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RECORDS
OF THE
SIXTH ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES
OF THE
SIXTH COMMITTEE
(POLITICAL QUESTIONS)

GENEVA, 1925
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Chairman : His Excellency Dr. J. Gustavo Guerrero (Salvador).
Vice-Chairman : Dr. Fridtjof Nansen (Norway).

Members :

Abbyssinia : Negadras Zelleka.
Lidj Makonnen Endalkatchou.
Ato Tasmé Tagagne.

Albania : His Excellency M. Djemil Dino.


Austria : His Excellency M. Albert Mensdorff-Pouilly-Dietrichstein.

Belgium : His Excellency M. Paul Hymans.
M. O. Louwers.

Brazil : His Excellency M. A. de Mello-Franco.
His Excellency M. Frederico de Castello-Branco Clark.
M. Paulo da Silveira (Substitute).

British Empire : The Rt. Hon. the Viscount Cecil of Chelwood, K.C.

Bulgaria : His Excellency M. Christo Kalfoff.
M. Dimitri Mikoff (Substitute).

Canada : Mr. Walter A. Riddell, M.A., Ph.D.
Mr. Jean Désy, L.L.L. (Substitute).

Chile : His Excellency M. Emilio Bello-Codesido.
His Excellency M. Enrique Villegas (Substitute).
M. Joaquin Edwards-Bello (Substitute).

China : Dr. Chu-Wei.
M. S. S. Koo (Substitute).

Colombia : His Excellency Dr. Francisco José Urrutia.
M. Alfredo Michelson (Substitute).

Cuba : His Excellency Dr. José Manuel Cortina.
M. G. de la Campa y Cuffi (Substitute).

Czechoslovakia : His Excellency Dr. Eduard Beneš.
His Excellency Dr. Veverka (Substitute).

Denmark : M. Laust Moltesen.
M. Holger Andersen.

Estonia : His Excellency M. Auguste Rei.
General Johan Laidoner (Substitute).

Finland : His Excellency M. Carl Johan Alexis Enckell.

France : M. Henry de Jouvenel.
M. Montigny.
M. Louis Aubert.

Greece : His Excellency M. Constantin Rentis.
His Excellency M. Alexandre Carapano.
His Excellency M. Jean Papa (Substitute).
M. Vassili Dendramis (Substitute).

Haiti : M. Frédéric Doret.

Hungary : His Excellency Count Albert Apponyi.
His Excellency M. Louis Walko.

Irish Free State: Mr. Diarmuid O’HEGARTY.

Italy: His Excellency Dino GRANDI.
Count Antonio CIPPICO (Substitute).
M. BONDONARO (Substitute).
Marquis Giuseppe MEDICI DEL VASCELLO (Substitute).

Japan: His Excellency Viscount K. ISHII.
 His Excellency M. Matsuzo NAGAI (Substitute).
M. H. KAWAI (Substitute).
M. Y. SUGIMURA (Substitute).

Latvia: His Excellency M. Wilis SCHUMANS.

Liberia: His Excellency Baron Rodolphe Auguste LEHMANN.
M. N. OOMS.

Lithuania: His Excellency M. Ernest GALVANAUSKAS.
Professor Ignace JONYNAS (Substitute).

Netherlands: His Excellency Count F. A. C. VAN LYNDEN VAN SANDBERG.

New Zealand: Colonel the Honourable Sir James ALLEN.
M. J. D. GRAY (Substitute).

Nicaragua: Dr. Antoine SOOTTILE.

Norway: Dr. Fridtjof NANSEN.

Panama: His Excellency M. Narciso GARAY.

Paraguay: Dr. Ramon V. CABALLERO.

Persia: His Highness Prince ARFA (Mirza Riza Khan).
M. Abol-Hassan Khan HIERME (Substitute).

Poland: His Excellency M. Gaëtan D. MORAWSKI.
M. Stanislas KOZICKI.
His Excellency M. Roman KNOLL.
M. Miroslaw ARCISZEWSKI (Substitute).

Portugal: His Excellency Dr. Affonso Augusto DA COSTA.
His Excellency General Alfredo FREIRE D’ANDRADE.
M. Antonio GOMES D’ALMENDRA (Substitute).

Roumania: His Excellency M. Nicolas PETRESCO COMNÈNE.
M. Mircea DJUVARA (Substitute).

Salvador: His Excellency Dr. J. Gustavo GUERRERO.

Kingdom of the Serbs, Croats and Slovenes: Dr. Vassiliyé YOYANOVITCH.
Dr. Milorad STRAZNICKI (Substitute).

Siam: His Serene Highness Prince VIPULYA SVASTIVONGS.
Luang VICHITR VADAKARN (Substitute).
Nai Boon Leur TIRAN (Substitute).

South Africa: Mr. Jacobus Stephanus SMIT.

Spain: His Excellency M. José QUINONES DE LEÓN.
M. Leopoldo PACIOS-MORINI (Substitute).

Sweden: Dr. Torvald HÖJER.
M. A. E. M. SJÖBERG (Substitute).
Mme. ANNA BUGGE-WICKSELL (Substitute).

Switzerland: M. Emile Louis GAUDARD.
Colonel Beat Henri BOLLI (Substitute).

Uruguay: His Excellency M. Alberto GUANI.
His Excellency M. Benjamin FERNANDEZ Y MEDINA.
M. José G. ANTUNA (Substitute).

Venezuela: His Excellency M. Caracciolo PARRA-PÉREZ.
M. Alberto ADRIANI (Substitute).
AGENDA.

1. SLAVERY: DRAFT CONVENTION.
2. MINORITIES.
3. MANDATES.
4. COLLABORATION OF THE PRESS IN THE ORGANISATION OF PEACE.

FIRST MEETING

Held on Monday, September 7th, 1925, at 11.40 a.m.

I. Election of the Chairman of the Committee.

Dr. J. Gustavo GUERRERO (Salvador) was elected Chairman.

The CHAIRMAN, in thanking the Committee for electing him as its Chairman, said that the election reflected great honour on the country he represented, which would be very grateful for the distinction which had been conferred upon him. No doubt the Committee, by the combined effort of its members, would succeed in finding equitable and just solutions which would be in the interests of all the Members of the League.

SECOND MEETING

Held on Tuesday, September 8th, 1925, at 3 p.m.

Dr. J. Gustavo GUERRERO (Salvador) in the Chair.

2. Publicity of the Meetings of the Committee.

The Committee decided that its meetings should be held in public.

3. Election of Vice-Chairman.

On the motion of General FREIRE D'ANDRADE (Portugal), Dr. NANSEN (Norway) was unanimously elected Vice-Chairman.


The CHAIRMAN pointed out that the question of slavery (No. 24 on the agenda of the Assembly) was for the moment the only one before the Sixth Committee.

Viscount CECIL OF CHELWOOD (British Empire) said that, on the subject before the Committee, they had, to assist their deliberations, a very complete report from the Temporary Slavery Commission. This was a very remarkable document, which formed a landmark in the history of the question of slavery.
The question which the Committee had to consider was the best use they could make of the valuable work done on the Temporary Slavery Commission. Without examining the report in detail, he would observe that it was divided into eight chapters, which consisted in each case of a summary of the actual situation of the subject dealt with, followed by certain suggestions as to what might be done to improve this situation. If the suggestions were merely left as the expression of a hope on the part of the League of Nations as to what might be done, Viscount Cecil did not think any great progress would be made. On the other hand, it was the opinion of the British Government that it would be impossible to put into the form of any international protocol or convention all the suggestions that had been made. These went into considerable detail and dealt with special conditions in various countries, and many of them, though admirable with regard to one country, would not be applicable to other countries. However, certain general principles emanated from these suggestions which he thought might well be adopted by all civilised nations as the minimum code and standard in this matter of slavery. This had always been treated as an international question, and, indeed, by its very nature, must be treated as such. The British Government had thought that perhaps the best way of assisting this Committee would be to lay before it at an early stage a draft resolution and Protocol which the Assembly might adopt.

At the present meeting, all the Committee could do would probably be to decide generally whether some such step as he had suggested ought to be undertaken; it might then be convenient to adjourn so that the members could consider such proposal, and any other proposals which they might desire to lay before the Committee.

Viscount Cecil then read the draft Resolution and Protocol suggested by the British Government (Annex 1).

Dr. Nansen (Norway) expressed his satisfaction with the proposal which had been brought forward. It would afford a splendid basis for discussion. It had in previous years been the custom to refer slavery questions to a sub-committee; but his impression was that the problem was of such an important nature and that it had now been studied so thoroughly that there would not be anything gained by appointing a sub-committee. The proceedings of sub-committees were not reported, and it was desirable that the discussions on the subject should be.

General Freire d'Andrade (Portugal) wished to begin by stating that he had approved the report of the Temporary Slavery Commission, of which he was privileged to be a member, and he would now add, in the name of his Government, that he agreed with all the suggestions contained in the report.

He regretted, however, to say that he could not agree with the honourable delegate of the British Empire. For the moment, he was unable to see the advantages of the proposed Protocol, though he could hardly form a clear opinion of it after merely hearing it read.

Slavery properly so called was disappearing and, as was plain from the report, it existed chiefly in countries which were not members of the League of Nations and which could not sign the proposed Protocol. Those Members of the League which had colonies in Africa were already bound by the Treaty of St. Germain.

The different forms of slavery, such as serfdom and others, presented a very delicate problem, and one to be studied with the greatest care if a situation worse than that already existing was to be avoided. He referred to the conclusions of the Temporary Slavery Commission, which said (paragraph 92) in regard to serfdom:

"The situation is such that sudden abolition would almost certainly result in social and economic disturbances which would be more prejudicial to the development and well-being of the peoples than the provisional continuation of the present state of affairs. This opinion appears to be universally held... etc."

The question of compulsory labour was more complicated still. This fact was recognised by the Commission in paragraph 112 of the report under consideration, and the Commission said that in certain circumstances compulsory labour might be admissible subject to certain guarantees, and that in certain definite conditions it might be necessary for Governments to have recourse to it. Accordingly, while rightly condemning those forms of compulsory labour which might give rise to abuses amounting to nothing more nor less than a disguised form of slavery, the Commission admitted that States were at liberty to regulate, in the manner which seemed to them fairest and best, the different conditions in various countries, and went into considerable detail and dealt with special conditions in various countries, and many of them, though admirable with regard to one country, would not be applicable to other countries. However, certain general principles emanated from these suggestions which he thought might well be adopted by all civilised nations as the minimum code and standard in this matter of slavery. This had always been treated as an international question, and, indeed, by its very nature, must be treated as such. The British Government had thought that perhaps the best way of assisting this Committee would be to lay before it at an early stage a draft resolution and Protocol which the Assembly might adopt.

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The question was therefore too difficult to be decided as promptly as Viscount Cecil apparently desired, and it must be studied with care and in detail. The fifth Assembly had regarded the matter in this light and when it approved the programme of work submitted to it by the Temporary Slavery Commission, which included the study of slavery in all its forms, including forced labour, the Assembly recommended to the Commission the exercise of the greatest tact in the performance of its work.

Should circumstances suggest it, he would quite understand if a proposal were made — indeed, he had very nearly made such a proposal himself — that an International Conference under the auspices of the League of Nations should be called to deal with the question of slavery in all its forms, especially that of compulsory labour, with assistance or under the direction of the International Labour Office. Countries in which slavery was still practised, and in which the status of slave had not yet been abolished, could also take part in this Conference,
the outcome of which might further the aims of the League, especially in the territory of States which were not members.

It would be seen, therefore, that the question was a very complicated one, and deserving of detailed study on the Committee’s part, failing which no result might be reached or — which would be worse — a situation more difficult than that already existing might be created.

The CHAIRMAN proposed that the Committee should appoint a sub-committee and that care should be taken to include in the sub-committee those members of the Committee who had special experience in colonial questions. Secondly, that the sub-committee should be requested to examine the proposal just made by Viscount Cecil, and, thirdly, that M. Gohr, Chairman of the Temporary Slavery Commission, should be invited to attend and give the Committee the benefit of his advice on the question.

M. DE JOUVENEL (France) supported the proposals made by the Chairman. The appointment of a sub-committee was indispensable.

Viscount CECIL (British Empire) was of opinion that it was very desirable that the Committee as a whole should hear M. Gohr. Although not attaching too much importance to the question of procedure, he thought that it might perhaps be better to hear M. Gohr first and then decide on the possible appointment of a sub-committee.

General FREIRE D’ANDRADE (Portugal) cordially agreed with the Chairman’s proposal and M. de Jouvenel’s remarks. He wished to read the fifth Assembly’s resolution in support of what he had just said. Last year the Sixth Committee had discussed at considerable length the report of the Temporary Slavery Commission, whose programme of work, as submitted, covered not only slavery, but all forms of labour which might be regarded as connected therewith. The discussion had been protracted, and had proved extremely arduous. Eventually a list had been drawn up and approved, and the Assembly had warned the Commission that its work should be conducted with the utmost tact and care. The present report, which had been discussed at length during several meetings, had been drawn up by M. Delafosse, who had an exhaustive knowledge of native life in all its aspects, and who combined with a wide comprehension the power of grasping the practical possibilities of working for the welfare and improvement of the natives.

The fifth Assembly had adopted the following resolution:

“Relying completely on the wisdom and tact of this Commission to carry out the delicate and difficult enquiry entrusted to it, the Assembly approves the programme and the methods of work set forth in the Commission’s report.”

Accordingly, in view of the importance of the question, he thought that, either before or after M. Gohr’s statement, a sub-committee should be appointed to discuss and appraise the Temporary Slavery Commission’s report and to draw up conclusions for subsequent discussion at a plenary meeting of the Committee.

Dr. NANSEN (Norway) supported the proposal that M. Gohr should be heard in the full Committee. After a general debate had taken place, a sub-committee might be appointed to deal with the various points and also to draft the report to the Assembly. He took it that the meetings of the sub-committee would be public, and he hoped that the sub-committee would keep a permanent record of its discussions.

M. DJEMIL DINO (Albania) was of opinion that further discussion on the question of procedure should be deferred until after M. Gohr had been heard.

M. HYMANS (Belgium) thought all the members were agreed that M. Gohr should be asked to give explanations and information on the report of the Temporary Slavery Commission. M. Gohr could not, however, arrive for two or three days, and the immediate question was whether the Committee could not employ the intervening time by taking steps to secure the examination of Viscount Cecil’s important proposal, which should be studied very carefully. For this reason he was in favour of appointing a sub-committee, which was, moreover, the customary procedure. When the report of the sub-committee was before them they could then go into a general discussion of the question.

Viscount CECIL (British Empire) agreed that M. Hymans’ suggestion was the best one to adopt. In reply to the remarks made by the Portuguese representative, he would like to say that he agreed entirely that this was a matter requiring the greatest care and caution, but he thought that the League had in fact shown such care and caution in dealing with it. The proposition made by the British Government was not of a revolutionary or violent character, but some further provisions than those contained in the Convention of St. Germain ought to be taken; that Convention had only been ratified by five Powers and could not be regarded as a settlement of the question.

Dr. NANSEN (Norway) withdrew his objection to the appointment of a sub-committee.

The CHAIRMAN remarked that there was now only one proposal before the Committee, the appointment of a sub-committee for the examination of the report of the Temporary Slavery Commission and the proposal made by Viscount Cecil.

This proposal was adopted.
As regards the question of inviting M. Gohr to attend the meetings, the CHAIRMAN remarked that a telegram was being despatched to him, and it was hoped he would be in Geneva in time to attend the meeting on Friday afternoon.

