Article 3.

The signatory States, recognising the grave evils that may result from the employment of forced labour, except for essential public services, engage that, where it is necessary for special reasons to admit the employment of forced labour, they will take all necessary precautions, particularly where the labourers belong to the less advanced races, to prevent conditions analogous to those of slavery from resulting from such employment.

Article 4.

The signatory States undertake to enact legislation, if not already existing, whereby persons subject to their jurisdiction who reduce any person to a state of slavery, or engage in the slave trade, shall be liable to substantial penalties.

Article 5.

The act of conveying slaves on the high seas shall be deemed to be an act of piracy, and the public ships of the signatory States shall have the same rights in relation to vessels and persons engaged in such act as over vessels and persons engaged in piracy.

Vessels and slaves captured in accordance with this article shall be brought before the courts of the country whose ship effected the capture and dealt with in accordance with its laws. Persons on board such vessels who are engaged in the act of conveying slaves on the high seas shall be handed over to the authorities of their own country to be brought before its court. The slaves shall in all cases be set at liberty.

Article 6.

The signatory States engage to use their best endeavours to induce all other States to conform to and adopt the principles of this Protocol.

Article 7.

Any State signing or acceding to the present Protocol may declare, at the moment either of its signature, ratification or accession, that its acceptance of Articles 2 and 3 of the present Protocol does not include any or all of its colonies, overseas possessions, protectorates, areas not under direct administration, or overseas territories under its sovereignty or authority, or in respect of which it has accepted a mandate on behalf of the League of Nations, and may subsequently accede on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

Article 8.

The present Protocol, which shall remain open for signature by all States, shall be ratified. The ratifications shall be deposited with the Secretary-General of the League of Nations, who shall notify such ratifications and such accessions as may be made under Article 7 to the signatory States and to the Members of the League. It shall come into force for each State three months after the date on which its ratification is deposited with the Secretary-General of the League of Nations.

Annex II.

PROTECTION OF MINORITIES.

Report to the Sixth Committee by Count van Lynden van Sandenburg, Netherlands Representative.

The Assembly, by its decision of September 15th, referred to the Sixth Committee the following proposal, submitted on September 14th, 1925, by M. Galvanauskas, Lithuanian delegate: “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.”

The Sixth Committee fully discussed this very important question at its meeting on September 16th, many delegates taking part in the discussion. On the one hand, the attention of the Committee was drawn to the fact that the treaties and declarations for the protection of minorities of race, language or religion are only the concern of certain States, while other States are exempt from such obligations, and this would not be in conformity with the principle of equality between States. On the other hand, several delegates pointed out that this way of looking at the question was not correct, since the special position of States bound by certain treaties or declarations was the result of special circumstances prevailing in these States.

During the discussion, the question also arose of the procedure followed by the Council and the Secretariat for dealing with concrete questions relating to the protection of minorities. In this connection, the Committee discussed paragraph VI of Chapter 7 of the Supplementary
Report to the Assembly on the Work of the Council, on the Work of the Secretariat and on the Measures taken to execute the Decisions of the Assembly. Several speakers paid a tribute to the work accomplished by the Council in the execution of its delicate duties and emphasised the merits of the procedure at present in force; while admitting, however, that this procedure might be improved, it was pointed out that it should remain within the lines laid down by the Minority Treaties.

At the end of the discussion, it was proposed that the Committee should recommend the Assembly to give its formal approval to the above-mentioned part of the report, and this proposal was favourably received by various speakers.

M. Benes, the Czechoslovak representative, proposed that, in view of the difference of opinion mentioned above, the Committee might unanimously recommend that the Assembly should refer the discussions of the Committee on the Lithuanian proposal to the Council of the League.

In view of this proposal, M. Galvanauskas, Lithuanian representative, stated that he withdrew his proposal. In order to bring M. Benes' proposal into line with the situation thus created, Viscount Cecil, representative of the British Empire, proposed that the Committee should adopt the following 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."

Viscount Cecil's proposal was approved by the Committee.

I have the honour to propose that the Sixth Committee should submit the following draft resolution to the Assembly for approval:

"The Assembly takes note of the Sixth Committee's report with regard to the protection of minorities, and adopts the following resolution:

"The Assembly approves that part of the Report on the Work of the Council, the Work of the Secretariat and on the Measures taken to execute the Decisions of the Assembly, dealing with the procedure followed with regard to the protection of minorities (paragraph VI of Chapter 7 of the Supplementary Report). The Lithuanian representative having withdrawn the proposal submitted by him on September 14th, 1925, the Assembly requests the Secretary-General to communicate to the Council the discussion which has taken place in the Sixth Committee in this connection."

Annex III.

COLLABORATION OF THE PRESS IN THE ORGANISATION OF PEACE:
PROPOSAL TO CONVENE A COMMITTEE OF EXPERTS.

Report to the Assembly by M. Paul Hymans.

The Sixth Committee has examined sympathetically the proposal brought forward by the Chilian delegation at the meeting of September 16th, 1925. The object of this motion is to afford the Press the assistance of the League of Nations in improving its technical machinery for contributing to the work of moral disarmament and the organisation of peace.

The object of the proposal in itself explains the Committee's sympathetic attitude. Several members of the Committee are or have been connected with the Press; and the delegates to the Assembly have had every opportunity of realising, in the course of interviews, the keen interest which is felt in this proposal by the distinguished journalists who are now met together in Geneva, and in particular by the members of the Journalists' Association accredited to the League of Nations.

