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QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES
AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES OF
APARTHEID AND COLONIALISM

Report submitted by the Special Rapporteur,
Mr. Mohamed Awad

The Secretary-General has the honour to communicate to the Sub-Commission the attached report, which he has received from the Special Rapporteur, Mr. Mohamed Awad.

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. BACKGROUND	1-32	1
General	1-16	1
Action by United Nations Bodies	17-24	4
Scope of the study	25-32	5
II. CONSULTATIONS WITH AUTHORITIES OF INTERNATIONAL ORGANIZATIONS	33-116	9
General	33-35	9
International Labour Organisation (ILO)	36-62	10
Office of the High Commissioner for Refugees	63-67	17
Division of Narcotic Drugs	68-83	18
International Criminal Police Organization (INTERPOL).	84-99	22
United Nations Educational, Scientific and Cultural Organization (UNESCO)	100-108	27
Anti-Slavery Society	109-111	29
Conclusions and proposals	112-116	29
III. MEASURES WHICH MIGHT BE TAKEN TO IMPLEMENT THE INTERNATIONAL SLAVERY CONVENTION OF 1926 AND THE SUPPLEMENTARY CONVENTION OF 1956	117-165	32
General	117-121	32
The need to increase the number of States Parties to the two Conventions	122-124	36
The need for adoption of appropriate national legislation	125-127	37
The need to expand utilization of available technical assistance resources	128-132	38
The need for increased regional activities	133-137	39
The need for expanded land reform and vocational guidance programmes	138-148	41
The need for national legislation to abolish debt bondage	149-150	44
The need for action during the "transition period" pending the complete abolition of slavery and forms of servitude resembling slavery	151-155	45
The need for special assistance to persons freed from slavery and other forms of servitude	156	46

	<u>Paragraphs</u>	<u>Page</u>
The need to promote fundamental economic and social change by educational and other methods	157-162	47
The need for permanent machinery to secure the implementation of the Slavery Conventions	163-165	49
IV. <u>APARTHEID</u>	166-225	51
V. COLONIALISM	226-290	66

ANNEXES:

I. List of experts in economic, sociological, legal and other relevant disciplines, whose advice could be made available to States concerned with the liquidation of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of <u>apartheid</u> and colonialism	77
II. Special arrangement between the International Criminal Police Organization and the Economic and Social Council	79
III. Map of countries having diplomatic representation in South Africa	81
IV. Map of southern Africa	82

I. BACKGROUND

General

1. When the United Nations Organization came into existence in 1945, the problem of slavery had been agitating the minds of many groups of men and women for some 150 years and had been subjected to increasingly heavy attacks on the national and international level by humanitarian agencies, philanthropic institutions and reformers of every kind. Slavery persisted, nevertheless, in different forms and manifestations, in various parts of the world, though in a somewhat reduced state; and the efforts to eradicate the evil could not be allowed to slacken.

2. The problem of slavery and the slave trade was recognized, even at the beginning of the nineteenth century, to be essentially of an international character. But the greatest effort to fight the evil was only accomplished in 1890, when the General Act for the Repression of African Slave Trade was concluded in Brussels. The General Act came into force in 1892.

3. The Brussels Convention was particularly concerned with the African continent. The wider question of slavery throughout the whole world was the concern of the League of Nations. The feelings of the world on the problem of slavery were particularly strong after the two world wars.

4. It is true that the Charter of the United Nations does not make any specific reference to slavery. However, Article 1, paragraph 3, of the Charter defines one of the objectives of the United Nations as follows: "To achieve international co-operation... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". The adoption of that wording was a clear indication that it would not be long before the problem of slavery would engage the attention of the United Nations in a more specific form.

5. Three years later, on 10 December 1948, the General Assembly adopted the Universal Declaration of Human Rights, which in article 4 clearly shows that the problem of slavery was one of primary concern to the Organization. The article declares:

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

6. The article, incidentally, was a formal recognition by the greatest international organization that the problem of slavery existed, even if it assumed different forms; and that it must be a primary concern of the United Nations.

7. After the First World War, and also after the Second, the feeling towards the eradication of slavery was very strong; and in both periods it was felt that something must be done to achieve that objective. Thus, early in its career the League of Nations undertook to occupy itself with the problem of slavery by

appointing a Temporary Slavery Commission, which was instructed to examine the situation and make suggestions for dealing with any problems that might be found to exist. The Commission's second report to the Council of the League recommended the preparation of an international convention on slavery. The suggestion was referred to the Assembly of the League, whose deliberations resulted in the International Slavery Convention of 1926. Although that Convention was not generally considered as the ultimate aim to be achieved, it was nevertheless a step in the right direction.

8. One of the noted features of the 1926 Convention was its attempt, in article I, to produce a definition of slavery in the following terms:

"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."

In spite of many criticisms and several attempts to produce alternatives, the definition has remained the only one acceptable to the majority of States; and as such, it was accepted in due course by the United Nations.

9. Such was the spirit which inspired the conduct of its members that the League of Nations was able to produce some interesting results, even before the Convention entered into force, of which the following might be mentioned:

(a) The League managed to secure the legal abolition of slavery in Afghanistan (1923), Iraq (1924), Nepal (1926), Transjordan and Persia (1929);

(b) When Ethiopia applied for admission to membership of the League, it was opposed on the ground that slavery existed in the country. The Government of Ethiopia gave a pledge that slavery would be abolished and began to take measures towards that end.

10. The legacy of the League of Nations was bequeathed to the United Nations, which took over many of the duties previously assumed by the League. The Slavery Convention of 1926 was the subject of a special arrangement. A Protocol was concluded in 1953, by which the Convention was placed in the care of the United Nations, and all instruments of accession were thereafter deposited with the Secretary-General of the United Nations.

11. It was however felt that the terms of the Convention were inadequate and did not include all aspects of the problem of slavery. The United Nations had already created an Ad Hoc Committee on Slavery, on whose advice the Protocol had been enacted; the Committee had also strongly urged that the 1926 Convention should be supplemented by a new instrument, which, inter alia should cover all practices and institutions similar to slavery since article 4 of the Universal Declaration of Human Rights covered servitude as well as slavery.

12. The result of those activities and consultations was the convocation in Geneva in September 1956 of a special conference, to which all States Members of the United Nations and members of the specialized agencies were invited. The new instrument was debated and finally approved under the title: Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. It went further and covered more ground than the 1926 Convention. In particular, it covered abuses analogous to slavery, such as

debt bondage, serfdom, the sale of women into marriage without their consent and the sham adoption of children to exploit their labour.

13. Thus the United Nations is now in possession of two important instruments dealing with the problem of slavery, the slave trade and institutions and practices similar to slavery. These instruments are meant to be carefully observed and followed by all Members of the United Nations which have ratified or acceded to them. Ratification, however, has been rather slow, although there has been some progress towards that end in recent years.

14. As in the case of many other conventions, ratification by all Member States is highly desirable, and no effort should be spared to secure it. It may be useful to give here an account of the state of ratification of the Supplementary Convention as of 30 June 1971:

(a) In Europe nearly all States had ratified with the exception of the Holy See, Lichtenstein and Monaco;

(b) The two Member States of North America had ratified;

(c) In Latin America, the following fourteen Member States had not yet ratified: Barbados, Bolivia, Chile, Colombia, Costa Rica, El Salvador, Guatamala, Guyana, Honduras, Nicaragua, Panama, Paraguay, Uruguay, Venezuela;

(d) In Asia the following twelve Member States (including one from Oceania) had not yet ratified: Burma, Indonesia, Japan, Lebanon, Maldive Islands, Republic of Korea, Saudi Arabia, Singapore, Southern Yemen, Thailand, Western Samoa and Yemem;

(e) In Africa the following twenty-five Member States had not yet ratified: Botswana, Burundi, Cameroon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Equatorial Guinea, Gabon, Gambia, Guinea, Kenya, Lesotho, Libya, Madagascar, Mali, Mauritania, Rwanda, Senegal, Somalia, South Africa, Swaziland, Togo, Upper Volta and Zambia. As against those twenty-seven, the following sixteen African States had ratified: Algeria, Central African Republic, Ethiopia, Ghana, Ivory Coast, Malawi, Mauritius, Morocco, Niger, Nigeria, Sierra Leone, Sudan, Tunisia, Uganda, United Arab Republic and United Republic of Tanzania;

(f) Five States Members who had formally signed the Convention when it was enacted on 7 September 1956 had not yet ratified it; they were: El Salvador, Greece, Guatemala, Liberia and the Republic of Viet-Nam.

15. It might seem curious that Africa should have produced so few ratifications. It is true that in some States the machinery for ratification is rather slow. Moreover, some States may be reluctant to accede to a Convention in the formulation of which they have not participated.

16. In the above summary an attempt has been made to trace the different stages by which the international community has been trying to deal with the problem of slavery in its various aspects. There was, first, the agitation during the nineteenth century that culminated in the conclusion of the Brussels Convention in 1890, which was particularly concerned with the continent of Africa. Then, after the First World War, the League of Nations managed to conclude the Slavery

Convention of 1926. The third stage was reached after the Second World War, when the United Nations was able to conclude the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956.

Action by United Nations bodies

17. Both before and after the conclusion of the Supplementary Convention many United Nations bodies - in particular the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities - continued to be interested in the eradication of all aspects of slavery. The General Assembly requested the Economic and Social Council to study the question of slavery in its resolution 228 (III) of 13 May 1949. Since that time, four comprehensive surveys have been prepared and studied by the Council.

18. The first survey (E/1988) was prepared by the Ad Hoc Committee on Slavery appointed by the Secretary-General in accordance with Economic and Social Council resolution 238 (IX). The Council, in resolution 388 (XIII) of 10 September 1951, requested the Secretary-General, inter alia, to obtain further information and to report to the Council indicating the action that the United Nations and specialized agencies could most appropriately take in order to achieve the elimination of slavery, the slave trade and forms of servitude resembling slavery in their effects.

19. Pursuant to this resolution the Secretary-General prepared and submitted to the Council, at its fifteenth session in 1953, the second survey (E/2357) completing the one prepared by the Ad Hoc Committee. The Council at that session, in resolution 475 (XV), requested the Secretary-General to urge those Governments which had failed to supply information or had supplied incomplete information, to reply accurately and fully to the questionnaire already transmitted to them.