5. **Composition of the Sub-Committee on Slavery.**

The CHAIRMAN suggested that the Sub-Committee should consist of representatives of States most experienced in colonial affairs.

Viscount Cecil (British Empire) did not think that the members should be confined only to representatives of States experienced in colonial affairs; there ought to be a certain number of members who would bring more general considerations to bear on the question.

It was agreed that the representatives of the following countries should be invited to form the Sub-Committee: Belgium, British Empire, Japan, Abyssinia, France, Italy, Netherlands, Portugal, Spain, Uruguay, Brazil, Norway, India and Australia.

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**THIRD MEETING**

*Held on Monday, September 14th, 1925, at 3.30 p.m.*

Dr. J. Gustavo Guerrero (Salvador) in the Chair.

6. **Minutes of the Committee.**

The CHAIRMAN said that the President of the Assembly had asked all Chairmen of Committees to inform members that the Minutes of Committees would consist of a summary only of the discussions and should not be expected to contain speeches *in extenso*.

7. **Slavery: Report of the Temporary Slavery Commission. Statement by M. Gohr, Chairman of the Temporary Slavery Commission.**

The CHAIRMAN said that M. Gohr, the Chairman of the Temporary Slavery Commission had kindly accepted the invitation of the Sixth Committee to attend its meetings. He would ask M. Gohr to address the meeting.

M. Gohr recalled the circumstances in which the Temporary Slavery Commission was set up. The question of slavery was raised in September 1922 in the Assembly by Sir Arthur Steel-Maitland, who referred to the recrudescence of slavery in Africa. The Assembly decided that the Secretariat should enquire into the subject and report in 1923. In 1923 the Assembly came to the conclusion that the documentation received was insufficient and requested the Council to entrust the continuation of the work to a "competent body". The Council accordingly appointed a Committee of Experts in June 1924.

When the Committee met in Geneva in July 1924, it felt that its terms of reference were somewhat vague and it endeavoured to interpret them in the light of previous discussions on this subject in the Council and at the Assembly. However, not being certain that its conclusions were correct, it submitted its views to the Council. The Council having referred the matter to the fifth Assembly, the Assembly signified its approval of the programme and the methods of work proposed by the Committee.

According to the methods adopted by the Committee, each member had examined the documentation submitted by the Governments and also received from certain other sources. The observations and suggestions of each member were forwarded to M. Delafosse, Rapporteur-General to the Committee. M. Delafosse drew up a draft report, which was examined by the Temporary Slavery Commission in July last; the examination occupied twenty-four meetings, of which twenty-one were plenary meetings. Therefore, if anybody considered the report incomplete, the incompleteness was certainly not due to any lack of effort on the part of members.

The task of the Committee was to consider slavery in all its forms and the question of compulsory labour. M. Gohr did not propose to go into the details of the report; he would only make a general statement on the questions discussed and lay stress on certain conclusions embodied in this report.

As regards slavery, M. Gohr pointed out that it still existed in vast tracts in Africa, in the greater part of the tropical regions and in Abyssinia. It persisted also in the Moslem States in Asia, especially in Arabia.

There was a radical difference between slavery as it existed in colonies under European administration and that practised in Abyssinia and in Moslem States. In the former case, the slaves were natives of the country; they were slaves because they had been vanquished in a war with the group or tribe which they were now serving, or in virtue of some ancient custom. In this case the masters were of the same race and mentality as the slaves.
In the second case, the slaves were generally men who had been captured — or whose ancestors had been captured — by bands of raiders, sometimes in remote districts, and brought to the country where they were now serving amidst terrible tribulations and sufferings. Sometimes the slave was a man who had come to Arabia with a pilgrim visiting the holy places, and sold there at a moment's notice by his master. In these cases, therefore, the slave was of a race different from that of his master.

There was, moreover, another fundamental difference between these two classes of slaves. In the colonies of European Powers, slavery existed only as a de facto institution; that is to say that, although it was still recognised by custom and tradition, it was not recognised by positive law and had no legal status. The administration and the courts treated the slave in every way as a free man. The law protected him not only from any attempt against his personal or moral safety, but also against any attempt to restrict his liberty of movement. Even this de facto slavery, however, was dying out, owing to the fact that tribal wars were now less frequent, and also to certain moral and economic factors brought into operation by colonisation. The Temporary Slavery Commission had therefore few suggestions to offer as to how its disappearance might be accelerated.

In Moslem countries, on the other hand, and in Abyssinia, slavery was an institution recognised by law. The slave was the chattel of his master; the latter might restrict his right to go where he pleased, he might even inflict corporal punishment or sell him. All these rights were recognised by law. The Government of the Ras Taffari, however, was making praiseworthy efforts to improve the lot of the slaves and was in favour of their liberation. The Maharajah of Nepal had also stated his intention of abolishing the legal status of slavery.

So long as that existed, the trade — that is to say, the capturing of men in order to reduce them to slavery and to sell them — would also continue to exist, since it was impossible absolutely to put an end to the slave trade in these vast tracts where the power exercised by the occupying countries was not yet sufficiently far-reaching and where there were many other obstacles to contend with.

The greater part of Africa was now, virtually, free from the slave trade. The authority exercised by the colonising powers made it too difficult. Slave raids occurred hardly anywhere now except in the hinterland of the French or Italian possessions on the edge of the Sahara and in the districts to the south-west of the Empire of Abyssinia. Such raids had now become rare, thanks to the activities of the police forces stationed in the suspected regions by France and Italy, thanks also to the efforts made by the Ras Taffari. Furthermore, England, France and Italy were endeavouring to prevent transit through their territories bordering on the Red Sea of slaves intended to be sold in Arabia. These Powers exercised a constant supervision in the Red Sea and the neighbouring seas over vessels which might be carrying captured or traded slaves.

The slave trade was, however, still possible, since the traders, when pursued by the forces of one of the Powers, sometimes succeeded in escaping to unoccupied countries or into the territorial waters of another Power.

What did the Temporary Slavery Commission suggest in order to put an absolute stop to the slave trade?

The Commission earnestly hoped that the Moslem States and Abyssinia would no longer recognise slavery as a legal institution.

As regarded Abyssinia, the Committee recognised that the general customs and political situation in the country rendered it very difficult to abolish slavery at one stroke. It suggested, however, a certain number of measures which might be taken to accelerate the abolition of this traffic — an object for which the Ras Taffari was making strenuous efforts. It proposed, for instance, to encourage the principal chiefs in the provinces to set an example by liberating their own slaves; to request that slaves should be registered, those not having been registered for instance, to encourage the principal chiefs in the provinces to set an example by liberating however, a certain number of measures which might be taken to accelerate the abolition of

The Commission further proposed that the measures of supervision exercised by the authorities of countries whose nationals went on pilgrimages to Mecca and other Moslem holy places should be maintained and made even stricter, and that supervision should be exercised over the composition of these pilgrims' caravans both when going and returning.

The Commission also recommended that the Moslem States which had been created in the Arab Peninsula should be urged to recognise the rights granted by Turkey to foreign consulates, particularly the right of asylum. The slaves provided with deeds of liberation issued by the Consuls with whom they had taken refuge might be sent to a central depot established somewhere on the western coast of the Red Sea and later sent back to their own countries.
Finally, the Committee suggests the re-establishment of the Brussels International Bureau on Slave Trade, set up by the Act of 1892, to centralise and co-ordinate all information likely to contribute to the abolition of this traffic.

The system of compulsory or forced labour had arisen out of the fact that certain colonial Powers could not, among primitive peoples, find sufficient voluntary labour for their requirements. The Governments therefore had considered the possibility of compelling these peoples to work either periodically or for a fixed but somewhat prolonged period for the benefit of colonial undertakings.

The Commission had ascertained that this system was recognised by the various legislations only for purposes of public utility and that the laws of many countries formally prohibited to impress labour for private undertakings.

The attention of the Commission had, however, been drawn to certain abuses in the system of so-called peonage, said to be still obtaining in certain Latin-American States. Under this system a debtor was compelled to work for his creditor in payment of his debt. It would appear — for the Commission was not fully informed in regard to the working of this system — that the debt was either constantly renewed — which might happen in the case of a lease — or that it increased owing to the fact that the creditor took advantage of the weakness of his debtor and arranged matters in such a way that the latter was compelled to work for him all his life.

The Commission had recognised that forced labour might be necessary in the interests of the populations themselves. It considered, however, that it should only be allowed for essential public works or for works of public utility.

The Commission considered that in the case of essential public works, such compulsory labour would only be justified when all efforts to obtain voluntary labour had failed; further, that Governments should take all necessary measures to protect the life and welfare of the workers and that, except in cases where this was absolutely impossible, they should give the workers equitable remuneration.

By the term "works of public utility" the Commission meant work undertaken to increase the food supplies or even the exports of a colony, but exclusively in the interests of the populations subject to such labour. Moreover, such works should only be undertaken on the land of the peoples subject to forced labour and in the vicinity of their villages.

The Commission was definitely opposed to forced labour for private undertakings. Although it recognised that it was the duty of officials to preach the necessity of labour to primitive populations, it recommended that this duty should be carried out with the utmost caution, since it was to be feared that, in view of the moral ascendancy exercised by the officials over the minds of the natives, any efforts at persuasion might, in the eyes of the natives, appear to be orders to which they were compelled to submit to the prejudice of their more immediate and essential interests.

In regard to the abuse of peonage, the Commission had suggested the adoption of certain measures described on page 9, paragraph 75 of the report.

The Commission had contemplated the conclusion of an international convention to combat the evils to which it had drawn attention. It had suggested certain points with which this convention might deal if the States were prepared to conclude it.

The Commission was fully aware that all these points could not form the subject of mutual rights or obligations between the Contracting Parties. This observation applied, for instance, to the abolition or prohibition of compulsory labour, more stringent legislation against the slave trade or against persons guilty of slave raids, legislation against abuses of peonage, perhaps also the abolition of the legal status of slavery.

In international law, as in private law, it was self-interest that dictated policy and no Power would take any legal interest in seeing the abuses of peonage or compulsory or forced labour abolished in a neighbouring country.

The Commission nevertheless thought that to embody in an international Convention a condemnation of these practices would be giving solemn expression to the dictates of the modern conscience on these points and would thus promote the suppression of such abuses where they still existed; it would even be giving into the hands of the Governments a weapon against internal influences tending to perpetuate or to re-establish such abuses.

Were these suggestions capable of realisation?

The Commission was not competent to decide this point, the solution of which it must leave to the Governments concerned. It had fully realised the difficulties involved in some of these questions.

The Chairman, on behalf of the Committee, thanked M. Gohr for his very full explanations.

Viscount Cecil (British Empire) said that, before making a statement on the details of his proposal, he understood that M. Gohr was willing to answer any questions which might be put to him.

M. Gohr said he was at the disposal of the Committee.

Dr. Nansen (Norway) asked whether individual members of the Commission had prepared written memoranda, and whether it would be possible to communicate such memoranda to the Committee.
He understood, from the first page of the report (A. 19. 1925. VI), that certain evidence arrived too late for the Commission to consider it. He wished to know whether, in the opinion of M. Gohr, the Commission had had sufficient evidence before it for its report to be an adequate summary of the situation, and whether he considered that the information which had not been considered was of sufficient value to warrant further attention on the part of the Commission. Finally, had any supplementary evidence been received since the meeting of the Commission?

M. Gohr said that the question of whether the individual reports of members of the Slavery Commission should be printed had in fact been considered by the Commission. The view was generally taken that those reports had only been written for submission to the Rapporteur and that it might be indiscreet to give them any further publicity. It was not that they contained anything it was desired to conceal, but they might not interpret truly the feeling of the Commission on certain points. It was difficult to reply to the second question without prejudging the value of the information which had been received too late to be made use of. There seemed no reason to believe that the evidence considered was not adequate to enable the Commission to give a true picture of the situation in its general aspects. The greater part of the documents emanated from Governments. Some, which came from private individuals, were checked as far as possible, and no account was taken of those which it was impossible to verify. The list of documents on page 75 of the report explained the situation as to documents which arrived too late. Since the meeting of the Commission, a protest had been received from the "African Nationalist Party" against some of the statements of Professor Ross.

Dr. Nansen (Norway) asked whether M. Gohr had seen the British Draft Protocol. M. Gohr said he had merely glanced through it.

Dr. Nansen (Norway) supposed it would be too much to ask whether M. Gohr thought that Protocol went far enough to carry out the Commission's recommendations.

M. Hymans (Belgium) said that, before M. Gohr gave an opinion on the Protocol, Viscount Cecil should have an opportunity of presenting some explanations on it.

Dr. Nansen (Norway) called attention to paragraph 46 of the report of the Temporary Slavery Commission, where the view was expressed that "all information which can be obtained regarding the origin and destination of freed slaves and their transport by sea or land should be centralised in a Bureau to be designated by the Council". Would it not be desirable to let this recommendation apply also to information dealing with slave raids, etc.?

M. Gohr replied that the paragraph was not intended to have such a restricted effect as it might appear to have. The desire of the Committee was to re-establish the Office as instituted at Brussels by the Conference of 1890-91 and that Office would centralise all the documentation connected with slavery.


The Chairman said that it had been understood that Viscount Cecil would make a declaration concerning the Protocol proposed by the British Government before the Sub-Committee, but under the circumstances it seemed better that he should make his declaration before the Plenary Committee.

Viscount Cecil (British Empire) did not think it was necessary for him to give any explanation of the general proposition that the slave trade ought to be dealt with internationally. It had in fact been recognised for very many years that, if the slave trade was to be effectively suppressed, it would have to be done by international arrangement. In the early years of the campaign against the slave trade, the efforts which were made by Great Britain and others to have the matter dealt with on national lines were a failure. If the slave trade was to be dealt with by international convention, as everyone who had considered the subject must agree, then they were driven to the position that, as long as slavery existed, which included slavery in its crudest sense, it would be almost impossible to put a stop to the slave trade. As long as there was a demand for slaves, somebody would be found to supply that demand. History had taught the lesson that, when those who first began the campaign against the slave trade had carried their operations to a certain point, they found that they were driven to go further and to carry on their campaign against slavery. M. Gohr had emphasised the same point of view. The general Act of the Conference of Berlin, 1885, Article 9, contained a declaration against slavery and the slave trade. In 1890, that was followed by the very much more elaborate Brussels Act, which laid down a large number of detailed provisions dealing with the suppression of slavery and the slave trade. A fresh instrument was required for the following reason: At present, slave trade and slavery, which were dealt with by the Acts of Berlin and Brussels, now came under the Convention of St. Germain-en-Laye, which only binds five or six Powers. Those who framed the latter Convention substituted certain provisions which dealt with the great number of subjects included in those two international documents, but, as far as slavery was concerned, all that they were agreed upon was the first paragraph of Article II, which said:
The signatory Powers exercising sovereign rights or authority in African territories will continue to watch over the preservation of the native populations and to supervise the improvement of the conditions of their moral and material well-being. They will, in particular, endeavour to secure the complete suppression of slavery in all its forms and of the slave trade by land and sea.

The St. Germain Convention was, perhaps, a somewhat optimistic document. It assumed that the world had got rather further in the direction which everybody desired, as far as slavery was concerned, than it had actually got at the present time. The general position was, in fact, rather complicated and unsatisfactory. The Berlin and Brussels Acts were still to a certain extent in force. It seemed to him that that was an international situation which it was the duty of the League of Nations to consider.