In addressing this Assembly, it would be idle to dwell upon the part played by the Press in international life. Newspapers are at the root of every judgment offered by public opinion in any country on the other nations of the world. For that reason, the Press can exercise considerable influence for the improvement of international relations, and can, perhaps more effectually than any other body, contribute to that moral disarmament which is the concomitant condition of material disarmament.

The Chilian proposal is, of course, a bold one. Like every great power, the Press is rightly jealous of its independence, and we must therefore take the greatest care in approaching the far-reaching and highly complex problem before this resolution puts before us. I wish, therefore, to say at the outset that the League of Nations has no desire to interfere in the affairs of the Press, and will not do so unless journalists themselves think that its co-operation will bear valuable fruit.

1 Text proposed by M. Veverka and adopted by the Committee:

"Suggestions had been made during the discussion to the affect that the procedure might be improved; but it had been pointed out that, whatever rules were applied, the Minority Treaties must be respected."
I should like, at this juncture, to lay stress on the precautions which have been taken in drafting the resolution which we have the honour to submit to the Assembly.

This resolution proposes that the Assembly should invite the Council to consider the desirability of convening a committee of experts representing the Press in different continents. Accordingly, the Council will have to decide in the first place whether it is prepared to undertake the consideration of this question. If it does so, and if the proposed method is followed, its work during the coming months will be limited to the making of preparations for a meeting of carefully selected experts. When they meet, the experts will have full freedom to express their view as to the expediency of following up your initiative and as to the best means of doing so.

Should the Council become aware, during this period of preparation, of similar movements on the part of private organisations, it would doubtless feel that, so far from being called upon to supersede those organisations, it should rather encourage and develop their efforts by means of a judicious co-ordination.

Indeed, the League of Nations can in certain cases contribute very considerably to promoting co-operation between Governments and the Press. Although the Press is a body made up of private enterprises, it is frequently obliged to have recourse to various Government services. It is largely dependent on Governments for the transmission of messages by telegraph, telephone, cable and wireless, and in every country it is governed by national legislation in all questions connected with copyright, transport rates, etc. By friendly co-operation, the League of Nations could often exercise a very beneficent influence in this field.

In this report, gentlemen, I have merely tried to give a general sketch of the work to be done. It will be for the Council, with the assistance of distinguished representatives of the Press, to consider whether the time has yet come to undertake this task.

The resolution which I am asking you to adopt is as follows:

"The Assembly:

"Considering that the Press constitutes the most effective means of guiding public opinion towards that moral disarmament which is the concomitant condition of material disarmament:

"Invites the Council to consider the desirability of convening a committee of experts representing the Press in different continents with a view to determining the best means of working for the organisation of peace on the following lines:

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

"(b) By discussing all technical problems the solution of which would be conducive to the tranquillisation of public opinion."

Annex IV.

SLAVERY: DRAFT CONVENTION SUBMITTED BY THE SUB-COMMITTEE AND EXAMINED BY THE SIXTH COMMITTEE ON SEPTEMBER 24th, 1925.

Preamble.

Article 1.
Definitions.

Article 2.
Suppression of the Slave Trade,

Article 3.
Slave Trade at Sea.

Article 4.
Mutual Assistance.

Article 5.
Penalties.

Article 6.
Forced Labour.

Article 7.
Communication of Laws and Regulations.

Article 8.
Abrogation of Previous Conventions.

Article 9.
Partial Accession.

Article 10.
Accessions.

Article 11.
Ratifications.
Preamble.

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;

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:

Have decided to conclude a Convention and have accordingly appointed as their Plenipotentiaries:

Who, having communicated their full powers, have agreed as follows:

DRAFT CONVENTION.

Article 1.

For the purposes of the present Protocol the following definitions are agreed upon:

1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

2. The traffic of slaves includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and in general every act of trade or transport in slaves.

Article 2.

The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protectorate or tutelage, so far as they have not already taken the necessary steps:

(a) To prevent and suppress the slave trade;

(b) To bring about progressively the disappearance of slavery in every form, notably in the case of domestic slavery and similar conditions.

Article 3.

The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags. The High Contracting Parties further recognise the value of separate agreements between the Powers concerned conferring on their warships, in certain zones in which they may consider the existence of traffic in slaves to be a possibility, special rights enabling them to prevent and suppress the said traffic on vessels flying the flag of any of the Powers which are parties to such agreements. The High Contracting Parties undertake to communicate to each other agreements which may be concluded for this purpose.

Article 4.

The High Contracting Parties shall give to one another every assistance with the object of securing the abolition of slavery and the slave trade.

Article 5.

Those of the High Contracting parties whose laws do not at present make adequate provision for the punishment of infractions of laws and regulations enacted with a view to giving effect to the purposes of the present Convention undertake to adopt or to propose for adoption by their respective legislatures the necessary measures in order that severe penalties may be imposed in respect of such infractions.

Article 6.

The High Contracting Parties recognise that recourse to compulsory or forced labour may have grave consequences and agree 1 each in respect of the territories placed under its sovereignty, jurisdiction, protectorate 2 or tutelage, to take all necessary measures to prevent conditions analogous to those of slavery from resulting from compulsory or forced labour. It is agreed that:

1 In principle, compulsory or forced labour may only be exacted for public purposes;

2 See amendment by Lord Willingdon: Read “protection” instead of “protectorate”.

See amendment by General Freire d’Andrade: Read “undertake” instead of “agree”.

See amendment by Lord Willingdon: Read “undertake” instead of “agree”.

