The resolution proposed by the Third Committee was adopted by 45 votes to 6, with 2 abstentions, as resolution 315 (IV), at the 243rd plenary meeting of the General Assembly on 17 November 1949. It read as follows:

"The General Assembly,

"Having considered the item on the agenda of its fourth regular session entitled 'Discriminations practised by certain States against immigrating labour and, in particular, against labour recruited from the ranks of refugees',

"Noting that the question of the treatment of migrant labour has been dealt with by the International Labour Conference which, at its 32nd session, adopted a Convention and a recommendation dealing comprehensively with migration for employment,

"Decides to transmit the records of the discussions on this subject at its fourth regular session to the International Labour Organisation, with the request that the International Labour Organisation should do all in its power, in view of the importance of the principle of non-discrimination embodied in the Universal Declaration of Human Rights, to expedite the ratification and application of the Convention by its members, and to promote its observance as regards the social relations of the workers and their families with the inhabitants of the region, so that no offensive distinctions may be established in regard to the former and that they may

enjoy all facilities for accommodation, food, education, recreation and medical assistance, both public and private, which are provided for the community."

d. ASSISTANCE TO INDIGENT FOREIGNERS

At its fourth session, the Economic and Social Council approved an inquiry into administrative practices with respect to indigent foreigners, and a study of the extent to which the Model Convention on Assistance to Indigent Foreigners, approved by the League of Nations in 1938, corresponds to the exigencies of the present situation, and what changes, if any, should be made

Accordingly, the Secretary-General prepared a questionnaire on the administrative practices of Member Governments and transmitted it to the Governments on 9 October 1947. In addition, in order to obtain the benefit of the experience of non-governmental organizations interested in the subject, the Secretary-General, on 14 June 1949, also communicated with sixty-three such organizations (forty-five of which have consultative status). As of the end of 1949, replies had been received from twenty-two Member Governments and, on the basis of these and the information from the non-governmental organizations, a report (E/CN.5/191) was prepared for submission to the sixth session of the Social Commission in 1950.

The Secretariat, in collaboration with the International Institute for the Unification of Private Law, also reviewed in the light of present needs the 1938 draft convention concerning the enforcement of maintenance obligations, designed to protect the interests of abandoned members of families of migrants. The draft convention was considered by a committee of experts in November 1949, with a view to its submission to the United Nations.

e. ECONOMIC DEVELOPMENT AND MIGRATION

At the first part of the third session of the General Assembly, during the Second Committee's consideration of questions of economic development⁶⁰, two resolutions concerning "Economic Development and Migration" were submitted; one jointly by Ecuador and Colombia (A/AC.2/127), and one by Peru (A/AC.2/128). It was decided that these should be dealt with by the Joint Second and Third Committee, which, accordingly, discussed the item at its 36th, 37th and 38th meetings on 6, 8 and 9 November 1948.

The joint draft resolution of Ecuador and Colombia (A/C.2/127) stated that a co-ordinated

⁶⁰See pp. 433-34.

policy of economic development of less developed areas, together with systematic emigration from certain over-populated countries of Europe towards those regions, would contribute to the increase of production as well as to the raising of general standards of living. The operative part of the resolution recommended: that the Economic and Social Council should initiate surveys of undeveloped or under-developed regions, with a view to evaluating possibilities of their development in such a way as to provide a solution for over-population in other countries; and that technical assistance should be made available to Governments for the preparation of their economic and social programmes. It also expressed the hope that the International Bank for Reconstruction and Development would give special consideration to loans for the development of regions suitable for both development and immigration.

The representative of the Byelorussian SSR proposed an amendment (A/C.2&3/82), which would have had the effect of redrafting the resolution to refer generally to economic development by the omission of special references to migration.

Iraq and Lebanon jointly proposed an amendment (A/C.2&3/85) to have the resolution deal with migration as a world-wide problem, and not be concerned only with the over-populated areas of "Europe". This amendment was formally accepted by the sponsors of the resolution. The amendment also proposed that the resolution should state that migration should be voluntary; and that the proposed resolution should not interfere with the right of refugees to go back to their home countries or with the safeguarding of their interests.