The Sixth Committee now had before it the very valuable and elaborate report of the Temporary Slavery Commission. That report showed conclusively that there were very many evils in connection with slavery and the slave trade in existence at the present time which required international agreement. It would really be deplorable if, after a report of the kind had been presented to the League of Nations, no action or no effective action were taken. There were, of course, in the report a good many recommendations referring to what particular States, or particular classes of States, might do in the internal government of their countries which it would not be desirable or possible to make the subject of an international agreement. On the other hand, if such an agreement could be reached on certain general principles, they would have set up a standard of value also to other nations, who were not yet members of the League of Nations. The laying down of such principles might, as M. Gohr had said, also be of assistance to some Governments in enabling them to press forward on the line which they desired to take, but which, for various reasons, it was very difficult for them to take, owing to the domestic situation of their country.

The British Government had felt that it would be desirable to propose a resolution to the Assembly embodying a Protocol open for signature by all States. They had endeavoured to draft them so moderately and with such considerations for the difficulties which the subject undoubtedly included as not to make it difficult for any country to accept.

Viscount Cecil proceeded to go through the preamble and each paragraph of the British proposal. The preamble recited the Brussels Conference and recalled the fact that the Parties to the Brussels Act and to the others which he had mentioned desired to suppress the slave trade. It went on to ask the Assembly to accept that view and “to complete and extend the work accomplished under the Brussels Act and to find a means of giving practical effect throughout the world to such intentions as were expressed in regard to slave trade and slavery by the signatories of the Convention of St. Germain-en-Laye”. The preamble further contained a very restricted reference to forced labour. Then it proposed to open the attached Protocol for signature by all States and it expressed the hope that they would all sign it. Finally, it asked the Council whether any further steps were necessary.

The first article of the Protocol itself merely defined “the slave trade” and “slavery”; to these definitions he did not think that any objection would be raised. The first paragraph of the second article definitely obliged all the signatories to suppress all forms of slave trade. The second paragraph of Article 2, which was very cautiously worded, said that the signatory Powers should “provide for the eventual emancipation of all slaves in their respective territories, and also for as speedy an elimination of domestic and other slavery as social conditions will allow”. The British Government recognised that, with regard to domestic slavery, a very difficult question arose, and therefore all that they could ask States agree to was the desirability of getting rid of domestic slavery, and to do so as and when opportunity offered.

Article 3 dealing with forced labour did in fact not go as far as the report of the Slavery Commission recommended. It did not require, as the report recommended, that it should only be permitted in return for adequate remuneration — a principle recognised in the B and C Mandates. Anyhow, it certainly did not go too far. It did not interfere with labour for essential public services at all, but it did say that forced labour should not be allowed to degenerate into slavery, a principle to which everybody would agree. He imagined that where such cases occurred they were certainly very much disapproved of by the Governments of the interested countries.

That showed the extreme care with which the document had been drafted. It would be for each Government to decide what was an essential public service and what were the precautions it ought to take to prevent the employment of forced labour degenerating into slavery.

He might well be asked why the British Government had not gone further and laid down what, he thought, the Portuguese representative had constantly urged, namely, a charter for labour. He quite admitted that that was a very desirable thing; but the British Government felt that the matter was really one for the International Labour Office.

The object of Article 5 was to take up the suggestion made in the Report of the Commission and to make slavery internationally piracy. This would certainly have a psychological value in solemnly decreeing by the greatest international authority now existing that the slave trade was the most heinous of crimes.
He understood that the provision had excited a certain amount of anxiety on the part of some of the representatives on the ground that they did not quite know what the effect of declaring something to be piracy really would be. Although he personally would prefer that the article should remain as it was, yet, if they felt that it really would cause them great difficulty, he would be content to substitute for it a mere reaffirmation of the provisions in the Brussels Act, which might be said to have been tested by practice, dealing with the suppression of the slave trade at sea. The principal differences would be as follows: The Brussels Act only applied to a definite maritime zone which was there described. The article was of universal application. The change would restrict the extent of the article; but he did not think that that was a very important matter, because the maritime zone referred to in the Brussels Act did in fact include all the seas in which the slave trade was at all common. The Brussels Act only applied to ships of less than 500 tons burden. The article applied to all ships. There again he did not think that the difference was very important, because, happily, it was only on very small ships that at the present time slave-trading in fact took place. Then, under the Brussels Act, when a warship seized a slave-trading vessel it was tried by the judges of the country whose flag it flew. Under the proposed article it would be tried by the judges of the country of the capturing ship, which he thought was right in principle. He did not, however, think that the matter was of first importance.

As to Article 6, he did not think that it would raise any difficulty. Article 7 was now practically common form in Protocols and Conventions drawn up by the League of Nations. Article 8 was merely the ordinary ratification clause.

He thought that he had justified his claim that the draft Protocol was of the most extreme moderation. In fact, he was not sure whether M. Gohr would not be of opinion that it was even too moderate in view of the case which he and his colleagues had made in their report. But it was better to proceed a little distance with security than to try to go a great distance with insecurity. As far as any critics on the other side were concerned, who might ask why the British Government had brought its proposal forward, he pointed to the fact that Great Britain had a great history in connection with the slave trade, which it was naturally anxious should not be sullied by any failure to take whatever step might be possible in the general pursuit of the object which had now been one of its chief objects for very many years, namely, the suppression of the slave trade and slavery in all its forms.

The CHAIRMAN said that the discussion both on the report of the Temporary Slavery Commission and on the Protocol submitted by the British delegation would be continued in the First Sub-Committee.

FOURTH MEETING

Held on Wednesday, September 16th, 1925, at 3.30 p.m.

Dr. J. Gustavo GUERRERO (Salvador) in the Chair.


The CHAIRMAN said that the Assembly had referred to the Sixth Committee the following draft resolution presented by the Lithuanian delegation:

"The Lithuanian delegation proposes that the Sixth Assembly of the League should set up a special committee to prepare a draft general convention to include all the States Members of the League of Nations and setting forth their common rights and duties in regard to minorities."

M. GALVANAUSKAS (Lithuania) pointed out that the Lithuanian delegation, in submitting its proposal, desired to bring about some improvement in the existing system for the protection of minorities. He thought the existing system was one which was abnormal from various points of view. The first point to which he wished to draw attention was the legal inequality which existed regarding the international obligations of different Members of the League of Nations. This inequality gave rise to difficulties both of a political and moral character — first, because the countries were divided into two groups, one of which had certain obligations to which the other was not subject, and, secondly, because public opinion, as the recent Inter-Parliamentary Conference proved, desired the establishment of general rules on this subject which should be binding without any distinction upon all States Members of the League of Nations. The Lithuanian delegation had therefore felt it incumbent upon it to make
a proposal on this subject and to suggest that a committee should be formed to elaborate the
general rules to be binding upon all countries.

One object to be gained in this way would be to secure a better definition of what constitutes
a minority. The presence of the word "minority" was often mixed up with territorial questions.
Again, it was necessary to draw a distinction between different kinds of minorities. There might, for instance, be an original population which had been living in a country for many centuries, alongside of which would be found a population which had immigrated at different times. If the latter enjoyed there all the rights and duties been living in a country for many centuries, alongside of which would be found a population different kinds of minorities. There might, for instance, be an original population which had often mixed up with territorial questions. Again, it was necessary to draw a distinction between
was far too vague and ought to be better defined. Further, the question of minorities was

tulates a minority. The present definition referring to racial, religious and linguistic minorities
had always been done in the past under the procedure which the Council had adopted experi-
mentally, but, now that that experiment had borne good fruit, he felt sure, in the light of the experience gained, that it would be possible to evolve some more definite and stereotyped procedure. It was not only a question of guaranteeing the rights of minorities, there was also another aspect of it, being desirable to put a stop to certain abuses by which it might happen that a neighbouring State might wish to take advantage of the existence of a minority of its own race in another State and use them as a form of explosive powder for causing disturbances. Thus, there were two aspects of the question — the rights of minorities and the duties of minorities.

For the reasons explained, the Lithuanian delegate contended that it was desirable to have a general convention acceptable to all. As regards the part played by Lithuania in regard to this question, he wished to point out that it was in no way an individual one. They had accepted obligations in regard to minorities and were executing them punctually. At the same time, there was a wider aspect of the question. If it remained unsolved, they would have to be revised and the signatory States might be compelled to assume new burdens. This would appear to be a serious consideration, for all questions concerning minorities had a delicate political aspect.

The proposal had also been put forward of submitting disputes to the Permanent Court of International Justice. In this connection, he would state that the question was settled in the Minorities Treaties and that any extension of the procedure in the direction suggested would affect the basis of the treaties and the rights of the Council, since the decision adopted would have to be of a general character. In the treaties, minorities had never been regarded as juridical persons, and to assume an obligation to consult them would entirely change the legal basis of the treaties and even the protection of these minorities by the Council. The result would be that the treaties themselves would have to be revised and the signatory States might be compelled to assume new burdens. This would appear to be a serious consideration, for all questions concerning minorities had a delicate political aspect.

M. Galvanauskas thought this was a point which needed closer attention, and considered it desirable that a committee should examine these questions thoroughly and review the whole situation in order to pave the way for a general convention.

As regards petitions, he was of opinion that it was necessary to have a more exact pro-
cedure for dealing with these. It was desirable to establish a procedure which would afford adequate guarantees that petitions received from minorities were properly examined. This had always been done in the past under the procedure which the Council had adopted experimentally, but, now that that experiment had borne good fruit, he felt sure, in the light of the experience gained, that it would be possible to evolve some more definite and stereotyped procedure. It was not only a question of guaranteeing the rights of minorities, there was also another aspect of it, being desirable to put a stop to certain abuses by which it might happen that a neighbouring State might wish to take advantage of the existence of a minority of its own race in another State and use them as a form of explosive powder for causing disturbances. Thus, there were two aspects of the question — the rights of minorities and the duties of minorities.

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Dr. Benes (Czechoslovakia) wished to say nothing for the present as to the merits of the proposal. Before doing so, he would first of all like to draw the attention of his colleagues to certain preliminary questions which were related to it. In the first place, States which had signed Minorities Treaties, with the execution of which the Council had been entrusted, had assumed obligations to their co-signatories and to the Members of the League. To say, therefore, that minorities ought to be heard was not a very correct way of putting the matter.

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On behalf of the Czechoslovak delegation, the speaker therefore accepted the part of the Secretary-General's report relating to minorities.

M. Kozicki (Poland) desired to make a statement on this question, on behalf of Poland, to the effect that his country was entirely satisfied with that portion of the Secretary-General's report which referred to the question of minorities. As regards the resolution proposed by M. Galvanauskas, it could be regarded from two points of view — first, from the point of view of the principles governing the League of Nations and, secondly, from the point of view of the procedure suggested for the protection of minorities. As regards the first point, the question of principle, it could be summed up as liberty, equality and fraternity. The liberty of the peoples Members of the League of Nations was guaranteed by the treaties; fraternity was ensured by the Protocol, and the question of equality remained to be settled.
He considered that after the war considerable progress had been made in the protection of minorities. He thought that there was no reason why further progress should not be made in the existing treaties, and that if the question and more efficient steps taken towards the realisation of the principle of equality. For that reason, he was entirely in favour of the principle contained in the resolution proposed by the Lithuanian delegate, but he did not wish to make a definite statement for the time being with regard to the realisation of that principle.

M. DE JOUVENEL (France) said he thought that M. Galvanauskas’ proposal raised the question of courtesy as well as of procedure. He could readily understand that States which had signed Minorities Treaties should think it unreasonable that others had not done so. He was quite ready to present the excuses of his country. France had not signed any such treaties because she had no minorities. To find minorities in France, they would have to be created in imagination. At present, there was a controversy going on as to whether Breton was a dialect or a language. This controversy did no harm to anyone, but, should the Assembly adopt a proposal such as that under discussion, an ambitious provincial politician or a briefless country barrister would be able to bring the question before the League of Nations. The Council would certainly be more embarrassed by the matter than France herself, for it would be difficult to take the petition seriously, and this might perhaps lead it to overlook claims which were better founded.

If the British representative had not been present, he might also have conveyed the excuses of the British Empire to the Committee. Take the case of some ill-humoured Welshman posing before the League of Nations as the champion of Wales. Would the League of Nations in such a case play its appointed part? For its duty was not to stir up domestic strife but to remove the causes of external disputes.

Under these circumstances, the speaker did not see how his country could sign a Minorities Convention. He recognised, however, the importance of the question raised by M. Galvanauskas.

When the latter demanded a satisfactory definition of minorities and when, to ensure their protection, he asked that precise rules should be drawn up which would conform, as Dr. Benes had stated, to the terms of the existing treaties, the speaker fully agreed with him. He also agreed with him if he desired the establishment, in accordance with the spirit of the League of Nations, of a procedure which would give full security both to the minorities themselves and to the State which ruled over them.

In his opinion, the more practical course was not to collect a large number of signatures but to lay down a general procedure which would be guaranteed by all States Members of the League. If all the States signed a general convention, they would all share a special interest in relaxing the obligations in regard to minorities. It was not a bad thing that there should still be impartial States which considered the protection of minorities from the general humanitarian standpoint.

Viscount Cecil (British Empire) recalled the fact that the Act of Berlin had laid down certain general principles in virtue of which the signatory States agreed to guarantee some measure of protection to minorities, and that the various States had upheld these principles. At the Conference held at Paris in 1919, the new States and those which had gained a certain increase of territory had been requested to sign the Minorities Treaties, in virtue of which protection was assured to racial, linguistic and religious minorities.

He was not afraid of the obstreperous Welshman, because he did not exist, but the proposal to extend the suggested procedure to the whole world and to make the League of Nations responsible for supervising its application would impose a crushing burden on the League.

The Minorities Treaties were founded upon broad and general principles. The report submitted to the Committee contained an important clause to the effect that a petition emanating from a minority would not be considered by the Council if it was not introduced by one of the Council Members. All those who had read the report which had been submitted to the Council on this question would be aware of the praiseworthy efforts which had been made to enable minorities to avail themselves of this proviso. A Committee of three members had been appointed to examine all the petitions and take such action as these required. This procedure had been recognised as very practical and had been finally approved by a decision of the Council. To give every guarantee of fairness, it had been stipulated that the members of this Committee should be chosen from among the States which were not directly concerned in the question.

Count Apponyi had laid before the Assembly the three following suggestions for the improvement of the existing procedure:

(1) That petitions from minorities emanating from responsible sources should be submitted direct to the Council. This procedure was not a practical one and, moreover, it was contrary to the provisions of the treaties.

(2) That the parties ought to have the right of being heard. This stipulation seemed superfluous, as it was understood that, before submitting a report to the Council, the Committee would have collected all the information it judged necessary in order to pronounce upon the case with a full knowledge of the facts. Moreover, under the existing treaties, the parties did not possess the right of being heard.
M. Dendramis (Greece) observed that the Lithuanian delegate had put two questions. He had asked whether it would be possible to extend the existing Minorities Treaties to all the States Members of the League of Nations, and he had also asked how the term “minorities” should be defined.

As regards the second, the answer was contained in Minorities Treaties, as they gave a definition of the word “minority”. A perusal of the treaties showed that the minorities concerned were racial, linguistic and religious minorities. The authors of the treaties had not intended to create groups of citizens who would collectively enjoy special rights and privileges; they had intended to establish equality of treatment between all the nationals of a State. If privileges were granted to the minority in any country, inequality would be created between this minority and the majority; the latter would be oppressed by the minority and it would then be the majorities question which would have to engage the attention of the League of Nations.