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(2) If it is indispensable to have recourse thereto for other purposes, such labour shall invariably be of an exceptional and temporary character and shall not involve the removal of the labourers from their usual place of residence;

(3) In territories in which compulsory or forced labour for the benefit of private individuals still survives, the High Contracting Parties shall endeavour gradually to put an end to the practice;

(4) In any case, the responsibility for any recourse to compulsory or forced labour shall rest with the central authorities of the territory, colony, protectorate or mandated area in question.

Article 7.

The High Contracting Parties undertake to communicate to each other and to the Secretary-General of the League of Nations any laws and regulations which they may enact with a view to the application of the provisions of the present Convention.

Article 8.

All the provisions of international conventions of a general character anterior to the date of the present Convention shall be regarded as abrogated in so far as they relate to matters dealt with in the present Convention and bind in their relations with each other the Powers which are parties to the said Convention.

Article 9.

Any of the High Contracting Parties may declare that its signature, ratification or adhesion shall not be binding as regards the enforcement of the provisions of certain of the articles of this Covenant either upon the whole or upon any of the territories placed under its sovereignty, jurisdiction or protection.

Any High Contracting Party which has made such a declaration may subsequently and in conformity with the provisions of Article 10 adhere unreservedly to the present Convention in respect of any of the excluded territories; it shall endeavour to ensure such adhesion with the least possible delay in respect of all the excluded territories.

Article 10.

The High Contracting Parties shall make every effort to induce other States to adhere to the present Convention.

Such adhesion shall be notified to the Secretary-General of the League of Nations and through him to all the signatory or adherent States.

Article 11.

The present Convention, the French and English texts of which shall both be deemed authentic, shall be ratified. It shall bear this day’s date.

The instruments of ratification shall be deposited at the office of the Secretary-General of the League of Nations, who shall immediately notify the signatory or adherent Powers of such deposit.

The Convention shall come into force in respect of each signatory Power three months after the date on which such Power has deposited its ratification.

Annex V.

DRAFT REPORT PRESENTED BY THE SUB-COMMITTEE ON THE QUESTION OF SLAVERY.

The Sixth Committee, with the help of a Sub-Committee and a small Drafting Committee, has considered the report of the Temporary Slavery Commission which was adopted in the course of its session in July this year, as well as other documents concerning its work, and the Convention with regard to Slavery which, on behalf of my Government, I had the honour to submit for examination at the first meeting of the Committee.

In the first place, the Committee desires to record its appreciation of the valuable report of the Temporary Slavery Commission and to thank that body for the work which it has done and for the useful suggestions which it has made. This has greatly facilitated the work of the Sixth Committee on this problem.

The Sixth Committee, in dealing with the question, has adopted the same general point of view as the Temporary Slavery Commission in that it has not attempted to investigate the particular situation in different territories in Africa or elsewhere but has confined itself to an examination of the general problems. The Committee is of the opinion that it can best serve the efforts of the civilised world to do away with the evils of slavery and all conditions analogous thereto by suggesting that the Assembly should adopt a formal document setting forth the minimum standard which it is hoped that all Governments will be ready to accept and
apply. It was this constructive point of view which led the British Government to submit a draft Convention in the early days of the Assembly. The suggestion for action of this sort met with the support of the Committee and it is now possible for me to lay the Convention before the Assembly, after a thorough revision by the Drafting Committee, which was ably assisted by M. Gohr, Chairman of the Temporary Slavery Commission.

The Convention is brief, and I should like to read it now, article by article, as there are certain points which may require some explanation.

Preamble.

The preamble refers to the previous action taken in international conventions to put down the slave trade. I think it requires no comment here.

Article 1. (Definitions.)

For the purposes of the present Convention, the following definitions are agreed upon:

1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

2. All acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and in general every act of trade or transport in slaves.

Some members of the Committee thought at the beginning of our discussion that a definition of slavery and the slave trade was unnecessary as the terms were in themselves clear, but as they have not always the same meaning in all legislations it was decided that a definition was required. The text now submitted is primarily the result of the work of our legal experts, and is based on the minimum provisions of existing colonial legislation and on the previous international conventions on this subject.

Article 2. (Abolition of Slavery and the Slave Trade.)

The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protectorate or tutelage, so far as they have not already taken the necessary steps:

(a) To prevent and suppress the slave trade;

(b) To bring about progressively the disappearance of slavery in every form, notably in the case of domestic slavery and similar conditions.

It will be noticed that the word “progressively” is employed in paragraph (b). I believe that, in common with the Temporary Slavery Commission, we shall all recognise that, in certain cases in the past, the attempt to do away with slavery and other similar conditions in an abrupt manner, although noble in its inspiration, has resulted in unforeseen and regrettable hardships for the individuals whose condition it was sought to alleviate, and even in grave social upheavals. In these circumstances, the Sixth Committee felt that the abolition of slavery, however desirable, could only be successfully brought about with due regard to the maintenance of order and the well-being of the peoples concerned. I need not add that the Committee adopted the wording of this article with the confidence that each Government concerned would do its utmost to bring about the total disappearance of slavery at the very earliest moment. I should perhaps add that the term “similar conditions” at the end of sub-paragraph (b) is intended to include all forms of “debt slavery”, the enslaving of persons disguised as the adoption of children, and the acquisition of girls by purchase disguised as payment of dowry, etc., as mentioned in the report of the Temporary Slavery Commission.

Article 3. (The Trade at Sea.)

The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags.