20. The third survey, prepared by Mr. Hans Engen (Norway), the Special Rapporteur appointed by decision of the Council in resolution 525 (XVII) of 24 April 1964, was submitted to the Council at its nineteenth session in 1955. At that session the Council, by resolution 564 (XIX), appointed a Committee consisting of the representatives of ten Governments for the purpose of preparing a text of what later became the Supplementary Convention on Slavery of 1956.

21. In resolution 960 (XXXVI) of 12 July 1963 the Council, feeling that there existed a need for accurate, comprehensive and up-to-date information of the extent to which slavery, the slave trade, and institutions and practices similar to slavery persisted, requested the Secretary-General to appoint a Special Rapporteur on Slavery to bring the Engen Report up to date. The Secretary-General accordingly appointed the present Special Rapporteur to perform that function.

22. After considering and noting the Special Rapporteur's Report on Slavery, 1/ which has been based on replies received to a questionnaire formulated by the Secretary-General in consultation with the Special Rapporteur, the Council in

1/ United Nations publication, Sales No. 67.XIV.2.

resolution 1126 (XLI) of 26 July 1966 referred the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, to the Commission on Human Rights and requested the Commission to submit to it a report containing specific proposals for effective and immediate measures which the United Nations could adopt to put an end to slavery in all its practices and manifestations.

23. The Commission, in resolution 13 (XXIII) of 21 March 1967, requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, taking into account the study and recommendations prepared by the Council's Special Rapporteur and such other information as it believes pertinent, to consider information submitted by the States Parties to the Supplementary Slavery Convention of 1956 in accordance with article 8 of that Convention, and to report to the Commission its recommendations on measures designed to help the United Nations and Member States which so accept in dealing with problems of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism.

24. Subsequently the Council, on recommendation of the Commission, adopted resolution 1330 (XLIV) of 31 May 1968, which reads as follows:

"The Economic and Social Council,

...

"1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study of the measures which might be taken to implement the International Slavery Convention of 1926 and the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery and the various recommendations included in the resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights relating to the slavery-like practices of apartheid and colonialism;

"2. Further authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to initiate a study of the possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved, taking into account, as appropriate, the views of the competent international organizations."

Scope of the study

25. The Sub-Commission initiated the study authorized in Council resolution 1330 (XLIV) at its twenty-first session, in 1968, by appointing the present Special Rapporteur, subject to approval by the Commission and the Council, to carry out the work within the terms of paragraphs 1 and 2 of Council resolution 1330 (XLIV). The appointment was subsequently confirmed by the Commission and the Council, and at its twenty-second session the Sub-Commission requested the Special Rapporteur to proceed to carry out the study as rapidly as possible. In resolution 4 (XXII) of 10 September 1969, the Sub-Commission requested the Special Rapporteur in particular "to include in his study measures for

combating the manifestations of the slavery-like practices akin to apartheid which exist in Southern Rhodesia and Namibia, especially the practices of forced, sweated African labour and the total denial of trade union rights to Africans in those territories;" and invited him

"to take into account the findings in the reports contained in documents E/CN.4/984 and Add.1-19, and E/4646 of the Ad Hoc Working Group of Experts dealing with the ill-treatment of prisoners in Southern Rhodesia, South Africa, Namibia and the Portuguese territories in Africa; and the infringement of trade union rights in Southern Rhodesia, South Africa and Namibia."

The Sub-Commission further invited him to take into account the work of the International Labour Organisation (ILO) on freedom of association and forced labour.

26. In paragraph 5 of resolution 4 (XXIII) the Sub-Commission requested the Secretary-General to arrange for the Special Rapporteur to consult with certain competent international and regional organizations with a view to obtaining the information required for the preparation of the study and their further co-operation in the elimination of the abuses under consideration. A summary of the useful discussions which the Special Rapporteur carried out with such organizations will be given in part II of the present report.

27. The mandate of the present Special Rapporteur, accordingly, is to carry out three closely related studies:

(a) A study of the measures which might be taken to implement the International Slavery Convention of 1926 and the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;

(b) A study of the possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved, taking into account, as appropriate, the views of the competent international organizations;

(c) A study of the measures which might be taken to implement the various recommendations included in the resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights relating to the slavery-like practices of apartheid and colonialism.

28. The scope of the problem to be investigated has been widened by the reference in ECOSOC resolution 1330 (XLVI) to the slavery-like practices of apartheid and colonialism. There are, of course, several United Nations bodies, and even other organizations of the United Nations family, which have devoted a great deal of time and effort to combating the evils of apartheid and colonialism and to ridding the human race of the suffering and misery that these wicked and barbarous institutions have inflicted upon it. These organizations are all carrying out valuable work and the Special Rapporteur, in preparing this report, has found it advisable to keep abreast of all the efforts being made. In subsequent chapters full consideration will be given to those efforts.

29. It is important to bear in mind that the close relationship of the three evils of slavery, apartheid and colonialism cannot be denied; but this does not mean that the same methods can always be employed for their eradication. It is suspected, for instance, that illicit traffic in slaves still exists; and INTERPOL might be asked to assist in detecting such traffic. But there is no illicit traffic in apartheid, which is openly carried out by the authorities in southern Africa and upon which the whole machinery of the State is built. By the same token it has often been suggested or even decided that, in accordance with Articles 41, 42 and 43 of the United Nations Charter, sanctions of one kind or another can be, and sometimes have been, imposed upon some of the States practising apartheid. Naturally, there can be no question of imposing sanctions to eradicate the vestiges of slavery or illicit trade in slaves. It must thus be borne in mind that it may often be necessary to suggest different methods for tackling one or another of the three evils, despite the close analogy between them.

30. The Special Rapporteur submitted a progress report on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism (E/CN.4/Sub.2/312) to the Sub-Commission at its twenty-third session. The Sub-Commission had before it, at the same time, information on slavery and the slave trade presented by the Secretary-General (E/CN.4/Sub.2/308 and Add.1) in accordance with resolution 4 (XXII) of the Sub-Commission and resolution 1331 (XLVI) of the Economic and Social Council. The exchange of views on the progress report during the twenty-third session of the Sub-Commission is summarized in the report of that session (E/CN.4/1040, paras. 15-42). The Sub-Commission, in resolution 1 (XXIII), invited the Special Rapporteur to continue his task and to submit his final report to its twenty-fourth session; and proposed that the Commission on Human Rights should recommend to the Economic and Social Council the adoption of a draft resolution on the subject. The Commission on Human Rights endorsed the draft resolution in its resolution 12 (XXVII), and the Economic and Social Council adopted it, after amending it by the addition of a new paragraph 3, as resolution 1593 (L), at its 1771st plenary meeting on 21 May 1971. The Commission also, at its twenty-seventh session, approved the list of experts in economic, sociological legal and other relevant disciplines whose advice could be made available to States concerned with the liquidation of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, which the Secretary-General had prepared in consultation with the Sub-Commission in accordance with Economic and Social Council resolution 1330 (XLIV). The list, which was confirmed by the Commission on the understanding that further names might be added in the future, is attached to the present report as annex I.

31. In resolution 1593 (L) the Council, after expressing its appreciation to the Special Rapporteur and authorizing him to continue his task, taking into account the exchange of views on his progress report at the twenty-third session of the Sub-Commission and the twenty-seventh session of the Commission, invited him "to submit in his final report to the Sub-Commission at its twenty-fourth session his conclusions and recommendations having regard to the urgent need for the proper implementation of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery." The Council further invited him:

"to elaborate, in his final report, on his previous studies of ways in which national and international work in the field of narcotics control and the protection of refugees may be applied in order to secure the better implementation of existing instruments relating to the suppression of slavery and slavery-like practices."

32. In the same resolution, the Council requested the Secretary-General (operative paragraph 4) "once again to urge those States which have not yet ratified the Supplementary Convention of 1956 to expedite their ratification procedures," (paragraph 5) "to extend his assistance to the States Parties for the purpose of arranging for the exchange of information called for by article 3, paragraph 3, of the Supplementary Convention;" and (paragraph 7) "to seek the co-operation of those organizations, both intergovernmental and non-governmental, which can provide assistance in particular in the eradication of slavery, the slave trade and other forms of servitude." In addition, it authorized the Secretary-General (paragraph 6) "to supplement the information received from States Parties to that Convention by information which may be available from other official sources, including States that have not yet adhered to the Convention and the appropriate international organizations, and to present such information to the Sub-Commission..."

II. CONSULTATIONS WITH AUTHORITIES OF INTERNATIONAL ORGANIZATIONS

General

33. In its preliminary report presented to the Sub-Commission at its twenty-second session (E/CN.4/Sub.2/304) the Special Rapporteur drew to the attention of the Sub-Commission a number of suggested measures that might be taken to implement the International Slavery Convention of 1926 and the Supplementary Convention of 1956. In particular, he drew attention to the suggestion of Kuwait that regional organizations with competent institutionalized organs should be given the responsibility for controlling the combating of the slave trade, 2/ to the suggestion of Senegal that there should be an international investigation of slave trade networks 3/ and to the suggestion of Iran that "the conclusion of international agreements providing for judicial assistance and co-operation for the elimination of slavery would... be very useful". 4/ He also drew attention to two suggestions put forward by the Secretary-General in his report on technical assistance or other resources in the United Nations system that might be useful to Member States in eliminating all vestiges of slavery and the slavery-like practices of apartheid and colonialism, namely: (a) that "the techniques used to suppress the illicit trade in narcotics might be adopted to suppress the illicit trade in slaves" and (b) that "the articles of the Single Convention (on Narcotic Drugs of 1961), dealing with the measures to ensure the execution of its provisions, might serve as a model for future conventions in the field of slavery in all its forms". 5/

34. Finally, he noted with great interest the information on possible international police co-operation in interrupting and punishing the transportation of persons in danger of being enslaved and in particular the view expressed by INTERPOL that police co-operation was feasible in so far as slavery or the acts contributing to it were punishable under the criminal laws of each country and that INTERPOL's permanent machinery for international police co-operation could function as effectively for slavery as for fraud, counterfeiting or theft. In that connexion the Special Rapporteur expressed the hope that the Sub-Commission would make a careful study of INTERPOL and that it would further study the acts that would have to be made penal offences if slavery, the slave trade and other slavery-like practices were to be abolished, with a view to preparing a recommendation to Governments on this subject.