The operative part of the Peruvian proposal, as subsequently amended by the representative of Peru (A/C.2/128/Rev.1), recommended that the Economic and Social Council should supplement the measures it had already taken to secure co-ordinated international action in the field of migration, by formulating, in consultation with the specialized agencies concerned, a programme of action designed to promote the economic development of under-developed and sparsely populated countries, which could provide conditions favourable for immigration and thereby relieve the congestion of over-populated countries. An amendment to this resolution was proposed by the representative of France (A/C.2&3/83), requesting the International Labour Organisation to continue and intensify its efforts, in concert with the United Nations and the countries concerned, with a view to promoting the economic development of un-

der-developed areas which would provide conditions favourable for immigration.

During the debate, the supporters of the two original draft resolutions based their arguments on the situation that there existed, on the one hand, countries with under-developed resources which required additional man-power as well as capital for their development, and, on the other, countries which were over-populated, where there was substantial unemployment and where the existing resources were insufficient to reach or maintain adequate living standards. Well-planned and well-directed programmes could, they argued, benefit both types of country. Further, by means of these programmes, the world's supplies of food and of many raw materials could be increased, and international trade encouraged. In working out these plans it was essential to safeguard the interests of the migrants themselves. The value of the studies made on various aspects of migration by the Economic and Social Council and its subsidiary organs and the specialized agencies concerned was recognized; the situation, however, required that there should be a greater centralization and direction of effort, so that migration programmes could make a larger contribution to the remedy of economic ills from which large parts of the world were suffering.

Broadly speaking, two main positions developed in the course of the discussion. Some members of the Joint Committee felt that a resolution on this question by the General Assembly was not required. Others, while in favour of various modifications of the resolutions proposed, were prepared in principle to support a revised draft.

Those who maintained (for example, the representatives of New Zealand, the USSR, the Netherlands and Canada) that no resolution was necessary, brought forward two main arguments. First, the Economic and Social Council had produced, in its resolution 156 (VII), a well-co-ordinated plan of studies and of allocation of functions between the various international organizations concerned. Further action by the United Nations was not practicable or desirable at the present time, until the results of those studies were available. Secondly, some members questioned the validity of the assumptions relating to over-population. As regards Europe, in particular, which had been specifically mentioned in the proposal of Ecuador and Colombia, the representatives of Belgium, the Byelorussian SSR and Czechoslovakia pointed out that some already developed countries were suffering from a lack of man-power; in other cases, unemployment was due mainly to destruction of industrial and other resources in the war. Addi-

tional capital resources applied to industry and agriculture might be the solution rather than emigration.

Attention was drawn to the following considerations by members of the Committee who were prepared to support a modified text of the draft resolution (for example, the representatives of the United Kingdom, France, the Philippines and Pakistan):

(1) The problems involved, it was held, for example, by the representatives of the United Kingdom and France, were unusually complex, were both of an economic and social character, and required for their solution in the international, as in the national field, the co-operation of many different organs. They should, therefore, be attacked at a number of different points, and the action of the Economic and Social Council, in co-ordinating these different approaches and interests of the international organizations concerned, was an essential primary step. The role of the Council, of its functional commissions—particularly the Social, the Population and the Economic and Employment Commissions—as well as of the regional economic commissions, and of the specialized agencies—especially the International Labour Organisation and the International Bank for Reconstruction and Development—were reviewed in this connexion. Approval was expressed of the agreement concluded between the Secretary-General and the Director-General of ILO regarding the allocation of functions between ILO and the United Nations in the field of migration. A number of members of the Joint Committee expressed agreement with the allocation of functions indicated in Economic and Social Council resolution 156 (VII).

(2) Some representatives, including those of the Byelorussian SSR and the USSR, stressed the fact that, while studies of the problems under discussion and particularly measures for the protection of migrant labour, were questions for the international organizations, the planning and execution of substantive migration schemes were properly tasks for the Governments concerned. The responsibilities to the migrants, both of the countries from which they came and of the receiving countries, were emphasized. Several representatives pointed out that they did not envisage the proposals as extending to the international financing of migration movements.

(3) It was pointed out, by the representatives of the Philippines, India, France and Pakistan, that the problems were not wholly or mainly concerned, as regards migration, with over-population in Europe, but had arisen or might arise in

other parts of the world. On the other hand, it was also stressed that migration was not directed exclusively towards under-developed countries, but also to more developed though sparsely populated countries, and that an adequate study of migration should take that aspect into account.

(4) Several members of the Committee urged that there should be no discrimination by receiving countries against immigrants on account of race, language, nationality, religion or economic status in their country of origin. It was also urged that it was necessary to assure the protection of the parent countries against loss of man-power resources necessary to their economies, and that, on the other hand, the receiving countries should not have to accept immigrants against their will.