The High Contracting Parties further recognise the value of separate agreements between the Powers concerned conferring on their warships, in certain zones in which they may consider the existence of traffic in slaves to be a possibility, special rights enabling them to prevent and suppress the said traffic on vessels flying the flag of any of the Powers which are parties to such agreements. The High Contracting Parties undertake to communicate to each other any agreements which may be concluded for this purpose.

The suggestion contained in the report of the Temporary Slavery Commission that the transport of slaves by sea be considered as an act of piracy was incorporated in the original text of the Convention proposed by my Government. It was found, however, that this raised
serious difficulties and, whilst Article 3 now reads somewhat differently, it definitely foresees the conclusion of separate agreements between the Powers most directly concerned in order to bring about the most effective co-operation on the seas, notably as regards measures to be taken in the case of ships of relatively small tonnage which are usually employed in this trade. I trust that technical or legal difficulties will not be permitted to prevent practical agreements of the nature contemplated by the Committee, and, even if the Convention is not immediately brought into force, I trust that some such agreements may be concluded forthwith.

Article 4. (Mutual Assistance.)

The High Contracting Parties shall give to one another every assistance with the object of securing the abolition of slavery and the slave trade.

Various suggestions as to how the provisions of this article may be applied in particular by arrangements for the right of pursuit across inland frontiers will be found in the report of the Temporary Slavery Commission. I sincerely trust that such arrangements for the right of pursuit across inland frontiers will be concluded by the States concerned, particularly those situated in Africa, Arabia or Asia, or those having possessions in these continents.

Another manner in which I suggest States might assist one another to secure the abolition of slavery is by instructing their respective consular officers, in places where manumission or similar methods of freeing slaves exist, to collaborate closely with a view to liberating and repatriating slaves when and wherever possible.

All States might apply the provisions of this article in regard to such matters as extradition which do not concern colonial areas alone.

Article 5. (Penalties.)

Those of the High Contracting Parties whose laws do not at present make adequate provision for the punishment of infractions of laws and regulations enacted with a view to giving effect to the purposes of the present Convention undertake to adopt or to propose for adoption by their respective legislatures the necessary measures in order that severe penalties may be imposed in respect of such infractions.

The desirability of attaching severe penalties to the legislation against the slave trade is too evident to need comment.

Article 6. (Forced or Compulsory Labour.)

The High Contracting Parties recognise that recourse to compulsory or forced labour may have grave consequences and agree, each in respect of the territories placed under its sovereignty, jurisdiction, protectorate or tutelage to take all necessary measures to prevent conditions analogous to those of slavery from resulting from compulsory or forced labour.

It is agreed that:

(1) In principle, compulsory or forced labour may only be exacted for public purposes; and that

(2) If it is indispensable to have recourse thereto for other purposes, such labour shall invariably be of an exceptional and temporary character and shall not involve the removal of the labourers from their usual place of residence;

(3) In territories in which compulsory or forced labour for the benefit of private individuals still survives, the High Contracting Parties shall endeavour gradually to put an end to the practice;

(4) In any case, the responsibility for any recourse to compulsory or forced labour shall rest with the central authorities of the territory, colony, protectorate or mandated area in question.

In drafting this article, the Committee confronted perhaps the most difficult of the problems before it. It is recognised that its provisions do not go so far as those contained in the B and C Mandates. As the Mandates Commission itself, however, has not yet come to a final conclusion as to the meaning of the provisions on this subject in those instruments, and as the Committee felt that it was wiser to set up a minimum standard which was clearly understood and accepted than to adopt principles which could not perhaps in all cases be literally complied with, the above drafting was finally agreed upon. It represents a definite attempt to deal with the question of forced labour in a general international agreement. This alone marks progress of considerable importance.

1 See amendment by General Freire d’Andrade: Read “undertake” instead of “agree”.
2 See amendment by Lord Willingdon: Read “protection” instead of “protectorate”.
3 See amendment, Annex V a.
The first consideration of the Commission was to make certain that forced labour under no circumstances would be allowed to degenerate into a condition analogous to slavery. As regards forced labour for public purposes, it seemed preferable not to use the terms of the mandates, "essential public works and services", as there has been some hesitation in certain quarters in interpreting the word "services" so as to include the payment of a tax. It was therefore thought preferable to use the words "public purposes". The expression may also include services required of inhabitants of villages, services which, in accordance with ancient customs and institutions still existing in different territories, are sometimes rendered to the village chiefs but exclusively in their capacity as such.

In principle, the Committee was most decidedly opposed to the use of forced labour for other than public purposes, but at the same time it recognised that, owing to special conditions in certain colonies, it might be necessary to call upon the population for this kind of labour in exceptional cases. The draft Convention, however, subordinates such recourse to certain conditions that are considered essential in order to guard against the abuses which this form of labour may give rise. In the first place, it can only be authorised in exceptional cases when there is imperious necessity; secondly, it can only consist of services of a purely temporary character; finally, in no case must it involve the removal of the labourers from their usual place of residence. If these conditions are strictly observed, the evils of forced labour for private enterprises will be enormously diminished. Some qualms were felt lest private firms and persons, on seeing this very exceptional sanction, should press the authorities for forced labour when circumstances did not justify any such application. The Committee, however, felt confident that these applications would be firmly resisted by the authorities concerned.

In territories where the use of forced labour for other than public purposes, and not subject to the conditions enumerated above, may be imposed, the Governments of these territories should endeavour gradually to bring such labour to an end.