35. In accordance with Sub-Commission resolution 4 (XXI), requesting the Secretary-General to arrange for the Special Rapporteur to consult with the appropriate authorities of the competent international and regional organizations with a view to obtaining the information required for the preparation of his study and their further co-operation in the elimination of the abuses under consideration, arrangements were made for the Special Rapporteur to visit, during May 1970, the United Nations Office at Geneva and the headquarters of the

2/ Report on Slavery (United Nations publication, Sales No.: 67.XIV.2), para. 1413.

3/ Ibid., para. 1428.

4/ Ibid., para. 1473.

5/ E/CN.4/Sub.2/280, pp. 33 and 42.

International Labour Organisation, Geneva; the headquarters of UNESCO and the headquarters of INTERPOL in Paris; and the office of the Anti-Slavery Society in London. At the United Nations Office, the Special Rapporteur was able to confer with Secretariat officials concerned with the control of narcotics and with the international protection of, and assistance to, refugees. At the office of the Anti-Slavery Society, he was able to consult with a number of persons, including representatives of non-governmental organizations interested in various aspects of the problem of slavery. A brief summary of these consultations follows.

International Labour Organisation (ILO)

36. Discussions with officials of the International Labour Office related to a number of subjects, among them the techniques which the ILO had developed for securing the widest possible ratification and implementation of its conventions relating to labour standards, the work of the ILO on freedom of association and forced labour, its activities in the fields of land reform and vocational training, its statements and reports concerning apartheid and the ways in which the ILO might further co-operate in the international effort to abolish slavery and the slave trade in all their forms.

Techniques for securing ratification and implementation of conventions relating to labour standards

37. The ILO, the first specialized agency to be associated with the United Nations, was founded to advance the cause of social justice and thereby contribute to the establishment of universal and lasting peace. The Declaration of Philadelphia, adopted by the International Labour Conference in 1944 and later annexed to the ILO Constitution, states that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, or economic security and equal opportunity. The tripartite structure of the ILO, enabling employers and workers as well as Governments to take part in its work, is a distinctive feature which distinguishes that organization from similar bodies.

38. The ILO has as one of its primary functions the raising of labour standards, first, by building up a code of international law and practice and, second, by exercising the international supervision required to ensure the realization of those standards. It has accordingly prepared, over the years, more than 250 conventions and recommendations, which form a comprehensive International Labour Code. Under the ILO Constitution, member States are obliged to submit each Convention and Recommendation to the competent national authorities and to report annually on the measures taken to apply ratified conventions. They are also obliged to report at intervals, as requested by the Governing Body, on unratified conventions and on recommendations. Further, the Constitution provides that copies of these reports must be communicated to the representative organizations of employers and workers, so that they will have an opportunity to submit comments.

39. The ILO system for supervising the application of international labour standards is based on the reports received from Governments and is exercised by the Committee of Experts on the Application of Conventions and Recommendations and by the International Labour Conference. These bodies are concerned with

fulfilment of the obligation to submit reports, and they examine and comment upon the contents of the reports themselves. The reports must be made in such form and contain such particulars as the Governing Body requests. The Governing Body approves a report form for each Convention, calling for detailed information on laws and regulations and on measures taken to put the provisions of the convention into effect. The Committee of Experts consists of a body of independent personalities whose task is to examine the reports in question with particular reference to their legal and technical aspects; the International Labour Conference considers the facts reported to it by the experts and other information from various countries. To assist it in this work the Conference at each annual session sets up a tripartite Committee on the Application of Conventions and Recommendations, which goes into the whole situation with regard to the application of conventions and recommendations, afterwards submitting a report to the Conference for discussion.

40. When the Committee was established in 1926 it was agreed that its members should be completely impartial persons of recognized technical competence and of independent standing. Beginning with a membership of eight, the Committee has now grown to nineteen, coming from every region of the world. The members are drawn in the main from amongst judges, university professors and persons with long experience in public administration. The special Conference Committee on the Application of Conventions and Recommendations, on the other hand, is a tripartite body consisting of Government, employers' and workers' members of the delegations attending the Conference. It examines with the representatives of the Governments concerned any difficulties which may have arisen in connexion with the application of conventions.

41. A succinct but comprehensive picture of the salient characteristics and practical methods of the work of the Committee will be found in the annex to part I of the Committee's general report to the fifty-third session of the International Labour Conference held in 1969. 6/

42. In addition to these formal methods of dealing with the ratification and implementation of ILO conventions, the International Labour Office follows up, on an informal basis, every possibility that presents itself in this field. At each International Labour Conference it seizes the opportunity to discuss with government representatives the obstacles to or possibilities of further ratifications, or it discusses with them the importance of particular conventions or recommendations. In many cases the office is thus enabled to clarify the meaning of a particular provision or to discuss ways of overcoming difficulties that have arisen. When travelling in the field, ILO officials hold similar discussions with government officials. These endeavours have yielded positive results.

Work relating to freedom of association

43. The International Labour Organisation has two basic instruments concerning freedom of association: the Freedom of Association and Protection of the Right to Organize Convention (No. 87), adopted in 1948, and the Right to Organize and Collective Bargaining Convention (No. 98), adopted the following year.

44. The 1948 Convention provides that workers and employers, without any distinction whatsoever, shall have the right to establish and, subject only

^{6/} International Labour Conference, fifty-third session (1969), Report III, part 4.

to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. It also provides for certain rights and guarantees permitting these organizations, and any federations or confederations they may establish, to draw up their own constitutions and rules, to organize their administration and activities and to formulate their programmes, without any interference from the public authorities which would restrict this right or impede its lawful exercise. The Convention also lays down that member countries ratifying it shall take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organize. The 1949 Convention contains provisions to protect workers against anti-union discrimination (especially as regards recruitment and dismissal) and to afford workers' and employers' organizations adequate protection against acts of interference by each other or each other's agents in their establishment, functioning or administration. Under this Convention, appropriate machinery must be set up to ensure respect for the right to organize, and measures must be taken to promote voluntary negotiation of collective agreements. These standards have been reinforced by a number of recommendations and resolutions concerning various aspects of labour-management relations.

45. A special procedure is provided, with regard to freedom of association, to supplement the regular supervision of the application of international labour standards. Allegations of infringement of freedom of association, even when made against a State which has not ratified the above-mentioned conventions, are examined by the Governing Body on Freedom of Association, which has dealt with well over 600 complaints. In only a few cases has it been necessary for recourse to be had to the Fact-Finding and Conciliation Commission on Freedom of Association. In numerous instances the Governing Body, in the light of its Committee's proposals, has made recommendations urging countries to modify their legislation or their practice, and in numerous cases the countries concerned have acted on such recommendations.

Work relating to freedom of labour

46. Among the basic instruments of the ILO concerning freedom of labour are the Forced Labour Convention (No. 29), of 1930, which provides for the abolition of forced or compulsory labour in all its forms, after a transitional period during which it may be used only for public purposes as an exceptional measure and subject to precise conditions and safeguards; and the Abolition of Forced Labour Convention (No. 105), of 1957, which provides for the immediate and complete abolition of forced or compulsory labour, inter alia, for political purposes, as a method of mobilizing and using labour for purposes of economic development, and as a means of racial, social, national or religious discrimination; and the Employment Policy Convention (No. 122), of 1964, which stipulates that States should pursue an active policy designed to promote full, productive and freely chosen employment. The implementation of these conventions is followed up within the framework of the regular supervision machinery of the ILO described above.

47. Although these conventions have been widely ratified, they are among those which have presented the most serious problems to the Committee of Experts. In fact, research undertaken by the International Labour Office has shown:

"that the question of compulsion to labour needs a fresh appraisal. For example, it is clear that recourse has often been had to various forms of

compulsion in order to give as many people as possible the right to work or the right to certain social services: often these rights are recognized by the fundamental legislation of the countries concerned. Governments have usually acted in this way so as to cope with responsibilities which in their view were particularly pressing, and in economic circumstances where they could see no alternative. They presumably believed that these forms of compulsion were necessary to create conditions of full employment as soon as possible, and need only be of a transitional or emergency character." 7/

However, the ILO has stressed the danger which such measures may hold for fundamental human rights, and has suggested that, in the last analysis, it is through employment policy and adequate opportunities for vocational training that freedom of labour may most effectively be made a reality for all.

Statements and reports concerning apartheid

48. On 8 July 1964 the International Labour Conference unanimously adopted the Declaration concerning the Policy of Apartheid of the Republic of South Africa, which condemned that policy. In order to enable the ILO to keep the situation in South Africa under continuing review, the Conference invited the Director-General "to follow the situation in South Africa in respect of labour matters and to submit every year for consideration by the Conference a special report concerning the application of the Declaration, including any necessary recommendations concerning measures which should be adopted with a view to bringing to an end the policy of apartheid in the Republic of South Africa".

49. In accordance with that decision, reports were submitted to the Conference at its forty-ninth (1965), fiftieth (1966), fifty-first (1967), fifty-second (1968), fifty-third (1969), fifty-fourth (1970) and fifty-sixth (1971) sessions. Those reports were based upon the ILO's programme for the elimination of apartheid in labour matters in the Republic of South Africa, which had been approved by the Conference at the same time as the Declaration. The programme set out a series of practical measures in three broad areas: equality of opportunity in respect of admission to employment and training; freedom from forced labour (including practices which involve or may involve an element of coercion to labour); and freedom of association and the right to organize. In respect of each of these, the programme set out, primarily in the form of an analysis of the applicable laws and regulations, the situation as it existed in 1964; summarized the findings concerning the situation which had been made by the authoritative ILO bodies; and made recommendations for the amendment of the laws of South Africa so as to eliminate apartheid. Such changes as have been made in the relevant legislation during the ensuing years have all been in the direction of a tightening of the apartheid system in the labour field and thus have in no way affected the validity of the conclusions and proposals contained in the programme.

50. The first special report outlined a series of measures in such fields as manpower policy and planning, general educational policy, vocational training, workers' education, industrial relations and incomes policy that might be required to give full effect to the policy recommendations contained in the

7/ The ILO and Human Rights: Report of the Director-General to the International Labour Conference, fifty-second session (1968), part I, p. 43.

programme. The second and third reports attempted to analyse the economic and manpower aspects of the South African Government's policy of "separate development" and showed how the objective pursued through this policy - the progressive separation of the different racial groups in South Africa - was completely unrealistic in an economic context which continues to be characterized by an acute shortage of skilled manpower in the country and the growing dependence of the South African economy on African labour. The fourth report dealt with certain developments within the South African trade movement and the question of the training facilities available for workers of all races, which it examined in the light of the growing need for skilled manpower in every sector of the South African economy. The fifth report reviewed recent administrative measures taken by the Government to implement its policy of "separate development", particularly with a view to exercising stricter control over African workers seeking employment in urban areas and to enforcing racial segregation by large-scale transfers of population. It also describes recent developments in the trade union field and with regard to work reservation.