At the Peace Conference in 1919, the Roumanian delegates had not protested against the Minorities Treaties themselves but against the fact that they implied the establishment of two categories of countries — countries of the first class, which, in spite of having certain small groups of minorities, were placed under no obligations; and countries of the second class, which had been obliged to assume extremely onerous obligations.

The Roumanian delegation, and the Polish delegation through M. Paderewski, had asked that the rights of minorities should be recognised in their respective countries, but at the same time desired that the same should apply to all the countries of the world.

Their request had not been granted. He thought, however, that this idea which they had put forward was beginning to gain ground and to obtain the support of public opinion; it had been favourably received at the various international congresses.

M. Comnène (Roumania) said that, in any case, he questioned whether M. Galvanauskas’ proposal was really so rash or so reckless as had been suggested. The Committee was not asked to proclaim the existence of minorities in a whole series of States. It was merely asked to appoint a committee to examine the whole question and to prepare a draft general convention. The States which did not contain any minorities would not be in any way inconvenienced by such a proceeding. Therefore, on behalf of the Roumanian delegation, he desired to support M. Galvanauskas’ proposal and he asked that the proposed committee should be appointed. He considered that, by the means proposed, a solution would be obtained which would be satisfactory not only to public opinion but also to the sentiments of justice and equity which lay at the root of the whole of the work of the League of Nations, and in conformity with the democratic principles which demand that all States Members of the League of Nations, whether great or small, should be equal.

M. Cippico (Italy) agreed with Viscount Cecil that no new body should be set up within the League of Nations for the protection of minorities.

This question of minorities was no new one: it was part of European public law, which enjoined States to accept certain principles, such as equality, justice, etc.

These principles had been clearly defined at the First Assembly of the League of Nations, and they formed part of the basis of the constitution of States. It was therefore superfluous to set up new machinery for this purpose within the League of Nations.
M. Hymans (Belgium) said that, as a member of the Council, he had followed from the very outset all the discussions regarding the question of minorities. In to-day's discussion two questions had been raised, one of principal and one of procedure.

As regards the question of principle, M. Hymans recalled the history of the minorities regime. The Peace Conference, which had created new States, modified the frontiers of certain States, and assigned to certain countries populations previously belonging to other States, had desired to provide for the protection of the minorities; the Treaty of Versailles, moreover, contained certain stipulations with this end in view.

It had been asserted that a distinction had been made between certain States and that some countries were placed by the treaties in a position of inferiority. This was not the case.

The treaties concluded to safeguard the protection of minorities were special treaties which did not concern every country. M. Galvanauskas proposed a new regime which did not figure in any treaty. He wished a universal regime to be set up for minorities. This proposal was rather a dangerous one. Indeed, the institution of a system of this kind, instead of safeguarding peace, might easily become a permanent cause of internal conflicts and disputes in the first place and subsequently might lead to international conflicts.

As regards the question of procedure, M. Hymans drew the attention of the members of the Committee to M. de Mello-Franco's report. A perusal of this report showed that the Council had been continually improving its procedure, and M. de Mello-Franco's recent proposals were aimed at making this procedure more elastic and more effective. Indeed, the greatest prudence was required in dealing with these minorities questions, as they were matters between a minority group on the one hand and a sovereign State on the other.

Count Apponyi, in his speech before the Assembly, had suggested that the parties might be summoned to appear before the Council and that a kind of trial might be organised. This method did not commend itself, and it would be difficult in each discussion to bring into the witness-box of the Council the Prime Minister of a State and the representative of the minority group.

The Council could only solve these questions of minorities by the exercise of the most consummate skill, tact and political insight.

Reference had also been made to the Court of International Justice. The Council had often asked for its opinion in order to settle various legal points previous to the discussion on the merits of a given case. Perhaps the procedure of the Council was not perfect, however, and it was possible that improvements could still be made. If any interesting suggestions were put forward, the Council would give them its serious attention.

In conclusion, M. Hymans expressed the hope that progress would be made in this matter without setting up any new body within the League of Nations.

Dr. Tcheou-Wei (China) reminded the Committee that, at the Third Assembly, he had made an appeal, in the name of Chinese philosophy, to the conciliatory spirit of the Members of the League. He regretted to observe that no agreement had been reached, notwithstanding the annual assertions of the Council.

The Chinese delegation would not have asked to speak if the Lithuanian proposal had not raised a question of principle. Dr. Tcheou-Wei considered, indeed, that this question of minorities only concerned European States. But the proposal for a world convention raised not only the question of nationalities but that of races, and consequently directly concerned China.

The Lithuanian delegate apparently alluded to the question of religions. Hitherto, seen from a Chinese standpoint, the whole of Europe had belonged to the Christian religion. M. Galvanauskas therefore apparently extended his solicitude to Eastern religions and Dr. Tcheou-Wei therefore welcomed his proposal in the name of racial equality.

Outside Europe, in other continents the question of minorities appeared, moreover, in an altogether different light. In fact, it might be said that it was more a question of majorities placed under the domination of minorities. The Chinese delegation therefore asked the Lithuanian delegation to accept the following amendment. Complete the last clause as follows:

"... setting forth their common rights and duties in regard to minorities and to the majorities under the domination of the minorities."

If the Lithuanian delegation accepted this amendment, the Chinese delegation would agree to the proposal, but if M. Galvanauskas insisted on his text, Dr. Tcheou-Wei would be obliged to consider the Lithuanian proposal premature.

M. Galvanauskas, in reply to M. de Jouvenel, asked why, if the question was one of courtesy, France, who was renowned for her courtesy, did not accept the proposal? M. de Jouvenel had said that there were no minorities in France, and in actual fact there were not, but, legally speaking, there might be minorities, for instance, in the matter of religion. If M. de Jouvenel replied that France had given proof of a liberal spirit in this matter, then, having set the example, she would have a further reason for signing a convention. M. de Jouvenel had said that he was afraid of giving a pretext for unfounded complaints from a Breton barrister or from a provincial politician in search of popularity. But, failing these, did M. de Jouvenel think that there were no lawyers in other countries capable of bringing these questions before the League?

Besides, it was not merely a question of courtesy but of transferring to the field of international law a part of a question of domestic common law.
Viscount Cecil's only objection to the Lithuanian proposal was that it was too daring. The objection was very natural; Lithuania was a young nation, England a nation with a long history. But Viscount Cecil had not offered any argument on the substance of the proposition. All the rest of Viscount Cecil's speech had been concerned with the procedure of the Council, but M. Galvanauskas was not asking for any modification in that procedure.

One objection brought against the Lithuanian proposal was that it extended to all States. But it was generally agreed that the machinery for settling these questions — namely, the Council — was working excellently. If that was so, why not give it some work to do? It would not break down on that account.

The Italian representative had asserted that new machinery was being proposed for the supervision of minorities. This was not so; the Council retained its right of supervision. All that was asked for was a minimum of international conscience concerning the question of minorities.

M. Hymans had explained why certain precautions had been taken with regard to new or reconstructed States. It was a matter of prudence. But there were States which had entered the League subsequently, and they had made declarations concerning minorities. All that was proposed was to generalise this procedure.

If other States desired to enter the League, the question would arise whether those States contained minorities. If they denied it, how could the question be settled?

The Chinese delegate had asked whether the Lithuanian proposal was designed to protect majorities. It was not. Moreover, the past record of the League of Nations proved that, if need be, it would take up the defence of majorities against minorities. The aim of the Lithuanian proposal was more modest.

M. Galvanauskas, therefore, maintained his proposal.

Dr. BENES (Czechoslovakia) said that two conflicting points of view were before the Committee: that of M. Galvanauskas and that of M. Hymans. He would ask the Committee's permission to propose a compromise which might satisfy everybody.

Certain delegates had expressed the desire that the Minorities Treaties should be supplemented by further obligations. He would observe that this request was contrary to the provisions of the treaties.

Further, M. Galvanauskas desired that the rights of minorities should be a matter of common law applicable to all minorities throughout the world.

Dr. Benes thought it advisable to call the Committee's attention to the difficulties which the Secretariat and the Council of the League had encountered in dealing with this question of minorities. Negotiations had been undertaken and pursued, and, in order to remove any anxiety he wished, and he was sure that the Committee would agree with him, to acknowledge the untiring work, the zeal and the efficiency of the Section which had conducted these negotiations under the able guidance of M. Colban.

From the point of view of minorities, there were in the world three categories of States:

Those which had minority treaties;
Those which had minorities but no treaties;
Those which had neither minorities nor treaties.

It had been observed that the States which had treaties sometimes found themselves in a difficult position. It was important to realise that minority questions involved very important political problems. The question was extremely complex. Countries which had signed treaties wished to fulfil their obligations, but they found themselves sometimes faced with the difficulties he had indicated.

In conclusion, M. Benes proposed that the Committee should adopt the following resolution:

"The Committee approves that part of the report which relates to procedure for the protection of minorities, and refers the debate on the Lithuanian proposal to the Council of the League of Nations."

M. GALVANAUSKAS and M. COMNÈNE agreed to Dr. Benes' proposal.

The CHAIRMAN asked M. Galvanauskas if he would withdraw his proposal.

M. GALVANAUSKAS replied that he would leave the matter entirely to the discretion of the Council.

Viscount CECIL (British Empire) said that, for his part, he could not give a vote which would imply approval of M. Galvanauskas' proposal.

M. DE JOUVENEL (France) said that he could not vote for M. Benes' proposal unless M. Galvanauskas withdrew his.

M. GALVANAUSKAS (Lithuania) replied that Dr. Benes' proposal replaced his, but that he saw no need to withdraw it since the Council was free to deal with his proposal as it thought fit.

M. HYMANS (Belgium) pointed out that maintenance of M. Galvanauskas' proposal might give rise to a misapprehension, since it would appear that the Committee was referring his proposal to the Council.

M. GALVANAUSKAS withdrew his proposal.
The CHAIRMAN read the following proposal submitted by Dr. Benes:

"The Committee approves that part of the general report to the Assembly which relates to procedure for the protection of minorities, and refers the debate on the Lithuanian proposal to the Council of the League of Nations."

M. HYMANS (Belgium) observed that, M. Galvanauskas' proposal having been withdrawn, the text needed modification.

M. DE JOUVENEL (France) proposed the following text:

"The Committee approves the report on procedure and communicates to the Council the exchange of views which has taken place in order that it may make any further improvements in this procedure that it considers possible."

M. GALVANAUSKAS (Lithuania) said that the question had been discussed exhaustively and not merely from the point of view of procedure. He was content, however, to leave the matter to the discretion of the Council.

M. COMNÈNE (Roumania) said that the Committee had to consider a proposal by M. Galvanauskas amended by M. Benes, and not a question of a change of procedure. Any discussion on procedure at the moment would be premature and dangerous, and the only item on the agenda of the Sixth Committee was the question raised by the Lithuanian delegation.

Viscount CECIL (British Empire) proposed to the Committee the adoption of the following draft resolution:

"The Committee approves that part of the Council's report which relates to minorities, and, the Lithuanian representative having withdrawn his proposal, the Committee communicates to the Council the debate which has taken place in this connection."

Dr. BENES, M. DE JOUVENEL, M. GALVANAUSKAS and M. COMNÈNE said that they accepted Viscount Cecil's proposal.

The CHAIRMAN put Viscount Cecil's proposal to the vote.

The proposal was adopted.

On the proposal of Dr. NANSEN (Norway), which was unanimously adopted, the Committee appointed M. VAN LYNDEN VAN SANDENBURG (Netherlands) Rapporteur.

FIFTH MEETING

Held on Monday, September 21st, 1925, at 3.30 p.m.

Dr. J. Gustavo GUERRERO (Salvador) in the Chair.

i0. The Minutes of the previous meeting were adopted.

ii. Protection of Minorities.

Count VAN LYNDEN VAN SANDENBURG (Netherlands) read his report (Annex II).

M. GALVANAUSKAS (Lithuania), after thanking Count van Lynden van Sandenburg for his able report, explained why he had decided to withdraw his proposal. In his opinion the question was not yet ripe in the minds of the representatives of various countries. His proposal had given rise chiefly to apprehensions, and the objections which had been raised were all of a sentimental nature.

Without going fully into the question of the inequality between the States Members of the League, he emphasised the point that minorities were subject to unequal treatment. Some were protected by the international conventions, others were not, and this fact was the first cause of inequality. In the same way, the procedure for admission to the League of Nations was not the same for all countries. Up to the present, in order to become a Member of the League, a State had to undertake obligations with regard to the minorities in its territory. What would be the procedure in future? If a country wished to become a Member of the League, would it be sufficient for it merely to state that it had no minorities? On the contrary, it would seem logical, in view of the precedents created, to subject the future Member of the League to the same obligations.

Another question of no less importance was the definition of minorities. Could immigrants form a minority or not? He did not think so, because they entered the country of their own free will, and, by assuming the nationality of the country, undertook to conform to its internal legislation. Distinction should, therefore, be drawn between immigrants and original inhabitants who, having been transferred by treaty from one nationality to another, might constitute what was known as a minority.
Count Apponyi's proposal to make minorities legal entities from the international point of view would appear to be inadmissible, at any rate at the present time, because international law at present only recognised States as legal entities. Count Apponyi's proposal would disorganise the whole of international life.

In conclusion, the speaker defined the fundamental reason for his proposal, namely, that as the question of minorities had often formed the pretext for war, means must be found to settle this question in order to increase international security, which was of still greater importance for the small States than for the large ones.

The Chairman pointed out that the discussion on the fundamental principle of the question had been closed at the previous meeting.

Viscount Cecil (British Empire), in view of the Chairman's remarks, renounced his intention of replying to M. Galvanauskas, with whom he could not agree either in regard to his manner of presenting his opponent's arguments or of re-stating his own.

M. Veverka (Czechoslovakia) proposed that the last lines of the fourth paragraph of the report should be worded as follows:

"Some suggestions were made that this procedure might be improved, but it was pointed out that, whatever was done, the provisions of the Minority Treaties must be respected."

Count van Lynden van Sandenburg (Rapporteur) accepted M. Veverka's wording.

The report with this amendment was adopted.


Dr. Nansen (Norway) said that the responsibility of the League of Nations for the territories administered under mandates on its behalf was one of its most important and significant tasks. Although the fulfilment of this responsibility appertained to the Mandates Commission and the Council, their supervision was carried out on behalf of the whole League, and it was only natural that the Assembly should consider also this year the development of this part of the League's work.

While the C Mandates were approved at the end of 1920 and the B Mandates came into force in 1922, it was only during the last year or two that the territories under A Mandates had come under the formal responsibility of the League. This gradual extension of its duties had made it necessary for the Mandates Commission to make a regular practice of holding two sessions a year of at least two weeks each. Previous Assemblies had recorded their appreciation of the high standard set by this Commission and the devotion of its members. The Sixth Committee would note with satisfaction that Professor Rappard had been appointed by the Council as an Extraordinary Member.

The problems confronting the mandatory Powers, the Mandates Commission, and the Council in connection with Near East mandates were naturally of a more complicated character than those connected with the administration of islands in the Pacific or of territories in Africa. The question as to the degree and methods of self-government to be accorded presented great difficulties.

Dr. Nansen referred to recent despatches concerning the situation in certain parts of Syria, but said that he did not propose to go into any questions of detail, as the Mandates Commission would presumably give that situation due consideration.