Forced or compulsory labour for public or any other purposes can never be employed except under the complete responsibility of the central Government of the territories.

Article 7. (Exchange of Laws and Regulations.)

The High Contracting Parties undertake to communicate to each other and to the Secretary-General of the League of Nations any laws and regulations which they may enact with a view to the application of the provisions of the present Convention.

The Assembly might ask the Contracting Parties to forward to the Secretary-General copies of such laws and regulations in order to facilitate the exchange of these laws and regulations between the High Contracting Parties if they should so desire.

Article 8. (Abrogation of Previous Conventions.)

All the provisions of international conventions of a general character anterior to the date of the present Convention shall be regarded as abrogated in so far as they relate to matters dealt with in the present Convention and bind in their relations with each other the Powers which are parties to the said Convention.

Article 9. (Partial Accessions to the Convention.)

Any of the High Contracting Parties may declare that its signature, ratification or adhesion shall not be binding as regards the enforcement of the provisions of certain of the articles of this Convention either upon the whole or upon any of the territories placed under its sovereignty, jurisdiction or protection.

Any High Contracting Party which has made such a declaration may subsequently, and in conformity with the provisions of Article 10, adhere unreservedly to the present Convention in respect of any of the excluded territories; it shall endeavour to ensure such adhesion with the least possible delay in respect of all the excluded territories.

This article has been inserted primarily for formal reasons in most of the recent international conventions. The Committee was of the opinion that there would probably be little occasion for the interested States to use it in the case of the present Convention. On the other hand, to avoid possible difficulties, it was considered advisable to follow the practice which has now become usual. It was, of course, understood that the article could not in any way affect the provisions of the Mandates.

Article 10 (Accessions) and Article II (Ratification and Coming into Force) do not appear to call for any remarks.

After this brief comment on the various articles of the Convention, I would like to emphasise the fact that the Committee does not hold up this document as the ultimate aim to be achieved in the international effort to do away with such abuses as the slave trade, slavery and conditions analogous thereto. It represents merely what the Committee considers to be the highest minimum standard which can be set forth in formal international arrangements at the present time. It is recognised that the standard already existing in certain colonial areas is considerably higher and it is hoped that no States will be satisfied with compliance with the minimum standard which is now proposed.
Moreover, the Convention which I have just read is at present only a draft. Before the Assembly began, the British Government thought that it might be possible and desirable to conclude some such agreement during the present session and to open it immediately for signature. The other Members of the League of Nations, however, have not had an opportunity of considering the text of the proposed Convention before their delegates arrived in Geneva, and there would seem to be some doubt as to how many of them would be prepared to sign such a paper with the prospect of securing ratification within a brief period. It is therefore the opinion of the Committee that the Convention should only be circulated to the Members of the League and to certain other States for their observations, with the hope that, at the time of the next Assembly, it will be possible to draw up this agreement in final form and open it for signature. I therefore beg to propose the following resolution:

"The Assembly:

"Considering that the Members of the League of Nations have undertaken, in virtue of Article 23 (b) of the Covenant, to secure just treatment of the native inhabitants of territories under their control;

"Having examined the report of the Temporary Slavery Commission, which has been communicated to all the Members of the League of Nations; and

"Being of opinion that a Convention is the best way of giving effect to the suggestions made in this report and of accomplishing the work undertaken by the League of Nations for the suppression of slavery:

"Decides to approve the annexed draft Convention,

"And requests the Council to communicate this draft to all States Members of the League, to the States party to the Acts of Berlin or of Brussels and to such other States as the Council may specify, with a view to the conclusion of a Convention which will be as far as possible in conformity with this draft, and to invite the above-mentioned States:

"(a) To forward to the Secretary-General not later than June 1st, 1926, any observations they may desire to make regarding the provisions of this draft;

"(b) To appoint at a later date plenipotentiaries, who will meet at the time of the opening of the seventh Assembly, to re-examine, if necessary, the articles of the draft Convention and to sign immediately the text of the Convention which has been agreed upon; and

"(c) To make every effort to adopt at once all possible measures in conformity with the provisions of the draft Convention in question;

"(d) To assist one another forthwith in the abolition of the slave trade, slavery and conditions analogous thereto by all practicable means, and in particular by the conclusion of special agreements and arrangements."

Annex Va.

SLAVERY.

Article 6 of the Draft Convention, adopted at the Seventh Meeting on September 24th, 1925.

The High Contracting Parties recognise that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection or tutelage, to take all necessary measures to prevent conditions analogous to those of slavery from resulting from compulsory or forced labour. It is agreed that:

(1) In principle, compulsory or forced labour may only be exacted for public purposes;

(2) In territories in which compulsory or forced labour for other than public purposes still survives, the High Contracting Parties shall endeavour progressively 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.

(3) In all cases, the responsibility for any recourse to compulsory or forced labour shall rest with the central authorities of the territories concerned.
SLAVERY: REPORT AND DRAFT CONVENTION PRESENTED TO THE SIXTH ASSEMBLY BY THE SIXTH COMMITTEE.

Rapporteur: Viscount Cecil of Chelwood, Delegate of the British Empire.

The Sixth Committee, with the help of a Sub-Committee and a small Drafting Committee, has considered the report of the Temporary Slavery Commission which was adopted in the course of its session in July this year, as well as other documents concerning its work, and the Draft Convention with regard to Slavery which, on behalf of my Government, I had the honour to submit for examination at the first meeting of the Committee.