(5) Reference was made to the forthcoming session of the Permanent Migration Committee of the International Labour Organisation (January 1949), which was to consider a proposed model agreement for migration, and to the 32nd session of the International Labour Conference (June 1949), which was scheduled to consider the revision of the 1939 convention concerning the recruitment, placing and conditions of labour of migrants for employment, and of the ancillary recommendations. In this connexion, the representative of the USSR argued that the international conventions for the protection of migrant workers were not sufficiently comprehensive, and suggested that a multilateral treaty on this and similar questions concerned with migration was desirable. It was suggested that the trades unions of the parent and of the receiving countries should be given an active role in defence of the rights of the migrating workers.

(6) Reference was also made to the desirability of keeping separate the problem of displaced persons, which was an aftermath of the Second World War, from the general and long-term problem of migration; also, that migration was a subject that was distinct from economic development.

(7) Some representatives (those of the Byelorussian SSR, the Philippines and the United Kingdom, for example) doubted whether the part of the joint draft resolution relating to the International Bank for Reconstruction and Development was appropriate, in view of the terms of the Agreement between the United Nations and the Bank. It was, however, pointed out that the resolution was not drafted as a formal recommendation, and was moreover in general terms; other members of the Committee expressed the view that it was in order.

In the course of the discussion, several proposals, in addition to those originally submitted by Co-

Colombia and Ecuador and by Peru, were made orally. The representative of Argentina, supported by the representative of Brazil, suggested that a drafting committee should combine the two draft resolutions in a single text. As an amendment to this proposal, the representative of the United Kingdom proposed that the Peruvian draft resolution should be taken as a basis for discussion by a drafting committee, if such a group were set up, and suggested changes in this draft, which would, *inter alia*, note the action taken by the Council and recommend that it keep the question of migration under close review.

The representatives of the USSR and New Zealand submitted a joint resolution (A/C.2.3/84), according to which the Committee would deem it inexpedient to decide on fresh recommendations on the question of migration before the studies called for by the Economic and Social Council had been considered by that body, and invited the rapporteur to give expression to this view in the Committee's report to the General Assembly.

The representative of China supported the joint USSR-New Zealand draft, but suggested adding to it a paragraph inviting the Secretary-General to transmit to the Council the resolutions submitted by Colombia and Ecuador and by Peru, the amendments to these resolutions and the records of the Committee's discussions, for consideration by the Council when discussing economic development. However, the Chairman ruled this out of order because the Committee could not make a request to the Secretary-General on its own initiative.

The representative of India then proposed that the joint USSR-New Zealand draft resolution should be worded as coming from the General Assembly, and that the Assembly should transmit to the Council the relevant draft resolutions and records of the discussions for consideration when the Council took up the linked subjects of economic development and migration. The Indian proposal was accepted by the representatives of Colombia and Ecuador.

The Committee voted first on the USSR-New Zealand draft resolution, which was defeated, on a roll-call vote, by 17 votes in favour to 19 against, with 4 abstentions.

It then adopted the Indian proposal, on a roll-call vote, by 29 votes to 4, with 6 abstentions.

On 18 November 1948, at its 161st plenary meeting, the General Assembly adopted, without discussion and without objection, the resolution recommended by the Joint Second and Third Committee as its resolution 209 (III). The resolution read as follows:

"The General Assembly,

"Having examined the draft resolutions proposed by Peru, and by Ecuador and Colombia on migration problems;

"Noting that the Economic and Social Council, in resolution 156 (VII) adopted on 10 August 1948 at its seventh session, invited its commissions to make a comprehensive study of migration problems,

"Decides to transmit to the Economic and Social Council the above draft resolutions and amendments proposed thereto, together with the records of the debate in the third session of the General Assembly, for consideration when the linked subjects of economic development and migration are taken up for discussion by the Council."

K. CULTURAL ACTIVITIES

1. Translation of the Classics

The Council, at its seventh session in July and August 1948, deferred to its next session consideration of UNESCO's report (E/823) on the question of the translation of the classics.

The report examined, *inter alia*, the following groups of problems:

- (i) Problems concerning the selection of classics; the definition of a classic, the public for which classics are intended, the methods of choosing them;
- (ii) Problems of translation;
- (iii) Problems of publication and dissemination.

The report concluded that the help of Governments and of international professional and expert bodies would make it possible to produce, in the

fairly near future, lists of works regarded as classics; that UNESCO would take responsibility for this plan; that the special problems, however, of publication and distribution in the many countries suffering from economic handicaps could not be solved by UNESCO alone; and that a satisfactory solution worthy of the importance of the project lay in the effective collaboration between the Governments concerned and the competent agencies of the United Nations.