In Palestine, the situation was made more complex by reason of the provisions for the establishment of a Jewish National Home. The Mandates Commission, which last year had the privilege of examining the report on Palestine with the assistance of the highest official of the mandatory Power, Sir Herbert Samuel, appreciated the wisdom and impartiality which he had displayed. At the same time, they had noted the acute controversy which had arisen as a result of the policy adopted by the mandatory Power with regard to Jewish emigration. From the statements of the British Foreign Minister at the Council meeting in Rome, as well as from the efforts of the Zionist Organisation, Dr. Nansen had no doubt that the greatest possible care would be exercised in this matter.

The Committee would note with satisfaction that Sir Herbert Samuel was not the only responsible official from the mandated areas who had had personal contact with the Mandates Commission. The continuation of the practice, as well as the recommendation made by the Commission and the Council, that mandates documents should be communicated as widely as possible to officials in mandated territories, would, no doubt, prove valuable for the future development of the mandates system.

The reports before the Committee showed that the mandatory Powers were not only acting in the letter but also in sympathy with the spirit of the mandates and Article 22 of the Covenant. The minutes of the meetings of the Mandates Commission were very valuable reading and threw much light on the situation. This was proved, for instance, by the discussions at the sixth session between the Commission and the representative of the Union of South Africa concerning the local government of the territory and native education. They not only brought out much information of great value concerning the action of South Africa as a mandatory Power but also gave interesting evidence of the Commission placing the welfare of the natives above all other considerations, thus acting entirely in accord with the principles...
of the Covenant. On the same occasion, the Commission was informed of certain developments in connection with the rebellion of the Rehoboth Community. In view of the interest taken by the third and fourth Assemblies in the Bondelzwarts revolt, it was very satisfactory to note that the Rehoboth affair was dealt with without the loss of a single drop of blood. He had full confidence that the mandatory Power would see to it that the rights of the Community were fully respected.

Referring to another question dealt with in the report of the Mandates Commission, he thought that the Assembly would, with the Commission, be concerned at the high death rate among natives employed on the construction of the Central Railway in the French Camerouns and in the mines of South-West Africa. The latest returns had happily shown a better situation and he trusted that subsequent reports would show continued improvement.

The Assembly had just received a communication informing them that the Australian Government had decided to exempt the mandated territory of New Guinea from the operation of the Coastal Trade provisions of the Australian Navigation Act. The Mandates Commission had recently called attention to a criticism which had been made to the effect that the application of this Act to the mandated territory would appear to hamper its economic development. This prompt action on the part of the mandatory Power was a noteworthy illustration of the co-operation between the organs of the League and the mandatory Powers so essential to the success of the mandates system.

Dr. Nansen further referred to the resolution just adopted by the Council as regards the question of loans, advances and investments of public and private capital in mandated territories, which he trusted would remove any doubts which might still subsist with regard to the stability of financial obligations contracted in or for mandated territories.

No great progress seemed to have been made as regards the important question of the definition of the technical terms employed in the Covenant and the mandates and the St. Germain Convention with regard to the liquor traffic. He hoped that the mandatory Powers which had recently called attention to a criticism which had been made to the effect that the application of this Act to the mandated territory would appear to hamper its economic development. This prompt action on the part of the mandatory Powers was a noteworthy illustration of the co-operation between the organs of the League and the mandatory Powers so essential to the success of the mandates system.

Mr. J. SMIT (South Africa) thanked Dr. Nansen for his sympathetic references to the administration of South-West Africa. His Government would always give most serious consideration to any points that might be raised by either the Permanent Mandates Commission or by the Sixth Committee.

He wished, however, to make it clear that the mandated territory under the administration of South Africa was on a quite different footing from other mandated territories. The Union Government had dealt in South-West Africa with three classes of people — a large and influential class of European settlers, a considerable coloured population, and, thirdly, the native population itself. In administering the country, attention could therefore not be paid exclusively to the interests of the natives, but the welfare of the other elements of the population had also to be taken into account. The Union Government had always sincerely desired to develop and civilise the native and coloured peoples along lines proper for them.

During the last session of the Union Parliament, an Act had been passed giving South-West Africa a certain amount of self-government.

With regard to the Rehoboth incident, he rather demurred at Dr. Nansen's use of the word "rebellion". The fact was that the tribe had inter-tribal quarrels. The Union Government made every effort to settle the matter in an amicable way, but they had unfortunately to deal with people who were not used to constitutional law or to civilised ways and methods, and at last the Union Government had to take such steps as they deemed necessary to bring the people to reason again. When the Government showed its hand, the Rehoboths at once were quite prepared to come to terms. The Union Government had lately sent one of its most
eminent judges to make an enquiry into the situation and to submit a report, which would, he thought, in due course be communicated to the Assembly.

M. Doret (Haiti) thought that, although the intentions of the Governments might be very laudable, their officials did not always follow the instructions which they received. He would like to ask: (1) whether the populations of the mandated territories were really informed that they had a right of petition; and (2) how it was sure that such petitions would actually reach the League of Nations.

Dr. Nansen (Norway) said that the natives must submit their petitions to the mandatory Powers, which again had to forward them to the League. He did not know of any case where there had been such difficulties that the petitions had not reached their destination. The number of petitions already dealt with by the Mandates Commission would seem to indicate that the inhabitants of the territories were in fact aware of their rights.

Dr. Veverka (Czechoslovakia) proposed the following draft resolution for submission to the Assembly:

"The Assembly,

"Having noted the reports of the Permanent Mandates Commission on its fifth and sixth sessions, and the documents relevant thereto:

"(a) Desires to express its keen interest in and satisfaction with the work of the mandatory Powers, the Permanent Mandates Commission and the Council of the League, in fulfilling the duties devolving on them, under Article 22 of the Covenant, in connection with the application of the Mandates system;

"(b) Expresses in particular the hope that all the Members of the League of Nations will give effect without delay to the recommendation made by the Council in paragraph II (1) of its resolution of September 15th, 1925, concerning the extension of special international conventions to mandated territories."

He further suggested that this resolution should be sent direct to the Assembly without it being necessary to appoint a Rapporteur for the question.

The Committee agreed to this procedure and adopted the draft resolution.


M. de Jouvenel (France) pointed out that M. Yanez, Chilian delegate, had submitted an interesting proposal with regard to the Press. He proposed that the Committee should request M. Hymans and M. Yanez to agree on a report on this question, to be submitted to the Committee at an early date.

M. Cippico (Italy) and Viscount Cecil (British Empire) approved M. de Jouvenel’s proposal.

Dr. Nansen (Norway) proposed that the Preparatory Committee thus constituted should include M. de Jouvenel.

This proposal was adopted.

Consequently, the Preparatory Committee, on the Chilian delegate’s proposal, was composed of M. Hymans (Belgium), M. Yanez (Chile), and M. de Jouvenel (France).

SIXTH MEETING

Held on Wednesday, September 23rd, 1925, at 3.30 p.m.

Dr. J. Gustavo Guerrero (Salvador) in the Chair.


The Chairman informed the Committee that the Chilian delegate would be replaced by the deputy delegate, M. J. Edwards-Bello.


The Chairman called on the Chilian delegate to speak in support of his draft resolution.

M. Edwards-Bello (Chile) said that Chile, distant more than thirty days’ journey from Europe, followed the work of the League of Nations with close attention, believed in the League...
and thought that any injury to it would be a catastrophe to the world. The Chilians were a
courageous people, and public opinion in his country was a real moral force. Europeans greatly
misunderstood Chile and the national characteristics of her people, believing the country to be
picturesque and the people lazy. On the contrary, as their history showed, the Chilians were
a very energetic people. He feared that the European Press regarded his country as the home of earthquakes and
other similar natural disturbances, and it was for that reason that he moved the resolution of
which notice had been given. Underlying the resolution was a desire to tighten the links
between peoples in different parts of the world and to suggest an effective and inexpensive
method of achieving that result. The Press was a marvellous engine, capable of forming a
real world conscience, and it ought to devote itself to the cause of peace and the encourage-
ment of the abhorrence of war. Two great Chilian journals, La Nación and the Mercurio,
were prepared to devote themselves at once to this enterprise.

His delegation proposed that a meeting of the journalists in Geneva should be called and the
enterprises represented by them should share the expense and facilitate the task of the
League. He had at command three large newspapers prepared to give their best co-operation
to the furtherance of this idea. They were fortunate in having with them M. Edwards, a
former President of the Assembly of the League, and President of the International Association
of Journalists. He begged therefore to move that:

"The Assembly,

"Being profoundly convinced of the necessity of creating a new sense of international
concord in the world;

"Considering that the Press constitutes the surest and the most effective means of
guiding public opinion towards that moral disarmament which is a concomitant condi-
tion of material disarmament:

"Invites the Council to consider the desirability of convening a committee of experts
representing the Press in the different continents, with a view to determining by what
means the Press may contribute towards the work of disarmament and the organisation
of peace:

"(a) By ensuring more rapid and less costly transmission of Press news, with a
view to reducing risks of international misunderstanding;

"(b) And by discussing all technical problems the settlement of which
would, in their opinion, be conducive to the tranquillisation of public opinion in the
various countries."

Chile, which was more mindful of its remote situation than any other country, thought
that the Press might render the greatest assistance to the League of Nations. The Press was
the most practical and inexpensive method of establishing normal relations between the
peoples. It represented an enormous force which ought to be placed at the service of mankind; it
should be one of the surest elements of international brotherhood.

In submitting its draft resolution, the Chilian delegation thought, moreover, that they
were bringing out an idea which existed in a latent state in this Assembly. Chile would itself
co-operate in the proposed work by means of its great newspapers, and by the influence of
its representatives, such as M. Ñañez or M. Edwards, whom everyone would remember as the
President of the third Assembly.

M. Palacios (Spain) supported the Chilian delegate's proposal and thanked him for
his reference to the common history of Chile and Spain.

The Chairman called on M. Hymans, Rapporteur of the Sub-Committee appointed to
examine the draft resolution.

M. Hymans (Belgium), Rapporteur, thanked the Chilian delegation for submitting such
an interesting proposal. Although Chile felt herself remote from Europe, Europe did not
forget the active co-operation afforded by Chile in the work of human solidarity undertaken
by the League of Nations. It was well known that Chile was a centre of civilisation and peace
in the great South-American Continent.

With regard to M. Edwards, his ability and eloquence were remembered by all in the
League of Nations.

As far as the draft resolution itself was concerned, everyone knew the value of the Press
in creating throughout the world a public opinion which the League of Nations required for
creating out its work. Much resistance would be broken down if the people knew exactly
what were the aims of the League of Nations.

But it was necessary to avoid giving the impression that the League of Nations wished
to organise its own propaganda and to influence the Press by guiding it in any definite direc-
tion. The Press was a great power, jealous of its independence. It must be respected and its
susceptibilities must not be roused. The efforts of the League of Nations should be directed
towards stimulating and assisting, but not directing, the Press.

It was in this spirit that the Rapporteur, with the assistance of M. de Jouvenel and M.
Ñañez, had drawn up a report for the Assembly, which he proceeded to read to the Sixth
Committee (Annex III).

Count Apponyi (Hungary) recalled that, at the meeting of the Interparliamentary Confe-
rence which took place in Paris in 1900, he had sponsored a similar proposal, which had been
submitted to that meeting. That attempt had entirely failed because it had been too
ambitious. It had aimed at imposing a certain guidance on all organs of the Press; this
was contradictory to the very nature of the Press, the organs of which were jealous of their
freedom.
In appealing to the Press to collaborate in the work of universal conciliation, care must be taken not to repeat this mistake; no attempt should be made to dominate the Press or to make it dependent on any organ of the League of Nations, but it should have access to the sources of information at the disposal of the League. If the Chilian proposal were applied in this sense, it might bear fruit.

He fully appreciated the part played in the League of Nations by Latin America, which had to fill the gap left by the absence of the United States as long as the latter remained outside the League. It represented an independent power standing aloof from the quarrels and conflicting interests of the European countries; it was therefore predestined to form an organ of mediation which would facilitate agreement between the latter.

For all these reasons, the Hungarian delegate supported the Chilian proposal and entirely approved M. Hymans' draft report.

M. Fernandez y Medina (Uruguay) supported the Chilian proposal, which represented another means of ensuring peace.

He noted a slight difference between the text of the proposal and that given in the report.

The Chilian proposal invited "the Council to consider the desirability of convening a committee of experts representing the Press in the different continents, with a view to determining by what means the Press may contribute towards disarmament and the organisation of peace", whereas the word "disarmament" did not figure in the text read by M. Hymans.

As certain countries believed that an organised peace could only be achieved by an increase of armaments and military preparations, it was important to state specifically that, in the view of the League of Nations, an organised peace could only be based upon the moral and material disarmament of all nations.

M. Hymans (Belgium) recalled the fact that the Chilian proposal contained a phrase which he had been careful to retain because it characterised the spirit of the proposal, namely, the first paragraph, which stated "that the Press constitutes the surest and the most effective means of enabling the human race to dispense with the use of arms, and to be guided by the act of moral disarmament which is the concomitant condition of material disarmament". The words "the work of disarmament" had been omitted from the following paragraph because disarmament was one of the essentials of the organisation of peace. The words "the organisation of peace" had a wider acceptation, and implied not only disarmament but other factors of peace to which no reference was made.

A large section of public opinion held that disarmament could only accompany or follow security. He thought that, to win unanimous approval and avoid reopening a discussion already exhausted, it would be sufficient to retain the words "organisation of peace", which embodied all the ideas involved in the aim of the League of Nations. To speak only of disarmament might cause irritation or misunderstanding in certain circles; and that would be entirely alien to the idea of the Chilian delegation, which sought the unanimous approval of the States and of public opinion for its proposal.

M. Fernandez y Medina (Uruguay) declared himself entirely satisfied with M. Hymans' explanations. He wished, however, to point out that the words "organisation of peace" had not been synonymous with disarmament even in the time of the Romans, who had a saying: "Si vis pacem, para bellum".

M. Hymans (Belgium) said they were making the spirit of the League of Nations supplant the Roman spirit.

Viscount Cecil of Chelwood (British Empire) thought the Assembly owed a great debt of gratitude to the Chilian delegation for having brought this question to its notice. He was heartily in favour of the course with respect to it which was recommended by the Rapporteur. He understood that the attention of the Council was going to be called to the matter, with the suggestion that the Council might, if they thought it right, call together a committee of experts to make suggestions on the subject. He accepted very fully the phrase of Count Apponyi, that the conception was that the resources of the League should be placed at the service of the Press if the League could be of any use in promoting its main function, which was the dissemination of news and the promotion of free intercourse between the peoples. That seemed an excellent idea and well worth considering. It would be possible to try, at any rate, to see whether there was anything that could be done in that direction, and he hoped that the efforts made to this end would prove useful and fertile. The only observation he would venture to make on the speech of Count Apponyi was that Count Apponyi had talked of the creation of a new organ of the League. Personally, he did not understand that anything of that kind was in contemplation. The only thing in contemplation was the summoning of a meeting of experts to see whether there was any way in which the League could assist the Press, particularly in what, of course, must be the desire of all rational people, whether they belonged to the Press or anything else, namely, to preserve the peace of the world, and in that respect he was glad that the Rapporteur had preserved the exceedingly general phrase that had been put into the resolution about the "organisation of peace", and had not plunged the Committee into any controversies as to what was the best method of organising peace or, rather, by which end that great problem should first be approached.

The British Government heartily supported the resolution, understanding it in the sense he had indicated.