In the first place, the Committee desires to record its appreciation of the valuable report of the Temporary Slavery Commission and to thank that body for the work which it has done and for the useful suggestions which it has made. This has greatly facilitated the work of the Sixth Committee on this problem.

The Sixth Committee, in dealing with the question, has adopted the same general point of view as the Temporary Slavery Commission, in that it has not attempted to investigate the particular situation in different territories in Africa or elsewhere, but has confined itself to an examination of the general problems. The Committee is of the opinion that it can best serve the efforts of the civilised world to do away with the evils of slavery and all conditions analogous thereto by suggesting that the Assembly should adopt a formal document setting forth the minimum standard which it is hoped that all Governments will be ready to accept and apply. It was this constructive point of view which led the British Government to submit a draft Convention in the early days of the Assembly. The suggestion for action of this sort met with the support of the Committee, and it is now possible for me to lay the Draft Convention before the Assembly after a thorough revision by the Drafting Committee, which was ably assisted by Mr. Gohr, Chairman of the Temporary Slavery Commission.

The Draft Convention is brief, and I should like to read it now, article by article, as there are certain points which may require some explanation.

Preamble.

The preamble refers to the previous action taken in international conventions to put down the slave trade. I think it requires no comment here.

"Article 1. (Definitions.)"

"For the purposes of the present Convention, the following definitions are agreed upon:

"1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

"2. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves."

Some members of the Committee thought, at the beginning of our discussion, that a definition of slavery and the slave trade was unnecessary as the terms were in themselves clear, but, as they have not always the same meaning in all legislations, it was decided that a definition was required. The text now submitted is primarily the result of the work of our legal experts and is based on the minimum provisions of existing colonial legislation and on the previous international conventions on this subject.

"Article 2. (Abolition of Slavery and the Slave Trade.)"

"The High Contracting Parties undertake, each in respect of the territories places under its sovereignty, jurisdiction, protection or tutelage, so far as they have not already taken the necessary steps:

"(a) To prevent and suppress the slave trade;

"(b) To bring about progressively and as soon as possible the disappearance of slavery in every form, notably in the case of domestic slavery and similar conditions."

It will be noticed that the word “progressively” is employed in paragraph (b). I believe that, in common with the Temporary Slavery Commission, we shall all recognise that in certain cases in the past the attempt to do away with slavery and other similar conditions in an abrupt manner, although noble in its inspiration, has resulted in unforeseen and regrettable hardships for the individuals whose condition it was sought to alleviate, and even in grave social upheavals. In these circumstances the Sixth Committee felt that the abolition of slavery, however desirable, could only be successfully brought about with due regard to the maintenance of order and the well-being of the peoples concerned. At the same time, the Committee was confident that each Government concerned would do its utmost to bring about the total disappearance of slavery at the very earliest moment. I should perhaps add that the term “similar conditions” at the end of sub-paragraph (b) is intended to include all forms of “debt slavery”, the enslaving of persons disguised as the adoption of children, and the acquisition of girls by purchase disguised as payment of dowry, etc., as mentioned in the report of the Temporary Slavery Commission.

“Article 3. (The Trade at Sea.)

“The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags.

“The High Contracting Parties further recognise the value of separate agreements between the Powers concerned conferring on their warships, in certain zones in which they may consider the existence of traffic in slaves to be a possibility, special rights enabling them to prevent and suppress the said traffic on vessels flying the flag of any of the Powers which are parties to such agreements. The High Contracting Parties undertake to communicate to each other agreements which may be concluded for this purpose.”

The suggestion contained in the report of the Temporary Slavery Commission that the transport of slaves by sea be considered as an act of piracy was incorporated in the original text of the draft Convention proposed by my Government. It was found, however, that this raised serious difficulties and, whilst Article 3 now reads somewhat differently, it definitely foresees the conclusion of separate agreements between the Powers most directly concerned in order to bring about the most effective co-operation on the seas, notably as regards measures to be taken in the case of ships of relatively small tonnage which are usually employed in this trade.

I trust that technical or legal difficulties will not be permitted to prevent practical agreements of the nature contemplated by the Committee and, even if the Convention is not immediately brought into force, I trust that some such agreements may be concluded forthwith.

“Article 4. (Mutual Assistance.)

“The High Contracting Parties shall give to one another every assistance with the object of securing the abolition of slavery and the slave trade.”

Various suggestions as to how the provisions of this article may be applied, in particular by arrangements for the right of pursuit across inland frontiers, will be found in the report of the Temporary Slavery Commission. I sincerely trust that such arrangements for the right of pursuit across inland frontiers will be concluded by the States concerned, particularly those situated in Africa, Arabia or Asia, or those having possessions in these parts of the world.

Another manner in which I suggest States might assist one another to secure the abolition of slavery is by instructing their respective consular officers in places, where manumission or similar methods of freeing slaves exist, to collaborate closely with a view to liberating and repatriating slaves when and wherever possible.

All States might apply the provisions of this Article in regard to such matters as extradition which do not concern colonial areas alone.

“Article 5. (Penalties.)

“Those of the High Contracting Parties whose laws do not at present make adequate provision for the punishment of infractions of laws and regulations enacted with a view to giving effect to the purposes of the present Convention, undertake to adopt or to propose for adoption by their respective legislatures the necessary measures in order that severe penalties may be imposed in respect of such infractions.”

The desirability of attaching severe penalties to the legislation against the slave trade is too evident to need comment.

“Article 6. (Forced or Compulsory Labour.)