This report, together with a supplementary report (E/823/Add.I), was considered by the Council at its 233rd to 235th, 267th and 268th plenary meetings on 10, 11 and 14 February and 9 March 1949. The supplementary report dealt with (1) decisions taken by UNESCO at its third General Conference in November and December 1948, (2) its consultations with Governments, international

non-governmental organizations and experts on the subject, (3) regional experiments under way, and (4) its collaboration with the Economic and Social Council. In connexion with the last, UNESCO pointed out that it could not overcome all the obstacles by itself, and therefore was calling the attention of the Council to the economic barriers to international cultural exchanges and, in particular, to the production, distribution and circulation of books throughout the world.

During the discussions in the Council, the representative of Lebanon stated that he thought that the essential problem for the Council was whether UNESCO, if left to itself, could give the classics a sufficiently wide circulation. Since UNESCO had not indicated the concrete measures which should be taken, he thought the Council should take some action. He therefore presented a draft resolution (E/1134) which would commend UNESCO's progress; note that UNESCO had reported that in executing this project there were national and international problems of an essentially economic and financial nature which presented obstacles that UNESCO itself could not overcome; and request the Secretary-General to consult with UNESCO as to the specific difficulties encountered and report to the Council on appropriate ways in which the Council could assist UNESCO in carrying the project to a successful completion.

The representative of France supported the resolution. However, he suggested (E/1140) that the resolution should also approve the one adopted by UNESCO at its third General Conference, request UNESCO to continue its efforts particularly by means of agreements between UNESCO and States concerned, and request Members of the United Nations to conclude such agreements.

The representatives of Denmark, the United Kingdom and the United States thought that translation of the classics lay exclusively in UNESCO's field, and that that agency should deal with the question. The representative of the United States stated, however, that since UNESCO was encountering financial problems in publication and distribution of books, the Lebanese proposal was a step forward. He recommended (E/1139) that the draft resolution should be amended to ask the various national commissions of UNESCO to study the possibility of obtaining from private organizations financial assistance for carrying out projects.

The representative of the USSR was of the opinion that no practical results had been achieved in two years, and that UNESCO's report was unrealistic. The methods advocated could not solve the problem. The selection of books for translation could best be carried out by the scientific and

scholastic forces of each country. He proposed (E/1138) that the Council adopt a resolution which would recommend that national and world classics be chosen for translation by national scholastic institutions of recognized authority and thereto empowered by the Governments of the countries concerned. The representatives of the Byelorussian SSR and Poland supported this resolution.

The representatives of Chile and the United Kingdom pointed out that the school of thought in which the only competent authority was the Government of the country concerned, was contrary to the principles of the United Nations and the principle of the Assembly resolution 60(I), which clearly intended that the selection of works for translation should be made by UNESCO from works which had endured the test of time. This did not preclude suggestions by Governments. The United Kingdom further pointed out that Oxford University, which might deal with the problem in England, was a private organization.

The representative of Venezuela felt that the USSR proposal did not cover the entire problem, but only dealt with some details of methods, which could be considered more appropriately in connexion with the agreements to be concluded between UNESCO and the various Governments.

The representatives of Brazil and China suggested that the Council draw up a resolution merely commending UNESCO's work, and recommending that it should continue along the same lines.

At its 235th meeting, the Council adopted a Chinese proposal that the President and the representatives of Lebanon, France, the USSR and the United States should meet together informally to draft a composite text.

As a result, the Council, at its 267 and 268th meetings on 9 March, had before it a joint draft resolution presented by the representatives of France and Lebanon (E/1198). The Council also had before it an Australian draft resolution (E/1226) and the original USSR draft resolution (E/1138).

The joint draft resolution would have the Council: note UNESCO's progress; commend the establishment of experimental regional centres for translation; request UNESCO to continue its efforts to work out special agreements with States or groups of States that are Members of the United Nations or of UNESCO; urge Member States not having UNESCO national commissions or special translation committees to set up such committees or to inform UNESCO of the names of national or private cultural organizations that might advise on

the choice of classical works; note UNESCO's reference to economic and financial difficulties, and request the Secretary-General to obtain from UNESCO a detailed statement on the specific difficulties encountered and to forward this statement to organs of the United Nations, including the other specialized agencies that have specific competence in matters of this kind, suggesting that they advise or assist UNESCO.