M. Comnene (Roumania) observed that any idea of peaceful co-operation would obviously meet with special sympathy from the League of Nations. The proposal which had been made
appealed to the Roumanian delegation the more strongly that they had to some extent anticipated it. Only recently journalists from Czechoslovakia, the Kingdom of the Serbs, Croats and Slovences and Roumania had met at Sinaia, in Roumania, to form a professional association. By the Committee's leave he would quote a few paragraphs from their rules.

The journalists had two special aims in view: (1) to contribute by united action and by all technical intellectual means to the ultimate success of the efforts made by their Governments to foster peace and progress; (2) to establish the closest possible co-operation between the various branches of public activity in the three countries.

These aims were highly ambitious, but it was to be hoped that they would be achieved. The authors of the rules hoped to do this chiefly by the establishment and improvement of postal, telegraphic and telephonic (wireless and otherwise) and aerial communications; collective and individual tours of investigation made under the most favourable circumstances with a view to obtaining a thorough knowledge of the three countries; and by the full and speedy exchange of information on all subjects through special correspondents and agencies.

From this point of view, there was entire agreement between these methods and those indicated in the draft resolution submitted to the Committee.

He desired to mention that, should the Council think it necessary to establish a special organisation to collaborate in the work of disarmament, he could let them have the files which he had actually got before him, and these would perhaps prove useful to them in preparing their work.

These files were all the more pacific in character since the minorities in the different countries had collaborated in compiling them, and had thought it right, in concluding their labours, to make the declaration which he wished to read to the Committee.

The Conference took note of the memorandum presented by the Vice-President of the Press Association of Transylvania, M. Kadar, and of his declarations entirely disapproving of a policy of revenge, "and asks the Office . . . etc".

These facts were evidence of the sympathy with which the Press could collaborate in bringing about the ideal of peace pursued by the League of Nations.

M. DE JOUVENEL (France) said that, as a member of the Sub-Committee, he desired respectfully to express his agreement with the report which M. Hymans had presented so clearly and so authoritatively.

Since congratulations had been offered by the precursors, he might be allowed to express the congratulations of the heirs, that is to say, of those who were to benefit by the resolution which was to be voted, and to offer the thanks of the journalists to the Chilian delegation, as well as to the Sixth Committee.

M. EDWARDS-BELLO (Chile) in the name of the Chilian delegation, thanked all the delegates who had taken part in the debate and who had been good enough to speak in favour of the adoption of the Chilian proposals. He felt sure that M. Hymans' report would be warmly welcomed by the Chilian people and that it would contribute to the diffusion of the idea of peace among the masses of the population.

M. CIPPICO (Italy) associated himself entirely with the proposals of the Chilian delegation; he was certain that, if they achieved the ends in view, a great step would have been taken towards the tranquillisation of the whole world.

M. KAWAI (Japan) expressed the sympathy of the Japanese people for Chile, and declared himself a warm adherent of the resolution submitted by the Chilian delegation.

Dr. TCHEOU-WEI (China) supported the Chilian resolution and hoped that the work to be undertaken would do much to bring home to a country of four hundred million inhabitants the work of the League of Nations, and its efforts for the organisation of peace.

The CHAIRMAN put the draft resolution presented by the Chilian delegation to the vote.

The draft resolution was adopted.

The CHAIRMAN suggested that the Committee should appoint M. Hymans to be its Rapporteur to the Assembly.

Agreed.
SEVENTH MEETING

Held on Thursday, September 24th, 1925, at 5 p.m.

Dr. J. Gustavo Guerrero (Salvador) in the Chair.


Count Van Lynden van Sandenburg (Netherlands), Vice-Chairman of the Sub-Committee on Slavery, recalled that the Sub-Committee had been appointed to examine the report of the Temporary Slavery Commission and particularly the draft resolution and protocol submitted to the Committee by Viscount Cecil. After a general discussion the Sub-Committee had appointed a Drafting Committee to examine the different views which had been expressed and the amendments proposed. The Drafting Committee, after a series of meetings, had submitted a revised draft Protocol (Annex IV) and a report (Annex V), which were now before the Committee. The Sub-Committee had only taken cognisance of these documents in a very general way, but some slight variations were agreed upon in Article 6, as given in the documents mentioned.

He added that the Sub-Committee had appointed Viscount Cecil Rapporteur.

Viscount Cecil (British Empire) (Rapporteur) proceeded to read section by section the report (Annex V), together with the relevant articles of the Convention (Annex IV).

The Preamble and Article 1 were agreed to without discussion.

Article 2.

Lord Willingdon (India) said that in the English draft the words “sovereignty, jurisdiction, protectorate or tutelage” were used. The same wording occurred in Article 6. He thought that “protection” was the word to be used in both cases.

Viscount Cecil (British Empire) said that this was so; the use of the word “protectorate” was a drafting error.

M. Louwers (Belgium) thought that, in Section (b) of Article 2, it would be a simplification if it read “to bring about progressively the disappearance of slavery in every form”.

Viscount Cecil (British Empire) said that he would be sorry to see this alteration; he thought that “protection” was the word to be used in both cases.

M. Louwers (Belgium) withdrew his suggestion.

The article as drafted was agreed to.

Articles 3, 4 and 5 were agreed to without discussion.

Article 6.

M. Leopoldo Palacios (Spain) said that Viscount Cecil’s report conveyed the impression that the Mandates Commission had not succeeded in coming to an agreement on the question of forced labour. This was certainly not the case as regards compulsory labour for private purposes; on this point, the Commission had never had any doubt as to the interpretation of the provision in the mandate which forbids all kinds of forced labour except for essential public services and in return for equitable remuneration. There never had been any question of asking the Commission to sanction forced or compulsory labour for the benefit of private individuals. What had given rise to a difference of opinion and what would be studied again was the exact meaning of the term “essential public works and services” in connection with labour performed in lieu of taxes.

Article 6 of the draft Protocol also allowed forced or compulsory labour for public and private purposes without mentioning adequate remuneration as in the mandates. This was a point of view which differed from that of the Mandates Commission. In these circumstances, M. Palacios would like to see this article suppressed entirely, since its only object appeared to be to countenance forced labour, which up to the present had been condemned by the League of Nations. If the Sixth Committee could not agree to this proposal, he reserved the right to submit certain amendments.
Viscount Cecil (British Empire) said he hoped the Committee would not think of suppressing the article, as this would be a disastrous mistake.

In order to meet one of M. Palacios' objections, he would be prepared to leave out from the proposal to suppress Article 6 and had committed himself to the Mandates Commission.

He wished to point out that the Sixth Committee was really going as far in the case of forced labour for private enterprises as in the case of slavery, and was asking for its progressive abolition, condemning it in principle and putting it under very severe conditions while it existed. The reference to the provisions of the mandates did not convince him. The mandates were drawn up for the use of a new type of government in certain territories, whereas in the present case one had to deal with a great number of countries where the existing principles of administration had been established for many years. It was necessary to take account of this fact in any international agreement proposed.

M. Leopoldo Palacios (Spain) said that he deemed it an honour to have an opportunity of discussing this question with Viscount Cecil, to whose eminent qualities of mind and character he paid a tribute; nevertheless, he thought he must insist upon the justice of the proposition which he had submitted to the Committee.

Slavery and forced labour were not identical. Sometimes they resembled one another and overlapped one another, but sometimes they were quite different. Article 4 of the B Mandate, in paragraphs 1, 2, and 3, clearly distinguished between the two institutions. It seemed quite natural that a protocol which was intended to be binding as between States in the campaign against slavery should also aim at condemning forced labour, only so far, however, as it might be assimilated to or might resemble slavery. This was what the draft Convention did in Article 2 by stipulating for the progressive disappearance of domestic slavery and similar conditions. It was advisable that nothing further should be done. The question of forced labour in so far as such labour was not slavery in the real sense of the word must be left untouched. Forced labour was an abusive method, the practice of which was deplorably widespread in colonies and elsewhere, but the influence of new principles of law was beginning to be felt, thanks to the work performed by the League of Nations in supervising mandates.

If, however, without such an extension of the question being necessary, it was desired, as in the draft Convention, to consider also forced or compulsory labour apart from the kind of forced labour which amounts to slavery (which was covered in Article 2), and if this were desired not in order to maintain the restrictive system of the mandates but in order to pledge the League of Nations to give its moral sanction to an increasingly extended form of forced labour — that is to say, to forced labour in public services which was not justly remunerated and even to forced labour for private undertakings — the disastrous mistake would be not to suppress Article 6 but to maintain it.

Everyone might believe that under the disguise of a condemnation an indirect attempt was being made to achieve the modification of a law which, although peculiar to the mandates system, was nevertheless a living ideal which might serve as a model for other colonial administration. In this case the value of the League of Nations as an example would disappear.

The speaker further added that, for other reasons also, the deletion of the words “mandated territories” from the draft was desirable: in the first place, because the latter were subject to a special law, and if it were thought desirable to change this law, another procedure would have to be followed, namely, intervention by the Council, etc., and, further, because, in accordance with Article 9 of the French text of B Mandates, the mandatory Power shall extend to the territory the “advantages” (bénéfice) of any general international conventions — but only the advantages.

The speaker insisted on his alternative proposal. In the first place, he asked the Committee to suppress Article 6 and in the very probable case of his views not being met — he reminded members that he had unsuccessfully defended the same cause in the Sub-Committee — he asked that the article under discussion should at least be amended so as to render it more humane, and that, in any case, those words should be omitted which might convey the impression that the article was applicable to mandated territories.

Dr. Nansen (Norway) thought that Article 6, as it stood at present, represented a decided step backwards with regard to mandates, as it did not provide for any remuneration, and also it allowed forced labour for private enterprises. To accept it in its present form would constitute a retrograde step, which was always dangerous. He therefore wished to propose two amendments: one, that Clause 1 should read:

“In principle, compulsory or forced labour may only be exacted for public purposes, for which adequate remuneration shall always be paid”; and, secondly, that Clause 2 should read:

“In territories in which compulsory or forced labour for other than public purposes still survives, the High Contracting Parties shall endeavour progressively and with all possible speed to put an end to the practice.”

Viscount Cecil (British Empire) said that M. Palacios had proposed to omit the article altogether on the ground that forced labour was materially different from slavery, but he had used what seemed a rather contradictory argument, and had gone on to say that forced labour for private undertakings should be suppressed by the words of Article 2, dealing with conditions analogous to slavery. He did not agree with either proposition. Forced labour might in certain circumstances be analogous to slavery, but it might also be a perfectly innocent thing. This distinction was made perfectly clear in the draft Convention. In the case of a highly developed civilisation, a great number of public services were supplied by people who were employed by
the State for the purpose; but in the case of a very much less advanced civilisation such services had to be performed by the population themselves, and the only way sometimes was to allow the Government to compel them to perform them. Even in the most civilised countries it was recognised that the State had the right to call upon any of its citizens for services which were regarded as of a public character. That was also recognised by the mandates, which allowed essential public services to be done by forced labour. The provisions in the draft Convention were an improvement on the provisions in the mandates, because they provided that in no case must forced labour, even that employed by the State, develop into slavery, and in the second place that no forced labour must be permitted except under the responsibility of the Central Authority.

Personally, he would have no objection to the inclusion of the words used in the mandates: “in return for adequate remuneration”, as the practice of the British Government was invariably to give such remuneration. Several members of the Sub-Committee had, however, declared that there were cases where a labour tax was imposed and which it would be difficult to reconcile with those provisions. The Temporary Slavery Commission got over the difficulty by saying that in each case the Central Authority of the country should decide whether or not there was adequate remuneration. This expedient really seemed a more dangerous one than that which the Drafting Committee had adopted.

It must always be remembered that the Committee was, in the draft Convention, concerned with trying to prevent forced labour from degenerating into slavery. The labour regulations of a country were not a matter for the League itself, but might be dealt with by the International Labour Organisation, which could consider such things as the question of remuneration.

It must also be kept in mind that the Committee was not writing on a blank sheet of paper but had to consider existing conditions. In some colonial countries there was still a system of forced labour, not only for public services but also for private purposes, perhaps thinly disguised. It was in view of these facts that the draft Protocol must be regarded. The article, in the first place, had the merit that it stated quite definitely that, where such forced labour existed, it should be progressively abolished; that it should only be employed in exceptional cases, and, finally, which was vitally important, that it should never involve transplantation of the labourer from his usual place of residence. Anyone who had read of the evils resulting from forced labour would know that the greatest evils attached to the cases where people had been recruited at a distance. If it could be settled by all the Powers concerned that that kind of forced labour should be brought to an end immediately, more would have been done for the welfare of the unhappy races concerned than by anything else in the Convention.

He hoped that the Committee would not accept M. Palacios’ view or adopt Dr. Nansen’s proposal with reference to remuneration. As to the insertion of the words: “with all possible speed”, to which he personally had no objection, he would ask Dr. Nansen whether it would not be a mistake to put in these words in Article 6 unless they were put in in Article 2, dealing with slavery, also.

M. Palacios had suggested that all reference to mandates should be omitted; in each case there seemed, however, good reason for retaining them where they stood. He hoped that M. Palacios would not insist upon his amendments.

Mr. J. D. Gray (New Zealand) wished to dissociate himself entirely from the sanction which this article proposed to give to forced labour for private enterprise and profit. He believed that such forced labour could not be justified under any circumstances. If, however, the Committee wished the clause to be retained, he would propose to insert after the words “of an exceptional character” the following, “and shall be adequately remunerated”.

Viscount Cecil (British Empire) had no objection to those words in substance, but he still thought that this was a matter which ought to be dealt with by the International Labour Office rather than by the League.

Dr. Riddell (Canada) said that he had in mind a similar proposal to that made by Mr. Gray. The reference to the use of forced labour for the benefit of private employers had disappointed him. It had always seemed to him that this labour was in quite a different class from the use of forced labour for public works, and should have different treatment. If Mr. Gray’s amendment were not accepted, they would be practically giving a sanction to forced labour without mentioning remuneration; and the best way to get rid of forced labour was in fact to make people pay for it adequately.

He agreed that the question as to what that adequate remuneration should be was, under Part 13 of the Versailles Treaty, the function of the International Labour Organisation.

M. Doret (Haiti) agreed that, in some cases, it was necessary to have recourse to forced labour for public works. In practice it might, however, be difficult to avoid abuses, as local colonial officials were not always under very effective control. It must be recognised that in fact forced labour was a form of disguised slavery, although of a temporary nature. If a person did not submit to the work he might be put in prison. This really constituted a form of contrainte par corps which had been abolished in all civilised countries.

The delegate of Haiti did not think that the words “forced labour” should be inserted in any document emanating from the League of Nations, and suggested that, in place of this term, the French word “prestations” should be used. If this were not done he would prefer
the deletion of the article. He was not in favour of the adoption of the amendment presented by the delegate for New Zealand, which in fact amounted to a recognition of forced labour for private purposes.

M. Leopoldo Palacios (Spain) said that, encouraged by the statement which Dr. Nansen had just made—virtually supporting his proposal—he would like to reply to Lord Cecil. He thought that nobody would consider the system which it was proposed to establish in any way an advance upon that laid down in the mandates. He further considered that there was nothing contradictory in what he had said on slavery and forced labour; Lord Cecil's own words were a proof of this, since he had drawn a distinction in favour of certain classes of forced labour which he called "innocent". For this reason, the speaker, when moving the suppression of Article 6, at the same time proposed to the Sub-Committee that the Labour Office should be invited to make a well-considered and thorough enquiry among the peoples and the Governments, and on the basis of this enquiry a convention might be drawn up dealing specially with that subject. Otherwise, if Article 6 were to be maintained, not only would no progress be made but even the status quo would not be maintained. As Dr. Nansen—who regarded these questions from a lofty humanitarian point of view—had said, they were taking a retrograde step.