“The High Contracting Parties recognise that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection or tutelage, to take all necessary measures to prevent conditions analogous to those of slavery from resulting from compulsory or forced labour.
"It is agreed that:

"(1) In principle, compulsory or forced labour may only be exacted for public purposes;

"(2) In territories in which compulsory or forced labour for other than public purposes still survives, the High Contracting Parties shall endeavour progressively 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.

"(3) In all cases, the responsibility for any recourse to compulsory or forced labour shall rest with the central authorities of the territories concerned."

In drafting this Article, the Committee confronted perhaps the most difficult of the problems before it. It is recognised that its provisions do not go so far as those contained in the B and C Mandates; but the Committee felt that it was wiser to set up a minimum standard which was clearly understood and accepted than to adopt principles which could not perhaps in all cases be literally complied with. The above drafting was therefore finally agreed upon. It represents a definite attempt to deal with the question of forced labour in a general international agreement. This alone marks progress of considerable importance.

The first consideration of the Commission was to make certain that forced labour under no circumstances would be allowed to degenerate into a condition analogous to slavery. As regards forced labour for public purposes, it seemed preferable not to use the terms of the Mandates, "essential public works and services", as there has been some hesitation in certain quarters in interpreting the word "services" so as to include the payment of a tax. It was therefore thought preferable to use the words "public purposes". The expression may also include services required of inhabitants of villages, services which in accordance with ancient customs and institutions still existing in different territories are sometimes rendered to the village chiefs, but exclusively in their capacity as such.

In principle, the Committee was most decidedly opposed to the use of forced labour for other than public purposes, but at the same time it recognised that, owing to special conditions in certain colonies, it might be impossible to abolish it forthwith. The draft Convention, however, subordinates such recourse to certain conditions that are considered essential in order to guard against the abuses to which this form of labour may give rise. In the first place, it can only be authorised in exceptional cases when there is imperious necessity; secondly, it shall always be adequately remunerated; finally, in no case must it involve the removal of the labourers from their usual place of residence. If these conditions are strictly observed, the evils of forced labour for private enterprises will be enormously diminished. Some doubts were felt lest private firms and persons, on seeing this very exceptional sanction, should press the authorities for forced labour when circumstances did not justify any such application. The Committee, however, felt confident that these applications would be firmly resisted by the authorities concerned.

In territories where the use of forced labour for other than public purposes is allowed, the Governments of these territories should endeavour progressively to bring such labour to an end as soon as possible.

Forced or compulsory labour for public or any other purposes can never be employed except under the complete responsibility of the central government of the territory.

Article 7 (Exchange of Laws and Regulations) and Article 8 (Abrogation of Previous Conventions) do not require any particular comment.

"Article 9. (Partial Accessions to the Convention.)

"Any of the High Contracting Parties may declare that its signature, ratification or adhesion shall not be binding as regards the enforcement of the provisions of certain of the articles of this Convention either upon the whole or upon any of the territories placed under its sovereignty, jurisdiction, or protection.

"Any High Contracting Party which has made such a declaration may subsequently and, in conformity with the provisions of Article 10, adhere unreservedly to the present Convention in respect of any of the excluded territories; it shall endeavour to ensure such adhesion with the least possible delay in respect of all the excluded territories."

This Article has been inserted primarily for formal reasons in most of the recent international conventions. The Committee was of the opinion that there would probably be little occasion for the interested States to use it in the case of the present Convention. On the other hand, to avoid possible difficulties, it was considered advisable to follow the practice which has now become usual. It was, of course, understood that neither this Article nor any other could in any way affect the provisions of the Mandates.

Article 10 (Accessions) and Article 11 (Ratification and Coming into Force) do not appear to call for any remarks.

Two other articles concerning:

(i) The compulsory jurisdiction of the Permanent Court of International Justice or
of some other tribunal in case of disputes, concerning the interpretation and application of the convention 1, and

(2) Reports to be made annually to the League concerning the execution of the convention 2

were proposed by the representative of Norway. These two proposals were considered by the Committee and the record of its deliberations appears in the Minutes. No solution was reached with regard to these points mainly owing to the late period of the sittings of the Committee at which their consideration was begun. It was, however, agreed that reference to them should be inserted in this report and that they should be considered again at the next Assembly, and that the Governments of the Members of the League should thus, in the meantime, be given an opportunity to express their views on them.

A draft resolution calling the attention of the International Labour Organisation to the necessity for the study of the conditions of native labour with a view to international action 3, was also proposed by the representative of Norway. It was similarly agreed that a reference should also be made in the report to this proposal in order that the attention of the Governments of the Members of the League should be called to it.

After this brief comment on the various Articles of the draft Convention, I would like to emphasise the fact that the Committee does not hold up this document as the ultimate aim to be achieved in the international effort to do away with such abuses as the slave trade, slavery and conditions analogous thereto. It represents merely what the Committee considers to be the highest minimum standard which can be set forth in formal international arrangements at the present time. It is recognised that the standard already existing in certain colonial areas is considerably higher and it is hoped that no States will be satisfied with compliance with the minimum standard which is now proposed.