The representative of Australia, supported by the representatives of the United Kingdom, Turkey and Belgium, presented a resolution (E/1226) which would merely state that the Council had considered UNESCO's reports on the translation of the classics and note with satisfaction the progress achieved by UNESCO. He pointed out that while he agreed with the spirit of the French-Lebanese proposal he had certain objections. He was of the opinion, *inter alia*, that UNESCO was not in need of resolutions from the Council, nor was it wise for the Council to burden its own already heavy agenda. The field of translation of the classics properly belonged to UNESCO.

The representatives of Lebanon and France pointed out that the Council had originally referred the study of the question to UNESCO, and the question was therefore within the Council's competence.

The representative of UNESCO, in answer to the views expressed by the representative of the USSR, stated that UNESCO would not limit the choice of the classics to one or two particular cultures, but would enter into preliminary consultation with the Governments, international organizations concerned, and experts.

At its 268th meeting on 9 March 1949, the Council rejected by 3 votes in favour to 12 against, with 3 abstentions, the USSR draft resolution, and by 4 votes in favour to 5 against, with 8 abstentions, the joint French and Lebanese draft resolution. It adopted the Australian draft resolution by 10 votes to 1, with 7 abstentions, as resolution 204(VIII), which reads as follows:

"The Economic and Social Council,

"Having considered the report of the United Nations Educational, Scientific and Cultural Organization on translation of the classics,

"Notes with satisfaction the progress achieved by UNESCO in carrying out General Assembly resolution 60(I) and Council resolution 53(IV)."

2. Teaching about the United Nations in the Schools of Member States

At its seventh session, the Council examined the first interim report on the implementation of the

General Assembly resolution 137(II) on the teaching of the purposes and principles, the structure and activities of the United Nations, prepared by the Secretary-General of the United Nations in co-operation with UNESCO (E/837 and Add. 1 and 2).

At the Council's request, a second interim report on the subject was submitted jointly by the Secretary-General and UNESCO to the eighth session of the Council (E/1100 and Add.1). The second interim report contained information received by the Secretary-General and UNESCO during the second half of 1948 from Member Governments and from non-governmental organizations active in this field, a description of the assistance extended to Member Governments by the United Nations Secretariat and by UNESCO, and an outline of a programme of activities for 1949. By 31 December 1948, twenty-seven Members had reported either to the Secretary-General or to UNESCO.

The report also summarized information from Member States. In some of the Member States, the educational authorities had published decrees and ordinances officially establishing teaching about the United Nations as a part of the school curricula; in others, United Nations Day had been promulgated as an officially recognized day in which schools and other educational institutions were called on to organize special ceremonies, lectures, etc. Some Member States, in view of the decentralized character of their educational systems, had restricted their promotional efforts to encouragement and support given to non-governmental organizations and other voluntary groups acting in this field.

The report stated that the secretariats of the United Nations and UNESCO were helping Member Governments by establishing volunteer educational centres and speaking units, by publishing basic texts and other educational material, and by giving advice and help to authors of textbooks and persons in charge of educational programmes.

The Council discussed the question at its 233rd and 234th plenary meetings on 10 and 11 February 1949.

The representative of New Zealand considered it necessary to provide for the creation of fellowships for individuals to study at first hand not only the functioning of the United Nations, but also the methods of introducing the United Nations problems into the curricula of schools in countries which showed some encouraging progress in this respect. UNESCO had a large number of fellowships in other fields, some of which might be utilized for this purpose. He therefore presented a draft resolution (E/1133/Rev.1) which, *inter*

alia, invited UNESCO to grant fellowships for the study of the teaching of the purposes and principles of the United Nations.

The representatives of Brazil, Denmark, France and Lebanon spoke in favour of the resolution, stressing the importance of teaching about the United Nations and the need for strengthening national activities in the field.

The representatives of Belgium and Poland suggested that there was too wide a gap between propaganda for the United Nations and actual results achieved by the Organization, and therefore warned against using this teaching for propaganda purposes. The representative of Poland also stated that the purposes and principles of the United Nations should be made known to the populations of the Trust Territories, which did not understand the differences between the colonial system and the Trusteeship System.

It was pointed out by the representatives of France and Lebanon that, despite all its difficulties, the United Nations was making new efforts every year to establish lasting peace, and the power of propaganda could not be denied. The representative of Lebanon stated that if the United Nations did not achieve all the results expected that was due to the bad will displayed by Members.