The native populations, among which it was so difficult to prohibit or to check any kind of abuse, would continue to work under the most severe constraint, but from now onwards they would do so with the more or less explicit permission of the League of Nations, which was altering the standard of the mandates in a direction which was much less humanitarian. In the future, the influence on mandated territories of the system provided under the new Convention would be unintentionally substituted for the influence of the mandates system on the administration of other countries. For this reason he would endeavour in any case to remove from the text any allusion whatever to the mandated territories in which the present system of law could not, he would repeat, be modified in this way.

The question was really an important one. The suspicious public would think that Article 6 was the reply to the recommendation adopted less than two months ago by the Permanent Mandates Commission to the effect that native labour should be supervised and conditions improved in view of the alarming data furnished by the mortality statistics. Without a doubt, the moral authority of the League of Nations would suffer. The speaker made an urgent appeal to his colleagues in support of his proposal.

Dr. Nansen (Norway) said that on some points the draft Protocol really meant progress, but in other respects it was certainly a step backward. He gave his full support to the proposal of the delegate from New Zealand. In fact, he could not understand how forced labour for private profit could be allowed without remuneration. Although unable to withdraw his amendment to Clause 1, he would propose that, in accordance with the wording of the report of the Temporary Slavery Commission, the addition to the proposal of the Drafting Committee should read thus: "and, except in case of impossibility, adequate remuneration should always be paid".

General Drake-Brockman (Australia) felt obliged to remind the Committee that it was not a legislative body which could dictate to the States. It was framing a document which would be presented to the nations for adoption and with the intention that as many as possible should accept it. Certain countries might find it very difficult to adopt if the articles were overloaded with far-reaching proposals of an idealistic nature. The clause as it now stood would mean a very distinct advance on anything existing in many countries to-day. He appealed to his colleagues to accept it and thought that he could make this appeal quite frankly as his own country came with clean hands, having absolutely abolished every form of forced labour.

Viscount Cecil (British Empire) said that he could not accept the suggestion of the delegate for Haiti, which he thought was made under a misapprehension. The consequences of the suggestion that the word "prestations" should be used instead of "forced labour" would be to leave forced labour perfectly legal.

It had been said that the article sanctioned forced labour. This was very far from being the case. The article explicitly stated that in principle forced labour ought not to be allowed at all. If the clause were left as it stood, hundreds of thousands of helpless beings would have been freed from conditions of the gravest hardship.

He agreed to the insertion of the words "with all possible speed" but was still against inserting anything about remuneration. Such insertion would seem to be an infringement on the province of the Labour Organisation. The want of payment for private forced labour was not the real evil. Most of the harm was done by the transplanting of the natives to a distance. He admitted, however, that to insert the mention of remuneration for private labour was not so much open to objection as to insert it for all labour. Therefore, if the Committee agreed to the insertion in that restricted sense, he did not think it would injure the Protocol, but Dr. Nansen's suggestion for altering the first paragraph was hardly a practical one.

Mr. Smit (South Africa) said that, since the redrafting of Article 6, it had been made ambiguous and a mistake had been made. He considered that paragraph (3) should be omitted and the paragraph incorporated in paragraph (2).
Viscount Cecil (British Empire) agreed.

M. Doret (Haiti) explained his point of view. If the Commission did not accept his amendment, he would second the proposal of Dr. Nansen that forced labour should be remunerated.

Dr. Nansen (Norway) replying to the Australian delegate, said that the idealism he had tried to have introduced into the article was that which was already embodied in the mandates. Brigadier-General Drake-Brockman (Australia) replied that the position was different; the League of Nations had a certain control over mandated areas.

Dr. Nansen (Norway) replied to the objection that the article ought not to be overloaded by saying that he was not aware that any of the nations represented in the League would refuse to sign it for this reason. He thought that the adoption of his amendment to Clause (i) would mean progress; nevertheless, he did not wish to insist upon it.

Mr. Gray (New Zealand) said that he maintained his amendment.

M. Louwers (Belgium) wished to explain why he proposed to vote as he did. He thought that the Spanish delegate was making a mistake in asking for the deletion of Article 6. That article would help towards the object which they all had in view, namely, the abolition of forced labour for the benefit of private enterprises.

As regarded countries where that institution still existed, the article provided that the Governments concerned must take steps gradually to abolish forced labour and that they could only maintain it in the interval subject to the adoption of certain rules designed to protect the natives.

On the other hand, in countries where forced labour no longer existed, such as Belgium (forced labour was formally prohibited in the Belgian Congo both in law and in fact), the article, by unreservedly condemning the institution, would powerfully assist Governments in their efforts to resist the solicitations of private enterprises, which, owing to the difficulty of finding native labour, often endeavoured to induce the authorities to provide them with what they needed by means of forced labour.

In those circumstances he would vote for the retention of the article, but he would not object to its being further improved by the adoption of some of the amendments which had been proposed.

M. Leopoldo Palacios (Spain) regretted the attitude of the Committee and for that reason withdrew the first part of his proposal. He agreed with Brigadier-General Drake-Brockman’s remark that it was the Governments with whom the ultimate decision lay; but he would insist that a text should not be submitted to them which, under the cloak of censure, really contained an authorisation. He thanked M. Louwers for his friendly remarks. He did not, however, believe that Article 6 would provide adequate Government protection against the impressing of labour for private enterprises; he thought it would rather have the contrary effect.

The opening paragraph of Article 6 as presented by the Drafting Committee was adopted.

Clause (1) as originally drafted was adopted, Dr. Nansen having withdrawn his amendment.

Clauses (2) and (3) were combined and adopted in the following form (Annex Va):

“In territories in which compulsory or forced labour for other than public purposes still survives, the High Contracting Parties shall endeavours progressivelly and as soon as possible to put an end to the practice. So long as such forced or compulsory labour exists, this labour shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the labourers from their usual place of residence.”

M. Leopoldo Palacios (Spain) proposed to delete from the last paragraph of the article the words “or mandated area”.

Viscount Cecil (British Empire) suggested that, instead of this, the clauses should read after “authorities” as follows: “of the territories concerned”.

M. Palacios (Spain) accepted this alteration, and Viscount Cecil’s proposal was adopted.

Article 6 as amended was agreed to.

17. Draft Convention on Slavery: Declaration by the Abyssinian Delegate.

At the request of the Abyssinian delegation, and in accordance with the decision of the Chairman of the Committee, the declaration of the Abyssinian representative on the Sub-Committee has been attached to these minutes.

The Negadras Zellera (Abyssinia): Gentlemen, we, the Abyssinian delegation, fully and entirely concur with the lofty humanitarian principles embodied in the Protocol proposed by Viscount Cecil of Chelwood and, together with our eminent colleagues on the Sub-Committee, we have voted wholeheartedly for the adoption of its fundamental articles.

The dynasty descended from David and Solomon will leave nothing undone to ensure that the Protocol shall be given the widest possible application with the help and grace of God.
EIGHTH MEETING

_Held on Friday, September 25th, 1925, at 2.30 p.m._

Dr. Gustavo Guerrero (Salvador) in the Chair.

18. **Slavery: Situation in Liberia: Statement by the Delegate of Liberia.**

Baron Lémann (Liberia) made the following statement: Many of our colleagues will remember that I promised, some days ago, when attending one of the meetings of the Subcommittee of the Sixth Committee, to submit to this Committee the reply from the Government I have the honour to represent here to the various questions concerning Liberia, which have been dealt with by the Temporary Slavery Commission.

The Records of the Second Session of the Temporary Slavery Commission, held at Geneva from July 13th to 25th, contain certain assertions that slave-dealing exists at the present day in Liberia, based on extracts from a recent book called "The Black Republic", by Fenwick Reeves. Permit me to say that the greater part of these facts have never been proved and many more are considerably exaggerated and in any case interpreted in a manner to please the writer.

The fundamental law of the Republic of Liberia prescribes in most emphatic terms that slavery or involuntary servitude shall not exist in any form within the territories of the Republic, and any person detected in slave-dealing is severely punished.

The Government, since the last six years, succeeded in making effective its control over the whole territory which fell to its jurisdiction, hundreds of miles of roads have been constructed, schools have been opened in the greater part of the interior, thus suppressing the system, without economic dislocation or political upheaval.

As to the question of persons going through Monrovia in chains, such persons are not slaves but criminals, condemned to hard labour and employed on public or private works, as is the custom in some European States. The reason why they are chained is to prevent them from escaping in the bush near by or by way of the river.

In regard to item 63 of Document A. 19, and to what is said on this subject in the report of the Temporary Slavery Commission, under the heading of "Enslaving of Persons disguised as the Adoption of Children", where reference is made to Liberia, I am far from denying that "an adoption of children" exists in Liberia, but I do absolutely deny that it is in any way reprehensible. The President of Liberia, for instance, adopted ten children, from various native chiefs in the interior. These children live and are educated in the presidential mansion. The President feeds them, sends them to school, and looks after their interests, thus fitting them to be useful subjects of the Republic. Many other families having the necessary means adopt children and bring them up in the same manner.

The result of this system is a growing influence of the Government among the native population, for the idea of the adoption of children in Liberia is the emancipation of the native from that part of the interior where schools have not yet been established.

Besides, the native understands and appreciates this system of adoption of children, for, whenever one of the authorities or well-to-do persons visits the interior of the country, repeatedly he is asked by native chiefs to adopt one or more of their children "and look after them", as they call it.

I may add that, among the authorities of the Republic, there are many former "adopted children".

Therefore, there is no question of "enslaving of persons disguised as the adoption of children", and I am instructed by my Government emphatically to deny the statement that the practice of enslavement by this method prevails in Liberia with the knowledge of the Government. On the contrary, the Liberian Government does everything in its power that the laws in that respect shall be obeyed.

Within a short time my Government will forward me the Records of the Probate Court of Liberia, which by law is competent to take cognisance of any complaints which may be made by parents, and which has no hesitation in having their children returned to them should there be any reason to do so. I will forward a copy of these Records to the Temporary Slavery Commission, in order to show the utter baselessness of the allegations made.

I request you, Mr. President, to be so kind as to have these declarations inserted in the _procès-verbal_ of this meeting.

M. Gohr, Chairman of the Temporary Slavery Commission, replied that the Commission had not taken the responsibility for the accusations mentioned in its report. It had made no affirmations but it only mentioned that, according to certain authorities, such-and-such conditions existed in Liberia. He insisted on the point that the Commission had not taken up any definite position on the subject.
Baron Lehmann (Liberia) thanked M. Gohr for his declaration. If he had insisted upon making a formal denial of the charges, it was because they were found in the League of Nations Documents A.19.1925.VI and C.426.M.157, documents which he had forwarded to his Government. After having received these documents, the Liberian Government had drafted the denial which he had just read.

As regards the adoption of children, Document A.19, paragraph 63, referred to “a very high authority”. Perhaps this authority was the author mentioned on page 25 of Document C.426.M.157.1925. This author had made statements some of which had never been proved, others being very much exaggerated.

The Chairman said that the declarations of Baron Lehmann would be inserted in the minutes.

19. Examination of the Report of the Sub-Committee on Slavery and the Draft Convention and Draft Resolution submitted by that Sub-Committee (continuation).

The Committee proceeded with the discussion of the draft Convention.

Viscount Cecil (British Empire) said he had no comments to make on Articles 7 and 8.

Article 8.

M. Van Lynden Van Sandenburg (Netherlands) explained that the rules for the suppression of slavery and the slave trade were at present to be found in the Brussels Act and in the St. Germain Convention and that some Powers were bound by the former, others by the latter. He was quite prepared to agree, for practical reasons, that there should be a provision in the new Convention for abrogating the former treaties, but he saw a difficulty about this in that the Brussels provisions were of a more detailed character and went further than those now proposed. He thought a treaty actually in force was worth a great deal more than the mere possibility mentioned in Article 3 of concluding certain special arrangements. In any case, he thought it desirable that his Government should have more time to consider this point.

Viscount Cecil (British Empire) thought the technical drafting of this article rather difficult, and, since the matter had to be postponed on other grounds, his Government would desire to reserve its liberty of action as regards the final drafting.

With the above observations, Articles 7 and 8 were adopted.

Articles 9, 10 and 11 were adopted, without remarks or modifications.

The Committee then examined the draft resolution submitted by the Sub-Committee (Annex V).

Viscount Cecil (British Empire) explained that the representative of South Africa (who was not then present) wished to make slight modifications in this resolution: (1) instead of the sentence “decides to approve the annexed draft Convention” to put “decides to recommend the annexed draft Convention for approval”; (2) to delete the words “to the States party to the Acts of Berlin or of Brussels”.

With those modifications the resolution was adopted.


Dr. Nansen (Norway) said he wished to see included in the draft Convention a clause referring to the Permanent Court of International Justice. A clause in regard to the reference of disputes to this body had been inserted in the St. Germain Convention and also in almost all general Conventions concluded under the auspices of the League of Nations, such as the Customs Formalities Convention, the Second Opium Convention, the Convention on the International Trade in Arms, the Conventions on the Freedom of Transit, Navigable Waterways, Railways, Maritime Ports, etc., and he thought it would look a little strange if the same clause were not inserted in the present Convention. The text of Article 35 of the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War would perhaps be most suitable. It read as follows:

“The High Contracting Parties agree that disputes arising between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case neither or both of the States to such a dispute should not be parties to the Protocol of December 16th, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties and in accordance with the constitutional procedure of each State, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Hague Convention of October 18th, 1907, or to some other court of arbitration.”
General Freire d’Andrade (Portugal) said that he was sorry to disagree with Dr. Nansen’s proposal. He would like, first of all, to say that Portugal had been among the first to sign the Protocol of the Court of International Justice, including Article 36, which involved compulsory arbitration. As regards the present Protocol, his colleagues on the Sub-Committee could say that he had always been in agreement with M. Gohr, the Chairman of the Temporary Slavery Commission, in considering that the most severe restrictions should be inserted in the document, since his country was opposed to forced labour for the benefit of individuals and thought that it should be employed for public purposes as little as possible. He was thus free to express his point of view.

He saw no necessity for Dr. Nansen’s amendment, which involved, in his opinion, very serious disadvantages. The Protocol contained nothing but general principles and he did not see how the International Court, whose competence was mainly legal, could intervene. If a dispute arose regarding the interpretation of the Protocol, he saw no reason why it should not be brought before the Court, but, supposing the dispute concerned its execution, how could the Court deal with it, since the Protocol consisted only of a number of principles?

He cited the example of Article 6, the first clause of which says that “forced labour may only be exacted for public purposes”. Could a Power appeal to the Court because it thought that another Power gave a different interpretation of “public purposes” from its own? He thought that, in this case, public opinion was the tribunal to which appeal should be made. Clause 2 said that the Contracting Parties should, in order to put an end to any compulsory labour to which they might have had recourse according to the terms of the same clause. Was it for the Court to decide, at the request of any Power which attached importance to the matter, whether the method employed by another Power to comply with Clause 2 was the best possible?

The proposal had been submitted to the Committee at the last moment, and it was not easy to give it consideration.