Before the Assembly began, the British Government thought that it might be possible and desirable to conclude a convention during the present session and to open it immediately for signature. The other Members of the League of Nations, however, have not had an opportunity of considering the text of the proposed Convention before their delegates arrived in Geneva and there would seem to be some doubt as to how many of them would be prepared to sign such a paper with the prospect of securing ratification within a brief period. It is therefore the opinion of the Committee that the Convention should only be circulated to the Members of the League and to certain other States for their observations, with the hope that, at the time of the next Assembly, it will be possible to draw up this Agreement in final form and to open it for signature. I therefore beg to propose the following resolution:

"The Assembly,

"Considering that the Members of the League of Nations have undertaken, in virtue of Article 23 (b) of the Covenant, to secure just treatment of the native inhabitants of territories under their control;

"Having examined the report of the Temporary Slavery Commission which has been communicated to all the Members of the League of Nations; and

"Being of opinion that a Convention is the best way of giving effect to the suggestions made in this report and of accomplishing the work undertaken by the League of Nations for the suppression of slavery;

"Decides to recommend for approval the annexed draft Convention;

"And requests the Council to communicate this draft to all States Members of the League and to such other States as the Council may specify, with a view to the conclusion of a Convention which will be as far as possible in conformity with this draft, and to invite the abovementioned States:

1 Draft Article proposed by the Representative of Norway:

"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 either or both of the States to such a dispute should not be parties to the Protocol of December 16th, 1907, 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."

2 Draft Article proposed by the Representative of Norway:

"The signatory States undertake to communicate annually to the Secretary-General of the League of Nations a report on the working of the measures which they have taken to carry out the purposes of the Protocol.

"The Secretary-General shall present to the annual Assembly of the League of Nations a summary of the reports so communicated."

3 Draft resolution proposed by the Representative of Norway:

"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 references therein to the grave consequences which may arise where the conditions of native labour are not such as are consonant with the principles inscribed in 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 its study with a view to international action,"
“(a) To forward to the Secretary-General not later than June 1st, 1926, any observations they may desire to make regarding the provisions of this draft;

“(b) To appoint at a later date plenipotentiaries who will meet at the time of the opening of the Seventh Assembly to re-examine, if necessary, the Articles of the draft Convention and to sign immediately the text of the Convention which has been agreed upon; and

“(c) To make every effort to adopt at once all possible measures in conformity with the provisions of the draft Convention in question;

“(d) To assist one another forthwith in the abolition of the slave trade, slavery and conditions analogous thereto, by all practicable means, and in particular by the conclusion of special agreements and arrangements.”

Appendix.

DRAFT CONVENTION.

Preamble.

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;

Whereas the signatories of the Convention of Saint 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 slave trade and slavery by the signatories of the Convention of Saint Germain-en-Laye;

Have decided to conclude a Convention and have accordingly appointed as their Plenipotentiaries.

Who, having communicated their full powers, have agreed as follows:

Article 1.

For the purposes of the present Convention, the following definitions are agreed upon:

1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

2. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

Article 2.

The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection or tutelage, so far as they have not already taken the necessary steps:

(a) To prevent and suppress the slave trade;

(b) To bring about progressively and as soon as possible the disappearance of slavery in every form, notably in the case of domestic slavery and similar conditions.

Article 3.

The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags.

The High Contracting Parties further recognise the value of separate agreements between the Powers concerned conferring on their warships, in certain zones in which they may consider the existence of traffic in slaves to be a possibility, special rights enabling them to prevent and suppress the said traffic on vessels flying the flag of any of the Powers which are parties to such agreements.

The High Contracting Parties undertake to communicate to each other agreements which may be concluded for this purpose.

Article 4.

The High Contracting Parties shall give to one another every assistance with the object of securing the abolition of slavery and the slave trade.
Those of the High Contracting Parties whose laws do not at present make adequate provision for the punishment of infractions of laws and regulations enacted with a view to giving effect to the purposes of the present Convention, undertake to adopt or to propose for adoption by their respective legislatures the necessary measures in order that severe penalties may be imposed in respect of such infractions.

The High Contracting Parties recognise that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection or tutelage, to take all necessary measures to prevent conditions analogous to those of slavery from resulting from compulsory or forced labour.

It is agreed that:

1. In principle, compulsory or forced labour may only be exacted for public purposes;
2. In territories in which compulsory or forced labour for other than public purposes still survives, the High Contracting Parties shall endeavour progressively 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.
3. In all cases, the responsibility for any recourse to compulsory or forced labour shall rest with the central authorities of the territories concerned.

The High Contracting Parties undertake to communicate to each other and to the Secretary-General of the League of Nations any laws and regulations which they may enact with a view to the application of the provisions of the present Convention.

All the provisions of international conventions of a general character anterior to the date of the present Convention shall be regarded as abrogated, in so far as they relate to matters dealt with in the present Convention and bind in their relations with each other the Powers which are parties to the said Convention.

Any of the High Contracting Parties may declare that its signature, ratification or adhesion shall not be binding as regards the enforcement of the provisions of certain of the Articles of this Convention either upon the whole or upon any of the territories placed under its sovereignty, jurisdiction or protection.

Any High Contracting Party which has made such a declaration may subsequently and in conformity with the provisions of Article 10 adhere unreservedly to the present Convention in respect of any of the excluded territories; it shall endeavour to ensure such adhesion with the least possible delay in respect of all the excluded territories.

The High Contracting Parties shall make every effort to induce other States to adhere to the present Convention.

Such adhesion shall be notified to the Secretary-General of the League of Nations and through him to all the signatory or adherent States.

The present Convention, the French and English texts of which shall both be deemed authentic, shall be ratified. It shall bear this day’s date.

The instruments of ratification shall be deposited at the office of the Secretary-General of the League of Nations, who shall immediately notify the signatory or adherent Powers of such deposit.

The Convention shall come into force in respect of each signatory Power three months after the date on which such Power has deposited its ratification.
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