The representative of the United States proposed the deletion of paragraph 3 of the New Zealand draft resolution. This paragraph had, *inter alia*, recommended that Members intensify their efforts to promote teaching about the United Nations and its specialized agencies, and report annually on the progress achieved. The representative of the United States pointed out that Governments of Member States were receiving too many questionnaires from the Secretariat relating to the way in which various resolutions had been implemented. While advising that no questionnaire on this subject be presented, he accepted, however, the suggestion of the representative of New Zealand that the paragraph could be shortened to read "recommends that Member States report annually to the Secretary-General on the progress achieved in implementing the above resolution", rather than be deleted.

The draft resolution, as amended, was adopted by the Council at its 234th meeting on 11 February 1949, by 14 votes to none, with 3 abstentions. Resolution 203 (VIII) reads as follows:

"The Economic and Social Council

"Having considered the second interim report submitted by the Secretary-General and the United Nations Educational, Scientific and Cultural Organization on the measures taken in carrying out General Assembly resolution 137 (II) of 17 November 1947 and Council resolution 170 (VII) of 13 August 1948,

"Realizing that the planning and successful development of teaching about the United Nations in Member States may require that the Secretary-General and UNESCO provide expert advice and assistance to the educational authorities of Member States,

"Recommends that Member States report annually to the Secretary-General on the progress achieved in carrying out the above resolution;

"Calls upon the Secretary-General and UNESCO to continue in close collaboration their efforts in promoting teaching about the United Nations;

"Invites UNESCO, with a view to assisting and strengthening national activities in this field, to consider the possibility of granting, in consultation with the Secretary-General of the United Nations, a limited number of fellowships to mature educators for the study of practical problems of teaching about the United Nations, including study at the headquarters of the United Nations and of UNESCO and in educational institutions in the field;

"Requests the Secretary-General to prepare, in close co-operation with UNESCO, basic material on the United Nations and its specialized agencies for adaptation by educational authorities in Member States;

"Requests the Secretary-General and UNESCO to submit jointly to the Council not later than 1 June 1950, a complete analytical report on the progress achieved in teaching about the United Nations in the educational institutions of Member States."

3. Co-ordination of Cartographic Services

At its sixth session in February-March 1948, the Economic and Social Council recommended in resolution 131 (VI) that the Secretary-General assist Members to develop their cartographic services by promoting the exchange of technical information, preparing a study on modern cartographic methods and developing uniform international standards. He was to co-ordinate the plans and programmes of the United Nations and the specialized agencies in the field of cartography.

In accordance with suggestions made by several members of the Council during the debate at that session, the Secretary-General convened a meeting of cartographic experts at Lake Success, from 21 March to 1 April 1949. The group, composed of five internationally known experts and of representatives of the specialized agencies and other interested international scientific organizations, reviewed the present status of surveying and mapping throughout the world, and considered how the United Nations might stimulate the accurate survey and mapping by Governments of their national territories and how best to achieve the desired co-ordination of the cartographic services of the United Nations and of the specialized agencies. It recommended (a) convening, under the auspices of the United Nations, regional meetings (similar

to those already held in the Americas) of representatives of interested Governments in five important geographical regions (i.e., Asia and the Far East, Central and Southern Africa, the Middle East, Western Europe and the Mediterranean, and Eastern Europe), to assist Members in planning their mapping programmes and in providing mutual assistance in financial and technical fields; (b) establishing a United Nations cartographic office as a clearing house; and (c) publishing periodical summaries on cartography. They also recommended that a panel of consultants be selected to aid the director of such an office.

The Council, at its 312th plenary meeting on 27 July 1949, considered the report submitted by the Secretary-General (E/1322, and Corr.1 and Add. 1, 2 and 3) in implementation of resolution 131 (VI) on the co-ordination of cartographic services of the United Nations, of specialized agencies and international organizations. The report, based on information received from Member Governments and the specialized agencies and international organizations concerned, gave the views and action taken in this connexion by various bodies. The report also contained a comprehensive report on the question, presented by the committee of five experts on cartography, and a study on modern cartographic methods prepared by the Pan-American Institute of Geography and History.

The Council had before it a joint draft resolution submitted by the representatives of Brazil, Chile, France, India, Peru, the United Kingdom and Venezuela (E/1450). Inter alia, it proposed that the Council should instruct the Secretary-General to: (1) consult with Governments concerning the early calling of regional meetings on cartography; (2) take steps to co-ordinate and develop the existing cartographic services into a Cartographic Office, capable of dealing with the present and growing needs of the United Nations and of providing such assistance as might be requested by the specialized agencies; (3) continue along the lines recommended by the experts on cartography to co-ordinate the plans and programmes of the United Nations and the specialized agencies in the field, and to offer assistance in the co-ordination of their programmes to interested international scientific organizations; (4) proceed with the selection of the recommended panel of consultants; and (5) publish periodical summaries on cartography.