He considered that this proposal would justify intervention by a Power or by the Court in the internal affairs of another Power, and this he could not accept. Each State which ratified the Protocol would do its best to fulfil the duties which it had assumed by its signature as well and sincerely as it could and as circumstances permitted. He was, however, quite unable to agree that the Court, besides giving a legal opinion upon any question of interpretation which might arise between two States, could also supervise the execution of the Protocol by deciding whether certain methods of colonial administration were or were not the best suited to secure the objects of the Protocol. Moreover, the Court in that case would have to organise a colonial enquiry and investigation section, since its members could not be competent to solve questions of colonial administration; it could not indeed be expected that they should possess this competence, since they were first and foremost eminent jurists.

Much to his regret, therefore, he was unable to agree to the proposal by his honourable colleague.

Dr. Nansen (Norway) did not agree that his suggestion had been made at the last moment. It was in fact promoted some time ago and handed over to the Drafting Committee, of which he was not a member, so that this really was the only opportunity he had had of defending it. So far as the article itself was concerned, he had already mentioned that there was a similar article in the Treaty of St. Germain, but he thought that the article he had quoted from the Arms Traffic Convention covered the matter more effectively.

The Chairman said he thought it would be necessary to adhere to the procedure which had been adopted throughout the deliberations of the Committee and to send this new article to a sub-committee for consideration.

Viscount Cecil (British Empire) explained that this article had already been submitted to the Drafting Committee in its original form, together with another proposal of Dr. Nansen’s, but that Committee had not found itself able to make any comments thereon, as they considered that it dealt with a matter of principle which should be decided by the full Committee.

M. Fernandez y Medina (Uruguay) pointed out that he also had raised the question of jurisdiction in connection with Article 3, as he thought that the application of the right of capture might give rise to disputes, and that therefore it would be necessary to consider the question of the final authorities who would decide such disputes. The question of jurisdiction had already been settled so far as certain signatory States were concerned, which would be bound by the arms traffic convention to refer such disputes either to the International Court or to arbitration, and for that reason he would not insist on the insertion of any specific stipulations in the Protocol. At the same time, however, he wanted to make it quite clear that he did not accept the arguments of General Freire d’Andrade, who had stated that it would not be possible to have recourse to the jurisdiction of the Permanent Court, as there were certain questions relating to the Protocol which must be regarded as falling within the internal policy of each State.

General Freire d’Andrade (Portugal) said that his distinguished friend and colleague, M. Fernandez y Medina, had not understood his point of view, which had been badly expressed. He did not deny that, once a country had signed a treaty, convention or protocol, it was its duty to accept the jurisdiction of the Court in the case of a dispute arising between two States about its interpretation, and even its execution. That was a duty which it had assumed by its signature and which must be honoured. In the present case, however, the circumstances were different. They were proposing to go further. In view of the fact that the proposed Protocol did not consist of definite obligations, but for the most part of a number of general
provisions, how could the Court decide upon the most suitable means of giving effect to these
general principles?
Was it, for example, proposed that the Court should investigate, in the case of any
given State, the best way of putting into practice the provisions of Article 3, or any other
article? Or again, supposing it had been necessary for a State to have recourse to compulsory
labour, as provided for in Clause 2 of Article 6, was it for the Court to point out the best
method of procedure?

His view was that they should agree to recourse being had to the Court and its decisions
within the limits which the Assembly and the Protocol had fixed. He could not, however,
admit the principle that the Court could intervene in the internal affairs of a State with regard
to a question of pure administration.

A State signed the Protocol. It fulfilled the duties imposed upon it. If these were clearly
declared and perfectly unambiguous, the Court could, of course, intervene, but if the Protocol
laid down general regulations which could be fulfilled in various ways according to circum-
stances, he did not think that it was the duty of the International Court of Justice to examine
these methods and to choose the one it thought the best, which indeed it might not really be.

He was sure that the Court itself would disclaim its competence, if the proposal of his
distinguished colleague, Dr. Nansen, were to be accepted.

The Chairman regretted that Dr. Nansen's amendment had not been mentioned in the
report. On the other hand, he thought there would be great danger in adopting modifications in
the draft Protocol at this stage. The other articles had been adopted unanimously, but as regards
the present article there might be a lack of unanimity when the report went before the
Assembly.

General Freire D'Andrade (Portugal) said that, if this additional article were inserted,
he would be obliged to vote against it before the Assembly.

Viscount Cecil (British Empire) said that, as it appeared that the article could not be
put in without considerable reserves on the part of several Governments, it would be wiser
to defer further discussion on it until next year. If the article were voted now, he would be
compelled to abstain.

Dr. Nansen (Norway) realised the importance of Viscount Cecil's objections, though he
did not agree that all the other articles in the Protocol had been unanimously adopted — there
had been some votes against certain of them. He thought there would be no objection to having
his proposal put to the vote in order to find out the Committee's opinion in regard to it.

As regards the remarks made by General Freire d'Andrade, Portugal had signed the
Optional Clause of the Statute of the Permanent Court, and thereby recognised the jurisdiction
of the Court in all or any of the classes of legal disputes concerning the interpretation of a
treaty and any question of international law. In the present case, there was certainly a question
of interpretation of a treaty. He could not agree with the explanation given that the obliga-
tions involved in the Protocol were not covered by those already undertaken by Portugal.
In his opinion, it would be dangerous to leave out the clause, as it might be thought that there
was something behind the provisions of the Protocol which was not entirely understood.

M. van Lynden van Sandenburg (Netherlands) agreed with Dr. Nansen's remarks,
and said that he would be prepared to support the proposal. However, if some of his colleagues
found themselves unable to accept it, it would be better to leave it alone for the moment.

Brigadier-General Drake-Brockman (Australia) said he hoped that Dr. Nansen would
not press the proposal, otherwise he would be compelled to vote against it, not because he
was convinced it was wrong but because he was not convinced that it was right. The Members
of the League were bound by the terms of the Covenant, and he did not think it necessary
to carry these obligations any further at this stage. As the proposal had been submitted at the
last moment, he had not had an opportunity of considering it. Dr. Nansen would have an
opportunity of bringing the question up again next year, when the members of the Committee
would come prepared to discuss it.

M. Louwers (Belgium) did not wish to express an opinion on the spur of the moment as
to the desirability or otherwise of inserting in the Protocol the text proposed by Dr. Nansen.
The questions raised by that text seemed to be very serious; the views which had just been
expressed clearly proved that. He himself would like to make an observation with the object
of obtaining exact information as to the character of the proposed Protocol. His observation
would be on the same lines as those of M. Freire D'Andrade.

The proposed Protocol was of a very special character. In most conventions the signa-
tory States granted to each other rights and privileges. Nothing of the kind was done in this
case; the articles of the Protocol merely laid down certain principles of colonial morality
which the signatory States were to respect, without any advantage accruing to any of them.
The matter was within the moral sphere; it left political and material interests on one side.
Article 3 alone was of a different character; it dealt with a matter in respect of which
political rights might be mutually accorded. And even that Article merely bound the States
concerned to settle the question among themselves by special agreements.

Viscount Cecil (British Empire) suggested that, as the discussions would appear in the
minutes of the meeting, the Governments concerned would receive full notice of them and the
matter would be considered in due course. While admitting the importance of Dr. Nansen's
arguments, he would be very reluctant to do anything which might look like an attempt to
Dr. Nansen (Norway) explained to the delegate for Australia that this proposal had, as a matter of fact, been placed before the Drafting Committee some time previously, but there had been no opportunity of discussing it before the present meeting. The delay was not due to the fault either of the Drafting Committee or himself.

Dr. Nansen (Norway) further submitted the following draft article:

"The signatory States undertake to communicate annually to the Secretary-General of the League of Nations a report on the result of the measures which they have taken to carry out the provisions of the Protocol. The Secretary-General shall present to the annual Assembly of the League of Nations a summary of the reports so communicated."
He said that he would be content that it should be treated in the same way as his first proposal.

General Freire d'Andrade (Portugal) said that they now had the second proposal, according to which each State would communicate to the Secretary-General a report on the measures taken to fulfil the duties imposed by the Protocol and on its execution. The Secretary-General would send the report to the Assembly, which would refer it, according to procedure, to a committee, etc. It was the mandates system applied to all colonies as regards a part of their administration. He therefore could not accept this proposal, unless its import was fixed perfectly clearly and distinctly.

The Committee agreed to apply to this proposal the same procedure as to the former.

Dr. Nansen (Norway) finally wished to make yet another proposal, which he did not think would give rise to any difficulties. He presented the following draft resolution:

"The Assembly, having examined the report of the Temporary Slavery Commission which has been communicated to the Members of the League of Nations, and having noted the reference therein to the grave questions which might arise where the conditions of native labour are not such as are in accordance with the principles of Article 23 of the Covenant, being of opinion that this question is one of the most urgent character, calls the attention of the International Labour Organisation to the necessity for a study of it with a view to international action."

General Freire d'Andrade (Portugal) was glad to be able to vote in favour of this proposal by Dr. Nansen, which was, as he had already said, in accordance with the ideas already expressed by his Government. He would vote in favour of the proposal if his distinguished colleague would add the words "and, if the International Labour Office thinks there would be any difficulty in getting his proposal accepted.

Brockman. In South Africa there were a large number of different tribes, and it would not be possible without upsetting these tribes to call in a foreign body to investigate matters in connection with them.

Viscount Cecil (British Empire) agreed that there were difficulties in the way of accepting this proposition. He himself had said, during the course of the discussions of the Committee, that the conditions of forced labour, like those of all other kinds of labour, were matters to be dealt with rather by the International Labour Organisation than by the League. He still held that opinion, and if the Labour Office thought it right to institute enquiries regarding the matter, they would be acting, as far as he could see, well within their function. He thought, however, that there would be difficulties in the League giving directions or advice to the Labour Office. So long as the League and the Labour Organisation were separate bodies, he doubted whether the League ought to interfere in any way in the management of the Labour Office. In these circumstances it would be better to deal with this resolution in the same way as it had been agreed to deal with the other proposals submitted by Dr. Nansen. A record of the debates which had taken place on the subject might be communicated to the Labour Organisation and it would be for its Governing Body to decide whether it would take the matter up. In that case, any suspicion that the Committee was endeavouring to dictate to the Labour Office would be avoided.

Continuing, Viscount Cecil pointed out that, whilst Dr. Nansen could not be criticised on the grounds of having introduced his two former resolutions at the last moment, he thought this last resolution had been submitted at the eleventh hour, and was one which none of the members of the Committee had had an opportunity of considering au fond.

Mr. J. S. Smit (South Africa) agreed with the remarks made by Brigadier-General Drake-Brockman. In South Africa there were a large number of different tribes, and it would not be possible without upsetting these tribes to call in a foreign body to investigate matters in connection with them.

Viscount Cecil pointed out that, whilst Dr. Nansen could not be criticised on the grounds of having introduced his two former resolutions at the last moment, he thought this last resolution had been submitted at the eleventh hour, and was one which none of the members of the Committee had had an opportunity of considering au fond.

M. van Lynden van Sandenburg (Netherlands) thought that, as Dr. Nansen's new proposal had not been examined, it would be better to put it on one side for the moment and bring it up again at the next Assembly.

Dr. Nansen (Norway) said that he personally was not anxious to rush away before the work of the Committee had been completed, and he thought that it was the duty of the delegates to stay until they had reached satisfactory results. He admitted that the resolution had been submitted at the last moment, but as it was the outcome of the whole of the discussions which had taken place, it could not have been made before.

All agreed that the question of forced labour was a question which ought to be treated by the International Labour Office rather than by the League, and consequently he had not thought there would be any difficulty in getting his proposal accepted.
He preferred Viscount Cecil's proposal to that of M. van Lynden van Sandenburg. If there was no objection to sending the minutes of the discussions to the Labour Office, he would like to have it done.

Brigadier-General Drake-Brockman (Australia) thought that they should treat the three proposals in exactly the same way. He understood that this question had come up at the last Labour Conference and had created a good deal of controversy. In the circumstances, he thought it would be wise not to appear to interfere with the Labour Organisation by any direct reference to it. If the resolutions were communicated to the Governments, they would have an opportunity of giving directions to their representatives at the next meeting of the Governing Body of the Labour Organisation.

Dr. Nansen (Norway) explained that he had made this suggestion on the assumption that there would be no objection; in the face of the objections raised, the suggestion fell to the ground.

It was decided that the resolution should be treated in the same way as the other two resolutions submitted by Dr. Nansen.


General Freire d'Andrade (Portugal) thought it was desirable that the Committee should make some statement as to whether or not it considered that the Temporary Slavery Commission had completed its duties.

Viscount Cecil (British Empire) said he hoped that no decision would be taken by the Committee, as this was a matter entirely for the Council. The Council had appointed the Temporary Slavery Commission, but the Assembly might, of course, say whether it desired the work to go on. In the face of the statement by M. Gohr that he did not think there was much more for the Temporary Slavery Commission to do, it was improbable that the Council would do otherwise than agree with it.

The Chairman announced that the debate was closed and the work of the Committee concluded.

M. Aubert (France) wished to congratulate Viscount Cecil, to whose zeal the results of the work of the Committee were principally due.

Viscount Cecil (British Empire) thanked M. Aubert and said that, if the labours of the Committee had been so successful, it was entirely due to the co-operation of all its members. He wished to mention particularly the admirable assistance that had been given by M. Gohr. Finally, on behalf of his colleagues, he thanked the Chairman for the impartial and efficient way in which he had directed the meetings of the Committee.

On the proposition of the Chairman, it was decided to ask Viscount Cecil to act as Rapporteur to the Assembly.

1 For the amendments adopted at this meeting, see Annex VI, Report and Draft Convention presented to the Assembly.
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Annex 1.

SLAVERY : DRAFT RESOLUTION AND PROTOCOL.

The Assembly:

Having considered the report of the Temporary Commission on Slavery:

Whereas the signatories of the General Act of the Brussels Conference of 1889-90 declared that they were equally animated by the firm intention of putting an end to the traffic in African slaves; and

Whereas the signatories of the Convention of St. Germain-en-Laye of 1919 to revise the General Act of Berlin of 1885 and the General Act and Declaration of Brussels of 1890 affirmed their intention of securing the complete suppression of slavery in all its forms and of the slave trade by land and sea;

Desiring to complete and extend the work accomplished under the Brussels Act and to find a means of giving practical effect throughout the world to such intentions as were expressed in regard to the slave trade and slavery by the signatories of the Convention of St. Germain-en-Laye; and

Being further of opinion that it is desirable to regulate the employment of forced labour so as to prevent conditions analogous to those of slavery arising therefrom,

Decides to open the attached Protocol immediately for signature by all States and expresses the desire that the greatest possible number of States may adhere thereto as soon as possible.

The Assembly further invites the Council to consider whether any additional measures may be practicable for carrying out the purposes of the annexed Protocol and to furnish the seventh Assembly with a report. A record of the signatures to and ratifications of the annexed Protocol will also be placed on the agenda of that Assembly.

PROTOCOL.

Article 1.

For the purpose of the present Protocol, the slave trade and slavery are defined as follows:

The *slave trade* consists in the capture or purchase of persons with the object of selling or bartering them as slaves; the sale of persons acquired for this purpose by capture, purchase or barter, together with the transport operations involved by this traffic.

*Slavery* is a status in which one person exercises a right of property over another.

Article 2.

The Signatory States shall:

(a) Suppress all forms of the slave trade;

(b) Provide for the eventual emancipation of all slaves in their respective territories, and also for as speedy an elimination of domestic and other slavery as social conditions will allow.