51. A "five-year review", appearing in the fifth report (chapter III), pointed out the fallacy in the popular assumption that South Africa has an economic advantage in having an abundant "cheap" labour force, and stated:

"A labour force which is deliberately maintained as an unstable and unskilled contract labour force, denied the opportunities to develop its enormous potential for more skilled and productive work and lacks any economic incentive towards higher productivity is not cheap, but wasteful... Economic interest requires not only that the avenues of occupational advancement should be open to African workers but also that the latter should enjoy wages and social security benefits enabling them to maintain a decent standard of living for themselves and their families. Here again, a "cheap" wage policy is directly self-defeating since it keeps productivity low. The continuing economic prosperity of South Africa implies that the African worker must acquire a real stake in the welfare which he helps to produce through his labour, and a considerable effort will therefore be needed to raise African wages. The Special Reports have shown that some of the more far-sighted employers have come to realize that this is in their long-term interest."

52. The sixth special report concentrates on the labour implications of the Bantu Laws Amendment Bill of 1969, developments in the trade union field and the wage situation. It summarizes the developments which have taken place in the United Nations with regard to the South Africa question; and it examines some of the crucial problems that will face South Africa's policy-makers in the labour field in the years to come and will make it increasingly imperative to adopt a complete change of policy.

53. The seventh special report is divided into three chapters. Chapter I deals with a number of recent developments in the Republic of South Africa. In particular, it carries on from the Sixth Report the examination of the consequences of the Bantu Laws Amendment Act, 1970, and focuses attention on the contradictions which have arisen from the Government's attempts to implement this Act in practice in a situation characterized by a general shortage of skilled manpower. Chapter II reflects the concern of the United Nations about the situation existing in the Republic of South Africa and summarizes developments of interest to the ILO which have taken place in the United Nations

in regard to that country over the past year. Chapter III considers the problem of apartheid in terms of workers' and employers' attitudes, both within the Republic of South Africa and at the international level, in view of the fact that employers and workers share, together with Governments, responsibility for implementing the policies of the ILO and that they could play a useful practical role in helping to eliminate apartheid in the labour field.

Co-operation between the United Nations and the ILO in the elimination of slavery and the slave trade

54. The Special Rapporteur was pleased to note the great variety of ILO programmes - some standard-setting, others operational - that contribute to the achievement of personal freedom for persons who have suffered as a result of living in servitude. Indeed, it was clear to him that all the activities of the ILO may be said to play a part in the promotion of what the Universal Declaration of Human Rights refers to as "social progress and better standards of life in larger freedom".

55. In his conversations with officials of the International Labour Office, he explored the possibilities of further co-operation which might be envisaged with a view to putting an end to the vestiges of slavery and the slave trade which persist in some parts of the world. Several useful ideas were considered.

56. First, one cannot but be impressed by the ILO's long experience in matters concerning the ratification and application of its international labour conventions. As regards ratification, it would seem that the United Nations might well adopt, in respect of the Slavery Conventions of 1926 and 1956, some of the informal methods which the ILO had used successfully in encouraging Governments to bring Conventions before the competent national authorities for acceptance.

57. It would also seem that the United Nations might make a further special appeal for the ratification of certain ILO conventions which deal with matters closely related to slavery and servitude, including, in particular, the Employment Policy Convention (No. 122) of 1965, the Forced Labour Convention (No. 29), of 1930, the Forced Labour Convention (No. 105) of 1957, the Social Policy (Basic Aims and Standards) Convention (No. 117) of 1962, (which is particularly concerned to reduce forms of wage payment that foster indebtedness), the Freedom of Association and Protection of the Right to Organize Convention (No. 87), of 1948, the Right to Organize and Collective Bargain Convention (No. 98) of 1949, and the Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-tribal Populations in Independent Countries (No. 107), of 1957.

58. The last of these Conventions is of particular importance, as it establishes standards for the protection and integration into their national communities of indigenous and other tribal and semi-tribal populations whose social, economic or cultural situation hinders them from benefiting fully from the rights and advantages enjoyed by other elements of the population. It provides, in article 9: "Except in cases prescribed by law for all citizens, the exaction from the members of the populations concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited by law". Ratification of this Convention would undoubtedly improve the situation of many who today live in a status of slavery or servitude.

59. The United Nations might also make a special appeal to States to give effect, by national legislation or otherwise, to certain relevant recommendations prepared by the ILO, in particular, to the recommendation concerning the improvement of conditions of life and work of tenants, share-croppers and similar categories of agricultural workers (No. 132), of 1968. This recommendation applies to agricultural workers (a) who pay a fixed rent in cash, in kind, in labour, or in a combination of these; (b) who pay rent in kind consisting of an agreed share of the produce; and (c) who are remunerated by a share of the produce. It provides (paragraph 5) that:

"Members should, without prejudice to the essential rights of land-owners take appropriate measures so that tenants, share-croppers and similar categories or agricultural workers may themselves have the main responsibility of managing their holding; they should give them necessary assistance to that end while ensuring that the resources are used to the greatest advantage and are properly maintained."

60. Such appeals by the United Nations, made in the context of its efforts to eliminate all vestiges of slavery and the slave trade, might well direct new attention to the creative work in this area already undertaken by the ILO and result in an appreciable improvement of the conditions of life and work of persons who remain in, or are only beginning to emerge from, a status of servitude.

61. The United Nations may recommend to the ILO that it continue and expand the assistance that it provides to persons who escape from countries or territories where they have suffered from slavery, the slave trade or any of the slavery-like practices of apartheid or colonialism. Such assistance is available when requested by the Governments of the States in which such persons are living - whether or not those States are members of the ILO; by the United Nations High Commissioner for Refugees; or by any regional organization, such as the Organization for African Unity, recognized as such by the ILO. It includes the vocational guidance and training so essential to those emerging from a status of servitude who wish to integrate themselves into the normal social life of their new community. It is not an exaggeration to say that the ILO could play a most important part in training freed slaves for industrial employment, as indeed it is apparently already doing in several of the developing countries.

62. Finally, the United Nations may recommend to the Governments of countries where the emancipation of slaves and other persons of servile status is taking place, or where there is an influx of newly freed persons from nearby areas, that they should make every effort to absorb such persons into the general labour force and give them access to vocational guidance and training facilities, including those which may be made available by the ILO and other international organizations. In this connexion it must be realized that freedom from slavery and servitude in the legal sense is only a first step and that practical measures, including re-education to eradicate acceptance of servile status, vocational training, and integration into the social life of the new community are equally, if indeed not even more, important.

Office of the United Nations High Commissioner
for Refugees (UNHCR)

63. The discussion in the Office of the United Nations High Commissioner for Refugees related to several subjects, among them (a) whether or not persons who escaped from a condition of slavery or servitude could be recognized as refugees and accorded assistance by the High Commissioner; (b) whether or not special assistance programmes have been organized for refugees from countries and territories in southern Africa; and (c) to what extent functions exercised by the High Commissioner for Refugees might be useful in assisting persons escaping from a status of servitude.

64. There appeared to be no record of any case in which a former slave had applied to the High Commissioner's Office for assistance. However, there were numerous cases of international co-operation in favour of refugees from African countries and territories. They included refugees from Mozambique who had gone to Tanzania and Zambia, refugees from Angola who had gone to the Democratic Republic of the Congo and Zambia refugees from Guinea (Bissau) who had settled in Senegal, and a small number of refugees from South Africa and Namibia in various African countries. The High Commissioner had a material assistance programme under which he was enabled, in accordance with the decisions of the Executive Committee of the High Commissioner's Programme, to establish projects for the integration of refugees in their country of asylum. The High Commissioner co-operated closely with members of the United Nations system regarding these projects.

65. Pursuant to a decision of the Administrative Committee on Co-ordination, the United Nations High Commissioner for Refugees arranged an interagency meeting with members of the United Nations system, held in Geneva on 30 January 1969, to consider projects being developed for the benefit of refugees in Africa. The meeting considered, in particular, practical measures whereby interagency co-operation on behalf of refugees could be increased in speed and scope through various practical measures, including early exchanges of information on the planning and implementation of assistance projects. As a corollary, an increasing number of positive measures were taken by other members of the United Nations system, including the continued provision of food by the World Food Programme, increased support for the rural settlement of refugees by the United Nations Development Programme (UNDP), UNICEF, UNESCO, the ILO, FAO and WHO, through consultative services, and the provision of supplies, education and training facilities for African refugees.

66. With regard to the question of asylum, which is the corner-stone of international protection of refugees, many independent African countries had granted asylum to refugees from colonial territories or from the practice of apartheid. Most African countries were parties to the 1951 Convention relating to the Status of Refugees and/or the 1967 Protocol relating to the Status of Refugees, establishing minimum standards for the treatment of refugees. A noteworthy development in this connexion was the adoption in September 1969 by the Assembly of Heads of State and Government of the Organization of African Unity (OAU) of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The Convention defines the term "refugee" as meaning.

"every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or

political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it".

It also applies the term "refugee" to

"every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality".

The Convention provides (article II) that "Member States of the OAU shall use their best endeavours consistent with their respective legislation to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality".

67. As stated above, the High Commissioner's Office has not been especially called upon to deal with cases of persons escaping from a status of slavery or servitude. However any person who leaves his country in order to escape from slavery may be considered a refugee and awarded international protection by UNHCR or assistance in achieving a permanent solution through voluntary repatriation, local integration or resettlement through migration to another country. The main objectives of protection are to help a refugee to obtain an adequate legal status, including residence and work permits, and to cease being a refugee by acquiring the nationality of his country of residence. In order to enable refugees to travel to other countries the High Commissioner assists them in obtaining travel documents from their country of residence in accordance with the terms of the 1951 Convention. In assisting refugees to achieve permanent solutions, the High Commissioner's objective is to help them to become self-supporting as rapidly as possible.

Division of Narcotic Drugs

68. Discussions with officials of the Division of Narcotic Drugs related in particular to the suggestions which the Secretary-General had made in 1967, that "the techniques used to suppress the illicit trade in narcotics might be adopted to suppress the illicit trade in slaves" 8/ and that "the articles of the Single Convention (on Narcotic Drugs of 1961), dealing with the measures to ensure the execution of its provisions, might serve as a model for future conventions in the field of slavery in all its forms". 9/

69. The Single Convention requires States Parties to take action against illicit traffic in narcotics and to provide for the punishment of narcotic offences. 10/

8/ E/CN.4/Sub.2/280, p. 33.