The majority supported the proposal. However, the representatives of Poland and the USSR stated that they could not support it in that form, since, in their opinion, it was not necessary or even desirable to create a special cartographic office

within the United Nations Secretariat and thereby make the machinery of the United Nations still more complex. Furthermore, the establishment of international norms would mean that national cartographic systems, laboriously built up and designed to answer the particular needs of the various countries, would have to be scrapped. This would be both difficult and expensive.

An amendment by the representative of France, which would have the cartographic office provide assistance to the agencies "in co-operation with international scientific organizations" (paragraph 2), was accepted, as well as the proposal of the United States to delete in paragraph 3 the words "along the lines recommended by the experts on cartography".

The Council rejected a United States proposal to delete the reference to the development of a cartographic office.

The joint resolution was adopted, as amended (resolution 261 (IX)A), by 15 votes to 3. It read as follows:

"The Economic and Social Council,

"Taking note of the report of the Secretary-General on the co-ordination of cartographic services of the United Nations, specialized agencies and international organizations, of the communications received from Member Governments, of the study on modern cartographic methods, of the report of the experts on cartography, and of the recommendations contained therein,

"Considering that the United Nations urgently needs a cartographic office in order properly to service its main organs and functional and regional commissions and to assist in the co-ordination of its cartographic services with those of the specialized agencies,

"Expresses its appreciation of the work accomplished by the meeting of experts;

"Invites Member Governments to continue their efforts to stimulate the accurate surveying and mapping of their national territories and to develop close international co-operation in the field, particularly with their neighbouring countries; and

"Instructs the Secretary-General:

"1. To consult with Governments concerning the early calling of regional meetings on cartography to be attended by representatives of Governments having a common interest in a specific region;

"2. To take the necessary steps at the earliest practicable moment for the co-ordination and development of the existing cartographic services into a cartographic office capable of dealing with the present and growing needs of the United Nations and of providing, in co-operation with international scientific organizations, such assistance as may be requested by the specialized agencies;

"3. To continue such efforts as may be necessary in co-ordinating the plans and the programmes of the United Nations and the specialized agencies in the field of cartography, and also to offer assistance in the co-ordination of the programmes of interested international scientific organizations;

"4. To proceed with the selection of the recommended panel of consultants; and

"5. To publish periodical summaries on cartography that will constitute a report upon activities, progress and plans in this field, so that this exchange of systematically compiled information and experience may facilitate the co-ordination of national programmes and eliminate the duplication of costly experiments."

The Council, by 15 votes to 3, also adopted, without discussion, resolution 261 (IX) B, proposed by its Co-ordination Committee (E/1449), as follows:

"The Economic and Social Council,

"Having noted that a number of States have expressed views in favour of the absorption or integration of the Central Bureau, International One Million Map of the World into the United Nations,

"Requests the Secretary-General to examine the possibility of such absorption or integration in the light of the Council's decisions on the co-ordination of cartographic services."

At the fourth session of the General Assembly, the Fifth Committee discussed the question of the establishment of a cartographic office, at its 223rd and 232nd meetings on 11 and 30 November, when discussing the budget estimates for the financial year 1950.

The representative of the USSR, supported by the representatives of Poland and the United States, proposed that this item, which called for an appropriation of \$13,000, be deleted, on the understanding that the activities in question were merely to be postponed until the following year. The proposal was accepted at the 223rd meeting by 22 votes to 12, with 5 abstentions.

At the 232nd meeting of the Fifth Committee, during a second reading of the budget estimates, it was agreed that the decision taken should not be interpreted as prohibiting the Secretary-General from establishing such a service if he were able to do so within the total appropriation approved for the Department of Social Affairs.

4. United Nations Scientific Research Laboratories

In October 1946, the Economic and Social Council expressed the view that certain research activities could be carried out effectively only on an international scale, and that many others—as a particular example, those in the field of public health—would be more effective if conducted on an international plane. It therefore invited the Secretary-General to consult with UNESCO and other specialized agencies concerned on the question of establishing United Nations research laboratories.