9/ Ibid., p. 42.

10/ E/CN.4/Sub.2/304, paras. 33-34.

It requires that parties should make arrangements at the national level for co-ordination of preventive and repressive action against the illicit traffic, setting up a special agency for such co-ordination, if possible; that they should assist each other in fighting the illicit traffic, should exchange information and legal papers for the purpose of prosecuting an offence and ensure that there is expeditious international co-operation in the field. They must furnish to the Secretary-General particulars of each important case of illicit traffic which may service to throw light on the source from which drugs are obtained for illicit traffic and the methods employed by illicit traffickers. The Commission on Narcotic Drugs annually reviews the general traffic country by country. This review is based on information supplies by Governments and such other sources as the International Criminal Police Organization (INTERPOL). The Commission's review is assisted by the presence of observers from certain countries important within the international pattern of illicit trafficking. INTERPOL, whose headquarters is in Paris, acts as a clearing house for law enforcement agencies of Governments. It provides valuable information on illicit traffic to the organs of narcotics control and usually participates, through an observer, in the Commission's meetings. Furthermore, INTERPOL organizes conferences and seminars in order to improve collaboration between national police forces and the preventive services in the struggle against the illicit traffic.

70. The measures to ensure execution of the provisions of the Single Convention by the International Narcotics Control Board, referred to in the Secretary-General's suggestion, are set forth in article 14 of the Convention.

71. The consultation with the Division of Narcotic Drugs indicated that the machinery provided by the Single Convention is working smoothly, and within the limits of its responsibilities, effectively, in dealing with the illicit traffic in narcotics. During the period from 16 June 1968 to 15 June 1969, for example, the Secretary-General received 680 reports of seizures of narcotic drugs in illicit traffic covering 712 individual seizures made in twenty-five countries. In the annual reports of Governments for 1967, information concerning illicit traffic in narcotic drugs was received in respect of 120 countries and territories, thirty-seven of which reported no illicit traffic.

72. In co-operation with INTERPOL, the Secretary-General prepared a review of the illicit traffic in drugs during 1967 (E/CN.7/520), which served as a basis for discussion of this subject by the Commission on Narcotic Drugs at its twenty-third session, held at Geneva from 13 to 31 January 1969. 11/ The review, prepared jointly by the United Nations Secretariat and the secretariat of INTERPOL, was based on information supplied by Governments to the two organizations and included information that INTERPOL had received with respect to 1,125 seizures of narcotic drugs made in fifty-five countries. It showed that, although the principal features of the world illicit traffic remained unchanged, the volume of the traffic continued to grow.

73. As of 30 June 1971, the International Narcotics Control Board, which replaced the Permanent Central Narcotics Board and the Drug Supervisory Body in supervising the implementation of the several existing narcotics treaties, had held

11/ A similar review is being prepared for examination at the twenty-fourth session of the Commission, to be held in Geneva from 27 September to 21 October 1971.

eight sessions and had prepared its first two reports. Although essentially a survey of the application of control machinery, the first report highlights several suggested avenues for future action. With regard to the problem of illicit traffic, the Board recognized that the problem of illicit or uncontrolled production, centred in certain well-defined areas of the world, involved more than a question of control or eventual elimination, since the production was linked historically, socially and economically with the local population, for which it often represented the sole cash crop. It was therefore unrealistic, the Board stated, to expect improvement without the application of substantial measures of social and educational rehabilitation and without achieving effective economic reorientation.

Adaptation of techniques used to suppress illicit trade in narcotics to the suppression of illicit trade in slaves

74. Two basic techniques are used by the Division of Narcotic Drugs in dealing with the problem of illicit traffic in drugs: (a) the publication of periodic summaries of illicit transactions and seizures of narcotics, and (b) the promotion of technical co-operation in narcotics control.

75. The periodic summaries published by the Secretary-General are based on information communicated under the relevant international treaties. For example, during the period from 1 November 1967 to 31 October 1968, the Secretariat received 680 seizure reports covering a total of 712 individual seizures in respect of twenty-two States and three territories. Further, in pursuance of Economic and Social Council resolution 436 D (XIX) a list of crew members of ships and civil aircraft convicted of narcotics offences is published biannually, and under Council resolution 505 D (XVI), a list of seizures of drugs involving the use of mails is communicated to the Universal Postal Union and to members of the Commission. Finally, as indicated above, for each session of the Commission on Narcotic Drugs the Secretariat prepares a consolidated document which includes the above information, supplemented by information made available to it by INTERPOL.

76. A review of these arrangements leads to the conclusion that a case might be made for the publication of periodic summaries of illicit traffic in persons to serve as basic documentation for the Sub-Commission and its parent bodies in its consideration of matters relating to slavery and the slave trade. In that connexion it may be recalled that article 3, paragraph 3, of the Supplementary Convention of 1956 provided that:

"The States Parties to this Convention shall exchange information in order to ensure the practical co-ordination of the measures taken by them in combating the slave trade and shall inform each other of every case of the slave trade, and of every attempt to commit this criminal offense, which comes to their notice."

Further, as mentioned above, the Economic and Social Council, in resolution 1593 (L) of 21 May 1971, requested the Secretary-General to extend his assistance to the States Parties to the 1956 Supplementary Convention for the purpose of arranging for the exchange of information called for by article 3 (3) of that Convention, and authorized him to supplement the information received from States Parties to that Convention by information which may be available from other official sources, including States that have not yet adhered to the Convention and the appropriate international organizations, and to present such information to the Sub-Commission.

77. The programme of technical co-operation in narcotics control is designed to assist developing countries to fulfil their obligations under the narcotics treaties and to help them meet special problems. It takes various forms, including the provision of experts, training of national officers concerned with narcotics problems, seminars and regional meetings to consider regional problems, visiting expert missions to selected groups of countries and fellowships for the study of regional problems.

78. Similar activities, relating to the elimination of slavery and the slave trade, might be possible under the programme of advisory services in the field of human rights. Two problems, however, have been encountered. The first is the reluctance of Governments to request technical assistance for the purpose of dealing with the elimination of slavery and servitude for fear that they might be charged with harbouring persons in a servile status. The second is a lack of general interest in the immediate eradication of institutions and practices which exist, for the most part, only clandestinely and without legal sanction.

79. In this connexion it may be recalled, however, that in 1954 and 1956 the Economic and Social Council specifically invited Governments to seek technical assistance in fighting their narcotics problems. In 1955, after one country had halted the cultivation of the opium poppy, the Council adopted a special resolution recommending that the Government of that country make requests for such assistance as it considered necessary to help it to a successful and speedy achievement of that reform. In 1969, the Council invited the organizations in the United Nations system "to examine as sympathetically as possible" requests that might be addressed to them by the Government of another country that had undertaken a programme to replace the production of cannabis with substitute crops, such as fruit trees, grapes and wheat, which required particular efforts in the field of irrigation, industrialization, transport and storage. Similar direct invitations on the part of the Council might prove to be an effective means of encouraging Governments to make application for technical assistance in eradicating any lingering vestiges of slavery and the slave trade.

80. The Narcotics Division has been successful in initiating regional projects for the control of narcotics, including the sending of expert missions to various countries and territories to study regional problems and to make recommendations to the Governments concerned, and the organization of seminars to review the narcotics problems of developing countries and to study the obligations devolving upon them under the narcotics treaties. It has also organized training missions for enforcement officers, attended by members of the police, customs and health services of the countries in the region concerned.

81. Activities along similar lines might well be undertaken with respect to the problem of slavery and the slave trade. With regard to the reluctance of Governments to initiate such activities, the method used in preparing the five-year plan of technical co-operation in narcotics control, which the Secretary-General formulated at the request of the Commission on Narcotic Drugs, may suggest a new approach. The Commission, in 1966, requested the Secretary-General to formulate proposals for such a five-year plan so that systematic progress might be made towards promoting effective national control measures and close international co-operation as envisaged by the narcotics treaties. In consequence, the Secretariat addressed Governments through resident representatives of the

United Nations Development Programme, with a view to ascertaining their over-all needs. At the twenty-second session of the Commission in 1967, the Secretary-General reported that fifty-eight Governments had expressed an interest in the five-year plan. By the end of 1969, sixty-eight Governments had set out their requirements of technical co-operation in the narcotics field over a five-year period. Their communications served as a basis for the Secretary-General's request for additional funds for work in the field.

82. Bearing this experience in mind the Sub-Commission might undertake, with the assistance of the Secretary-General and a consultant, if needed, to prepare a five-year plan of technical co-operation to eradicate slavery and the slave trade, ascertaining the over-all needs of Governments in this respect. The Sub-Commission could then decide upon the measures which would be required for the implementation of such a programme.

Use of provisions of the Single Convention on Narcotic Drugs as a model for future conventions in the field of slavery

83. The Special Rapporteur has explored the possibility that certain provisions of the Single Convention on Narcotic Drugs of 1961, that deal with measures to ensure the execution of its provisions (see paragraphs 71 and 73), might serve as a model for future conventions in the field of slavery. It was however not possible for him to reach any conclusion on this question, which is essentially political in character. It is not easy to judge whether or not the measures which the International Narcotics Control Board is authorized to take to ensure the execution of the provisions of the Convention would be effective if applied to matters relating to slavery and the slave trade. As a long-range project, however, the Sub-Commission may wish to consider the possibility that at the proper time the United Nations might find it convenient to consider a consolidated convention aimed at eradicating all forms of servile status and establishing an international supervisory body with functions comparable to those of the International Narcotics Control Board.

International Criminal Police Organization (INTERPOL)

84. Discussions with officials of the International Criminal Police Organization (INTERPOL) related to a number of subjects, among them the purpose, structure and work of INTERPOL, the experience of that organization in dealing with cases involving traffic in persons and the possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved.

Purpose, structure and work

85. The foundation for international police co-operation was laid in Monaco in 1914, when the first International Criminal Police Congress was held at the invitation of Prince Albert I. The scheme was shelved, however, after the outbreak of the First World War, and it was not until 1923 that the ideas that had inspired the Monaco meeting were revived. At the Second International Criminal Police Congress, held in Vienna, plans were approved for an International Criminal Police Commission (ICPC), with headquarters, in that city. This Commission

functioned satisfactorily until the eve of the Second World War, its activities being restricted essentially to Europe. The ICPC did not function during the war, but in 1946 it was revived at a meeting in Belgium, and its headquarters were shifted to Paris. In 1956, a General Assembly representing fifty-five member countries adopted a new Constitution, renaming the organization the International Criminal Police Organization (INTERPOL), and providing it with a charter comparable to the instruments governing other major international organizations. By the end of 1969, 105 countries were affiliated with the organization.

86. INTERPOL comprises the General Assembly, the organization's "body of supreme authority", which meets annually and is composed of delegates of the affiliated countries designated by their Governments; the President, elected for four years by the General Assembly; and three Vice-Presidents elected for three years; the Executive Committee, elected by the General Assembly and composed of thirteen members who meet twice a year to supervise the execution of decisions of the General Assembly; the Secretary-General, who is appointed by the General Assembly on the proposal of the Executive Committee for five-year periods; the General Secretariat, which administers the organization; and the national central bureau, which are offices in each member country responsible for actual liaison work. The national central bureaux, like the General Secretariat, are on the job at all times and afford constant communication between the secretariat, local police departments, and national central bureaux in other countries.

87. The purposes of INTERPOL, as set forth in article 2 of its Constitution, are (a) to ensure and promote the widest possible assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights; and (b) to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes. Essentially, then the purpose of the organization is to enable police forces in different countries to co-ordinate their work effectively with the dual aim of law enforcement and crime prevention. However, the organization is strictly forbidden by its Constitution to undertake any intervention or activity in connexion with cases which have a political, military, religious or racial character.

88. In dealing with law enforcement and the struggle against international crime, INTERPOL is concerned not only with criminals who move from one country to another but with those whose "specialties" are international in nature, such as the counterfeiter who produces false currency which is spent outside his own country. The attack upon such international offenders includes (a) exchange of police information; (b) identification of wanted persons and suspects; (c) arrest of persons for whom the courts have issued warrants and, usually, extradition requests. The organization's system of centralizing information and then circulating it world-wide means that in every affiliated country the police know who is wanted, by whom and whether extradition will be requested. Member countries, however, forfeit none of their sovereign right to decide whether any action should be taken when a criminal is discovered on their territory; and international co-operation is always conducted within the framework of the laws of each country.

89. In dealing with crime prevention, INTERPOL functions as a centre for theoretical and technical information on every aspect of police work, constantly replying to queries from officials and research workers all over the world. It maintains a library of specialized material and, if need be, can turn to the national central bureaux for first-hand reports. It sponsors symposia, conferences and seminars on specific aspects of police work, and publishes the International Criminal Police Review. The notion of prevention, as interpreted by the organization, sanctions its interest in every kind of problem which can confront police departments, including, in particular, the interpretation as may be appropriate for human rights and fundamental freedoms.

90. The bulk of the work of the INTERPOL is done by the national central bureaux, which are the spearheads -- or catalysts, perhaps -- of police action in cases with international ramifications. In countries which have a national or federal police force, its headquarters is usually designated as the National Central Bureau. The main duties of the national central bureaux are (a) to transmit to the INTERPOL Secretariat information or intelligence received from local police forces which might interest other countries, making it possible to compile broadly based statistics and to keep dangerous individuals under international surveillance; (b) to conduct police operations (manhunts, interrogations, arrests etc.) requested by foreign countries; and (c) to see to it that the resolutions of the organization's General Assembly are heeded. In practice, the bureaux can deal directly with one another, while keeping in close touch with the INTERPOL secretariat. To facilitate communications, an international radio network has been created, powerful enough to compass the globe. Each of more than thirty stations can communicate with the others, either directly or through Paris, using a private code. In one recent year, this radio network carried more than 130,000 messages.

The experience of INTERPOL in dealing with cases involving traffic in persons

91. INTERPOL has for many years been concerned with the international traffic in women under the cover of employment exposing them to prostitution and has assisted in interrupting and punishing such traffic. In 1965, the General Secretariat presented a report on the subject to the organization's General Assembly at its thirty-fourth session, suggesting methods of suppressing and preventing the international aspects of certain activities which resemble or are connected with traffic in women but which are not covered by such international texts as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the United Nations General Assembly on 2 December 1949.

92. In the report, information was provided by seventeen countries affiliated with INTERPOL on cases in which women had been recruited, under cover of seemingly normal contracts, for prostitutional or preprostitutional activities in countries other than that in which they habitually resided. Some of these countries also suggested further international measures which could be taken to correct the situation, including the preparation of a new international agreement on the subject.

93. In the report the General Secretariat further pointed out that it was not always clear, when women were recruited or hired for work in foreign countries,

whether or not there was an intention on the part of the employer to expose them to prostitution. It is the suppression of recruitment and hiring in cases where such intention cannot be clearly demonstrated that, in the view of the General Secretariat, requires urgent attention, "since among the phenomena not covered in the Convention of 1949-1950, this kind of activity seems to be the one most likely to promote the exploitation of women and to steer them towards professional prostitution in a country other than that in which they habitually reside".

94. On this question, the General Secretariat presented the following considerations:

"It is very difficult to establish the element of intention (or mens rea) demanded by the Convention of 1949-1950, which made it punishable offence to procure, entice or lead away women who are going to become prostitutes. The prosecution must prove that the woman was procured, enticed or led away for that purpose. This can only be proved by the perpetrators' confessions, or the statements of the victims - whose reluctance to testify is familiar - or by documents, which rarely exist. In fact, in the great majority of cases, the intention is only established indirectly by showing the results of such acts of procuring, enticing or leading away and by establishing connexions between these acts and the direct exploitation of the victims' prostitution in a foreign country.

"To facilitate suppression, it would be better to leave out of the proposed new international agreement/ the element of intention and to make it an offence, by virtue of the results, to hire or procure women in certain cases. To prove the offence, it would be enough to establish certain facts and certain kinds of behaviour. At the same time, nothing would be acceptable which hampered the activities of genuine artists, actors and other professional entertainers who undertake foreign tours of unexceptionable propriety."

95. In addition to its interest in perfecting international agreements relating to the international traffic in women, which is continuing, INTERPOL has continued to deal, on a day-to-day basis, with cases involving such traffic which are reported by its national central bureaux. It has adopted a special form for the reporting of any case where a woman is procured for immoral purposes in a State or territory other than that where she normally resides. However, the number of cases reported each year is comparatively small - averaging only about ten or fifteen - apparently because of the lack of effective police administration in many developing countries, where such cases go unnoticed, and because of the failure of some countries to declare such activities criminal and to provide appropriate punishment.

The possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved

96. In a communication dated 20 February 1969, reproduced in the note by the Secretary-General on the question of slavery and the slave trade in all their practices and manifestations, submitted to the Sub-Commission at its twenty-second session (E/CN.4/Sub.2/300, annex IV), INTERPOL stated that:

"In so far as slavery or the acts contributing to it are punishable under the criminal laws of each country, international police co-operation is certainly feasible.

"This poses no problem on the purely theoretical level. Permanent machinery for co-operation has been established and now covers 105 countries. It can function as effectively for slavery as for fraud, counterfeiting or theft. In the attached booklet you will find in the paragraphs checked in red a description of the INTERPOL machinery for co-operation.

"On the practical level, there are likely to be difficulties. The countries in which slavery is practised are generally under-administered. Moreover, in view of age-old customs these practices may not be resented as manifestly anti-social and reprehensible. The chances are, therefore, that the general atmosphere is not one conducive to enforcement.

"Therefore, if any positive result is to be achieved, the following three conditions must be met:

- "1. Each country must have adequate criminal laws;
- "2. Law enforcement personnel must be sufficient in number and adequately trained;
- "3. The society at large must be ready to accept enforcement action.

This means that efforts must be made:

- " - at the government level (amendment of the criminal laws, instructions to the administration at the highest level, education of public opinion;
- " - at the administration level (police and the courts) to ensure the application of laws and guidelines:

"It also means that:

- " - the possibility of establishing some kind of international police force must be ruled out;
- " - it would be a mistake to establish any machinery for police co-operation different from the one that now exists;
- " - the action to be taken can only have long-term and unspectacular results".

97. The Secretary-General of INTERPOL, in his conversation with the Special Rapporteur, confirmed that the position of the Organization had not changed and that the Organization was prepared to co-operate fully, within the rules established by its Constitution, with the United Nations in its efforts to eliminate slavery and the slave trade. He recalled, however, that the organization was forbidden by its Constitution to undertake any intervention or activity in connexion with cases which had a racial character; accordingly, it was unable to offer its co-operation in respect of the slavery-like practices of apartheid.

98. Specifically, INTERPOL was prepared, upon request, to furnish to the Sub-Commission or other competent United Nations body each year the information at its disposal with regard to the international traffic in persons, including the reports on the subject received from its national central bureaux. That would provide the United Nations with concrete data similar to that which was forwarded annually to the Commission on Narcotic Drugs with respect to illicit traffic in drugs supplementing the information made available to the Secretary-General under the terms of the Supplementary Convention of 1956, and would provide a factual basis for further study and the preparation of recommendations.

99. The submission of information by INTERPOL would appear to have been sanctioned by the Economic Council in resolution 1579 (L), adopted at its 1769th meeting on 20 May 1971. The resolution approves a special arrangement between the Council and INTERPOL, providing in particular for the exchange of information and documentation between the United Nations Secretariat and INTERPOL, for consultations between them on matters of common interest, for collaboration in studies and in technical co-operation projects, for representation at meetings, for the circulation of documents, and for the proposal of agenda items. For the full text of the special arrangement, see annex II.

United Nations Educational, Scientific and
Cultural Organization (UNESCO)

100. The discussions with officials of UNESCO related to UNESCO's activities to correct a social outlook tolerating the existence of slavery and forms of servitude similar to slavery.

101. Such activities fall primarily with the programme of UNESCO's Department of Social Sciences, which is concentrating upon such major problems affecting the evolution of present-day societies as the promotion of universal respect for human rights, with special emphasis upon the struggle against racial discrimination and the economic and social problems of the newly developed countries.