The Secretary-General, accordingly, inquired into the question and reported to the seventh session of

the Council in August 1948. The report (E/620) contained extensive studies, comments and suggestions by the specialized agencies, by numerous international and national scientific organizations, and by many outstanding scientists and administrators of scientific research. The inquiry, it stated, had attempted to cover two aspects of scientific research problems: (1) to ascertain the attitude in the scientific world toward international action for the improved organization of research, and (2) to discover those areas where action was not yet co-ordinated and where international co-operation seemed to offer the greatest promise, and be most desirable.

The Council, after considering the report, requested (160 (VII)) the Secretary-General to inform all Governments of the Council's desire to have the question of establishing international United Nations research laboratories discussed by the governing bodies of important universities, research institutions etc. in each country, and to be apprised of their findings. It invited him to form, in co-operation with UNESCO, a committee of experts in the basic sciences (exact, natural and social) to examine, in consultation with the specialized agencies, the question of the possible establishment of international research laboratories and the advisability of, and appropriate procedures for, convening an international conference of scientists.

The Secretary-General's report was printed and transmitted, with the Council's discussions on the subject, to all Governments and to the leading national scientific institutions for discussion and comment. The replies were being studied during 1949.

The Committee of Scientific Experts on International Research Laboratories met in Paris from 16 to 24 August 1949. The session was attended by eight scientists and by representatives of the United Nations and the following specialized agencies: UNESCO, WHO and FAO. The Committee, *inter alia*, discussed the problem of priorities and the question of the proposed scientific conference.

The Committee recommended (E/1694) that the following three projects be given first priority:

(1) United Nations International Computation Centre.

(2) United Nations International Institute of Research on the Brain.

(3) United Nations International Institute of Social Sciences.

The following four projects were recommended for consideration with second priority:

(1) United Nations International Laboratory for Arid Zone Research.

(2) United Nations International Astronomical Laboratory.

(3) United Nations International Institute for the Chemistry of Living Matter.

(4) United Nations International Meteorological Institute.

In addition, the Committee recommended (1) that the specialized agencies take positive action for the promotion and development of research in the fields of their competence, and (2) that, concerning the programme of technical assistance, a study should be made to determine the specific fields in which internationally conducted research would be most needed for the successful execution of this programme. It particularly called the attention of the specialized agencies and those in charge of technical assistance to the following proposals, with a strong recommendation for favorable consideration:

- (1) Fluid and Soil Mechanics Laboratory.
- (2) Erosion Laboratory.
- (3) Mining Laboratory.
- (4) Institute of the Humid Tropical Zone.
- (5) Field teams for Nutrition and Food Technology, and discovery of new food sources.
- (6) Geo-Medicine Centre.
- (7) Institutes of Oceanography and Fisheries.
- (8) All questions concerning diseases regarded as social diseases.

The Committee fully supported the idea of convening an international conference of scientists, and suggested that the summer of 1951 might be the best time for it, and that it might be held at Lake Success, Geneva or at the headquarters of one of the specialized agencies. Under no circumstances, the Committee felt, should the date of the conference cause delay in initiating the first three-projects.

Inter alia, the Committee expressed the view that: (1) each scientist should feel that he was to attend the conference as a scientist and as an

individual, and not to represent and press the particular interest of any geographical area or specific scientific field; (2) that the proposed conference should be held under the joint auspices of the United Nations and UNESCO; (3) that the scientists from the physical, biological and social sciences to whom invitations were to be extended should be selected by the Secretary-General of the United Nations and the Director-General of UNESCO, in consultation with other specialized agencies and with the International Council of Scientific Unions, Member Governments and scientists active in international projects; and (4) that an adequate number of persons experienced in the administration of scientific research should be included.

Although the Committee felt that the 1951 conference of scientists should be relatively small, it also recognized that there would be merit in a larger conference at a later date which would include scientists, interested Governments and other outstanding leaders of the world. It suggested that the conference consider this matter and make recommendations concerning it.

In the Committee's judgment, the function of the conference should be to study the four proposals recommended with second high priority (Laboratory for Arid Zone Research, Astronomical Laboratory, Institute for the Chemistry of Living Matter, Meteorological Institute), as well as all the other proposals available, or which might become available before the conference convened, and to recommend appropriate action. The conference, if held, should also review the programmes of the three international laboratories (Computation Centre, Institute of Research on the Brain, Institute of Social Sciences), and make appropriate suggestions to the directors of these proposed institutions.

The report of the Committee was to be considered by the Economic and Social Council at its eleventh session.