102. Together with other specialized agencies, UNESCO is engaged in strenuous efforts to implant in the consciousness of youth lofty ideals of human dignity and of equal rights of all persons without any discrimination, and otherwise to implement the principles embodied in the Universal Declaration of Human Rights, the United Nations Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples and in resolution XX, on the education of youth in the respect of human rights and fundamental freedoms, adopted by the International Conference on Human Rights. However, as UNESCO pointed out in a report presented to the Commission on Human Rights at its twenty-sixth session:

"In view of the deep-rooted selfishness they are intended to combat and the powerful prejudices, traditions and principles they shatter, the principles of the Universal Declaration can obviously not be expected to become part of the life of every individual until they have been profoundly implanted in his consciousness. To that end, the principles will have to be explained, justified and taught." 12/

12/ E/CN.4/1027, para. 2.

103. According to that report, UNESCO's efforts in the past to educate youth in respect of human rights were directed primarily, but not exclusively, to the schools and universities, requiring resources that Governments were not always willing to grant; the teaching of human rights therefore has still not been given a very high priority in most countries. However, the General Conference of UNESCO has made various recommendations to its member States, calling upon them to incorporate the principles of the Universal Declaration of Human Rights into the programmes and practices of education. In most countries, the main difficulties are the lack of preparation of teachers and educators and the dearth of appropriate teaching materials. This situation can only be remedied gradually; the introduction or expansion of teaching about human rights must be regarded as a long-term task requiring sustained efforts at both the national and the international levels.

104. As a result of studies and surveys designed to determine the methods that should be followed in teaching about human rights, UNESCO published in 1968 the pamphlet "Some suggestions on teaching about human rights", which outlines numerous projects that have been carried out in educational institutions of different countries within the framework of UNESCO's associated schools project in education for international understanding.

105. In one such project, carried out under the main heading of "The conquest of human rights", the pupils in a French lycée concentrated on the history of slavery. The documentation provided for this study referred to the practice of slavery in three eras - classical antiquity, the Middle Ages, and modern times. The texts were either authentic, strictly historical documents or extracts from literary and philosophical works. They described the origins of slavery at different periods, the attitudes of writers and philosophers towards that social phenomenon, the protests recorded and the achievements in the cause of freedom.

106. Translating and commenting on these sources, the pupils came to realize that although the circumstances, the times and the people concerned were different, inhuman treatment was the lot of slaves or serfs at any period and that the same justifications or pretexts were offered by those who supported slavery. A list of the dates at which slavery was officially abolished in various countries provided landmarks in the history of the struggle against slavery, and the study led finally to an examination of the problems of racial equality and colonialism. For those, the pupils were able to draw their conclusions from texts of official documents and literature published over the last hundred years.

107. Normally, however, programmes of teaching about human rights are of a more general nature, designed to make known to young people the history of human rights and the content and significance of modern statements on human rights. Moreover, teaching in this field is often carried out in an indirect fashion, through the study of the problems of countries and peoples.

108. UNESCO has only limited possibilities of teaching the ideals of personal freedom directly to persons who are in a status of servitude. Moreover, it cannot provide special educational measures to assist individuals newly freed from such status. It is, however, giving special attention to literacy work, affecting an estimated 700 million people, and to linking this work to over-all economic and social development plans in member States. In Africa, Asia and Latin America in particular, UNESCO is providing massive assistance to member States in the improvement of teacher-training and curriculum adaptation, in developing new teaching techniques and in educational planning.

Anti-Slavery Society

109. At the office of the Anti-Slavery Society in London, the Special Rapporteur conferred with a number of persons having a direct interest in the elimination of slavery, the slave trade, and other forms of servitude. The Anti-Slavery Society, formed in 1823, carries out its work by receiving reports of slavery and analogous practices, and of threats to the well-being of primitive peoples, and referring these reports to the Governments of the States concerned for investigation and comment. In the light of the replies received, the Society decides whether or not to submit the information to the United Nations or to another international body, and whether or not to make it public.

110. The Anti-Slavery Society has reason to believe that chattel slavery, serfdom, debt bondage, the sale of children and servile forms of marriage survive today to the extent that they constitute a recognizable element in the pattern of society in some African countries.

111. It is the view of the Anti-Slavery Society that international police co-operation could diminish the traffic in persons appreciably, but that such diminution would depend upon the courage of the police to act against powerful persons. The Society also believes that if the Supplementary Convention of 1956 is to work, some machinery comparable to that which exists to implement the Single Convention on Narcotic Drugs is essential. In this connexion the Society submitted a draft proposal to the Special Rapporteur during the twenty-second session of the Sub-Commission in August-September 1969, calling for the establishment of an International Slavery Board having administrative arrangements similar to those approved in Economic and Social Council resolution 201 (VIII) for the Permanent Central Narcotics Board, including a secretariat and budget separate from those of the Division of Human Rights, in order to ensure its full technical independence.

Conclusions and proposals

112. As a result of the visits and conversations recorded above, the Special Rapporteur was able to reach certain tentative conclusions concerning (a) the possibilities of international police co-operation to interrupt and punish the transportation of persons in danger of being enslaved; and (b) measures to be taken by States to implement the principles embodied in the International Slavery Convention of 1926 and the Supplementary Convention of 1956.

International police co-operation

113. In so far as slavery or the acts contributing to it are punishable under the criminal laws of each country, international police co-operation should be stimulated in order to enable the police forces in different countries to co-ordinate their work effectively in order to enforce the existing laws relating to slavery and the slave trade and to prevent and suppress crimes in this field. INTERPOL, already functioning in 105 States, can be requested by the Sub-Commission or its superior bodies to make its facilities available for this purpose in accordance with the special arrangement approved by the Economic and Social Council. It has already stated that its permanent machinery

for co-operation "can function as effectively for slavery as for fraud, counterfeiting or theft". There is no doubt that INTERPOL would be willing to co-operate with the Secretariat of the United Nations in preparing reports on the clandestine international traffic in slaves and other persons of servile status in the same manner as it co-operates in the preparation of reports on the illicit traffic in drugs. The information which it could supply, giving the details of specific cases reported to it by its many national central bureaux, would supplement the data obtained through the exchange of information referred to above. Moreover, INTERPOL could, with or without the assistance of the United Nations, take other measures to stimulate the interest of Governments in dealing with slavery and the slave trade, such as organizing international seminars for the responsible police officers, undertaking research on legal and technical questions and arranging for the publication of articles on the subject in its International Criminal Police Review. 13/

Measures to be taken by States

114. If the principles embodied in the Slavery Convention of 1926 and the Supplementary Convention of 1956 are to become a reality, steps must be taken to ensure that all States put into effect criminal laws adequate to cope with any cases of slavery, the slave trade, and all slavery-like institutions and practices. In particular, a recommendation could be addressed to States to adopt such measures as would ensure strict and severe punishment, by imprisonment or other forms of deprivation of liberty, in the case of such serious offences as abduction, or planning the abduction, or giving instructions for the abduction, of any person by force, treachery, gifts, abuse of authority or power, or intimidation, which results in that person's being placed in a status of slavery or servitude. Especially harsh penalties should be prescribed when minors, particularly females under 16 years of age, are involved. Serious offences of this nature, whether committed by nationals or by foreigners, should be prosecuted by the State in whose territory the offence was committed, or by the State in whose territory the offender is found if extradition is not acceptable. Foreign convictions for such offences should be taken into account for the purpose of establishing recidivism.

115. Steps must also be taken to prepare the people of the countries and territories concerned to accept such enforcement action, especially where slavery, the slave trade, and slavery-like institutions and practices are not yet considered reprehensible. Massive educational efforts may be necessary to achieve this goal, involving the co-operation of every level of administration within the Government, the entire educational system and all existing media of information. A recommendation could be addressed to the Governments concerned to take such steps, utilizing the technical assistance available through the United Nations Development Programme, UNESCO and other international organizations, and calling upon non-governmental organizations - particularly religious organizations - to assist wherever possible.

13/ One such article, entitled "Cases of international proxenetism in Spain" appeared in the June-July 1965 issue of the Review (No. 189), p. 175.

116. Adequate assistance should be provided to those freed from a status of slavery or servitude to facilitate their integration as free persons into the social life of their community. This is a very complicated and difficult task but a necessary and important one, not only for humanitarian reasons but in the interest of the country concerned, since emancipation can be meaningless and may even lead to disastrous situations unless accompanied by integration into the national community and improvement of living and working conditions. The situation of persons freed from slavery or from a servile status is frequently analogous to that of indigenous persons whose social, economic or cultural situation hinders them from benefiting fully from the rights and advantages enjoyed by other elements of the population. The terms of the ILO Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (No. 107) of 1957, suggest the kind of measures of assistance that could be recommended to Governments for dealing with this problem.

III. MEASURES WHICH MIGHT BE TAKEN TO IMPLEMENT THE INTERNATIONAL SLAVERY
CONVENTION OF 1926 AND THE SUPPLEMENTARY CONVENTION OF 1956

General

117. The International Slavery Convention of 1926 deals with slavery in the traditional sense of chattel slavery, and with the slave trade in the sense of trade in persons in the condition or status of slavery in that traditional sense. ^{14/}Article 1 of the Convention reads:

"Article 1

"For the purpose 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."

118. The obligations of States Parties to the Convention which are relevant to the present study are set out in articles 2-7, which read as follows:

"Article 2

"The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty 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 complete abolition of slavery in all its forms".

"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 undertake to negotiate as soon as possible a general Convention with regard to the slave trade which will give them rights

^{14/} For the full text of the Convention, see Human Rights: A compilation of International Instruments of the United Nations (United Nations publication, Sales No.: E.68.XIV.6), p. 41.

and impose upon them duties of the same nature as those provided for in the Convention of June 17th, 1925, relative to the International Trade in Arms (Articles 12, 20, 21, 22, 23, 24 and paragraphs 3, 4 and 5 of Section II of Annex II), with the necessary adaptations, it being understood that this general Convention will not place the ships (even of small tonnage) of any High Contracting Parties in a position different from that of the other High Contracting Parties.

"It is also understood that, before or after the coming into force of this general Convention, the High Contracting Parties, are entirely free to conclude between themselves, without, however, derogating from the principles laid down in the preceding paragraph, such special agreements as, by reason of their peculiar situation, might appear to be suitable in order to bring about as soon as possible the complete disappearance of the slave trade."

"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

"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, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery.

"It is agreed that:

"(1) Subject to the transitional provisions laid down in paragraph (2) below, 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 competent central authorities of the territory concerned."

"Article 6

"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 the necessary measures in order that severe penalties may be imposed in respect of such infractions."

"Article 7

"The High Contracting Parties agree that disputes arising relate to each other and to the Secretary-General of the United Nations 15/ any laws and regulations which they may enact with a view to the application of the provisions of the present Convention."

119. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted by a Conference of Plenipotentiaries convened by the Economic and Social Council in 1956, is designed to augment the Convention of 1926, which remains operative. 16/ Its purpose is to intensify national as well as international efforts towards the abolition of slavery and the slave trade, which it defines essentially in the same terms as in the earlier convention, and "institutions and practices similar to slavery," which it defines as follows (article 1):

"(a) Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

"(b) Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;

"(c) Any institution or practice whereby:

(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or

(ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or

(iii) A woman on the death of her husband is liable to be inherited by another person;

"(d) Any institution or practice whereby a child or young person under the age of 18 years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour."

15/ In article 7, the words "the Secretary-General of the United Nations" were substituted for "the Secretary-General of the League of Nations" by the Protocol Amending the Slavery Convention Signed at Geneva on 25 September 1926, which was approved by General Assembly resolution 794 (VIII) of 23 October 1953.

16/ Ibid., p. 44.

120. The primary obligation undertaken by States Parties to the Supplementary Convention is to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition and abandonment of the institutions and practices mentioned above, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the International Slavery Convention of 1926.

121. Other obligations undertaken by States Parties to the Supplementary Convention are set out in articles 2 to 6, and article 8, of the Convention, as follows:

"Article 2

"With a view to bringing to an end the institutions and practices mentioned in article 1 (c) of this Convention, the States Parties undertake to prescribe, where appropriate, suitable minimum ages of marriage, to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a competent civil or religious authority, and to encourage the registration of marriages."

"Article 3

"1. The act of conveying or attempting to convey slaves from one country to another by whatever means of transport, or of being accessory thereto, shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to very severe penalties.

"2. (a) The States Parties shall take all effective measures to prevent ships and aircraft authorized to fly their flags from conveying slaves and to punish persons guilty of such acts or of using national flags for that purpose.

(b) The States Parties shall take all effective measures to ensure that their ports, airfields and coasts are not used for the conveyance of slaves.

"3. The States Parties to this Convention shall exchange information in order to ensure the practical co-ordination of the measures taken by them in combating the slave trade and shall inform each other of every case of the slave trade, and of every attempt to commit this criminal offence, which comes to their notice."

"Article 4

"Any slave who takes refuge on board any vessel of a State Party to this Convention shall ipso facto be free."

"Article 5

"In a country where the abolition or abandonment of slavery, or of the institutions or practices mentioned in article 1 of this Convention, is not yet complete, the act of mutilating, branding or otherwise marking a slave or a person of servile status in order to indicate his status, or as a punishment,

or for any other reason, or of being accessory thereto, shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to punishment."

"Article 6

"1. The act of enslaving another person or of inducing another person to give himself or a person dependent upon him into slavery, or of attempting these acts, or being accessory thereto, or being a party to a conspiracy to accomplish any such acts, shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to punishment.

"2. Subject to the provisions of the introductory paragraph of article 1 of this Convention, the provisions of paragraph 1 of the present article shall also apply to the act of inducing another person to place himself or a person dependent upon him into the servile status resulting from any of the institutions or practices mentioned in article 1, to any attempt to perform such acts, to being accessory thereto, and to being a party to a conspiracy to accomplish any such acts."

"Article 8

"1. The States Parties to this Convention undertake to co-operate with each other and with the United Nations to give effect to the foregoing provisions.

"2. The Parties undertake to communicate to the Secretary-General of the United Nations copies of any laws, regulations and administrative measures enacted or put into effect to implement the provisions of this Convention.

"3. The Secretary-General shall communicate the information received under paragraph 2 of this article to the other Parties and to the Economic and Social Council as part of the documentation for any discussion which the Council might undertake with a view to making further recommendations for the abolition of slavery, the slave trade or the institutions and practices which are the subject of this Convention."

The need to increase the number of States Parties to the two Conventions

122. The number of States Parties to the International Slavery Convention of 1926 and the Supplementary Convention of 1956 has increased gradually over the course of the years, partly as a result of numerous appeals addressed to them by various organs of the United Nations. 17/

17/ See General Assembly resolution 1841 (XVII), para. 1; Economic and Social Council resolution 475 (XV), para. 3; 525 (XVII), paras. 2 and 3; 772 D (XXX), para. 2; 826 (XXXII), para. 1; 890 (XXXIV), para. 1; 1077 (XXXIX), para. 3; 1126 (XLI), para. 2; 1331 (XLIV), para. 3; and Sub-Commission on Prevention of Discrimination and Protection of Minorities, resolutions 4 (XX), para. 2, and 1 (XXIII), para. 5.

123. As there can be no doubt that the greater the number of States Parties to the Conventions, the more effective will be the implementation of their provisions, the Special Rapporteur recommends that a strong new appeal for ratification should be addressed to States by the appropriate United Nations bodies, including the General Assembly.

124. Further, in view of the close link between the provisions of article 1 (c) of the Supplementary Convention of 1956 and those of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages of 1962, an appeal should also be made for ratification of that Convention.

The need for adoption of appropriate national legislation

125. Article 6 of the 1926 Convention requires States Parties "to adopt the necessary measures in order that severe penalties may be imposed" in respect of infractions of laws and regulations enacted with a view to giving effect to the purposes of the Convention, if their laws do not already make adequate provision for the punishment of such infractions. Article 1 of the 1956 Convention requires States Parties to take "all practicable and necessary legislative and other measures" for the abolition or abandonment of certain institutions and practices similar to slavery. Article 2 of that Convention requires States Parties "to prescribe, where appropriate, suitable minimum ages of marriage". Article 3 of the Convention requires that certain acts connected with the slave trade shall be subject to "very severe penalties". Article 5 requires that mutilating, branding or otherwise marking a slave or person of servile status "shall be a criminal offence under the laws of the States Parties to this Convention" and that "persons convicted thereof shall be liable to punishment". Article 6 requires that certain acts connected with enslaving a person shall be criminal offences. Other provisions of the Convention, while not mentioning legislation so specifically, would appear to require it by implication.

126. No doubt general legislation or common law principles, of which slavery would be a violation, exist in all countries, but in some countries such laws take only the form of general provisions concerning personal liberty. There may be a need in such countries for more specific legislation outlawing slavery, the slave trade, and similar institutions and practices, making them penal offences, and setting up the necessary administrative arrangements for eradicating them. Certainly if the principles embodied in the International Slavery Convention of 1926 and the Supplementary Convention of 1956 are to become a reality, steps must be taken to ensure that all States put into effect the legislation necessary to cope with any cases of slavery or the slave trade that may arise, including penal legislation. As INTERPOL has pointed out, if any positive result is to be achieved through international police co-operation, each country must have an adequate criminal law.

127. The Special Rapporteur accordingly recommends that appropriate organs of the United Nations, including the General Assembly, should urge every State, whether or not it is a party to either or both Slavery Conventions, to adopt such measures as would ensure strict and severe punishment, by imprisonment or other penalties of deprivation of liberty, in the case of such serious offences as abduction, or planning the abduction, or giving instructions for the abduction, of any person by force, treachery, gifts, intimidation or abuse of authority or power, which result in that person's being placed in a status of slavery or servitude.

Especially harsh penalties should be prescribed when minors, particularly females under 16 years of age, are involved. Serious offences of this nature, whether committed by nationals or by foreigners, should be prosecuted by the State in whose territory the offence was committed, or by the State in whose territory the offender is found if extradition is not acceptable. Foreign convictions for such offences should be taken into account for the purpose of establishing recidivism.

The need to expand utilization of available technical assistance resources

128. In 1967, the Secretary-General presented to the Sub-Commission a report on technical assistance and other resources in the United Nations system which may be useful to Member States in elimination of all vestiges of slavery and the slavery-like practices of apartheid and colonialism, including relevant experience in enforcing prohibitions on clandestine trade in narcotics (E/CN.4/Sub.2/280). As pointed out in that report, technical assistance is now easily available to States for the purpose of improving their administrative machinery with a view to combating any vestiges of slavery, the slave trade, and institutions or practices resembling slavery.

129. On several occasions the Economic and Social Council has sought to induce Member States to make use of the available technical assistance resources for this purpose. For example, in its resolution 1232 (XLII) of 6 June 1967, it requested the Secretary-General to proceed to organize, under the programme of advisory services in the field of human rights, seminars on measures and techniques which have proved effective in the eradication of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism. The Secretary-General has repeatedly drawn this decision to the attention of Member States, but with the exception of several seminars on apartheid and racial discrimination, no State has offered to act as host to such a seminar. Further, in resolution 1330 (XLIV) of 31 May 1968, the Council reminded Governments "that the United Nations and the specialized agencies have available under their regular technical assistance programmes facilities for assisting Governments in eliminating slavery and the slave trade, including the slavery-like practices of apartheid and colonialism, and in helping them to solve resulting economic and social problems". This reminder has also been drawn to the attention of Governments on several occasions, but without results.

130. The problem encountered here is a twofold one: the first is the reluctance of Governments to request technical assistance for the purpose of dealing with the eradication of slavery and servitude for fear that they might be charged with harbouring persons in a servile status; the second a lack of general interest in the immediate eradication of institutions and practices which exist, for the most part, only clandestinely and without legal sanction.

131. It was with a view to discovering how difficulties of this sort might be overcome that the Special Rapporteur gave special study to the techniques which the Secretary-General had developed in connexion with the problem of control of illicit narcotics, bearing in mind that until 1954, when the Economic and Social Council specifically invited Governments to seek technical assistance in fighting their narcotics problems, a similar reluctance had been apparent. He found that the turning point in that matter occurred when the Narcotics Commission, in 1966, requested the Secretary-General to formulate proposals for a five-year plan of

technical co-operation in narcotics control in order that systematic progress might be made towards promoting effective national control measures and close international co-operation as envisaged in the narcotics treaties. In consequence, the Secretary-General approached Governments through resident representatives of the United Nations Development Programme with a view to ascertaining their over-all needs. At the twenty-second session of the Commission, in 1967, the Secretary-General reported that 58 Governments had expressed an interest in technical assistance programmes for dealing with narcotics problems; and their communications served as a basis for the appropriation of additional funds for work in that field.

132. The Special Rapporteur accordingly recommends that the Sub-Commission might undertake, with the assistance of the Secretary-General and a Special Rapporteur if needed, to prepare a five-year plan of technical co-operation to eradicate slavery and the slave trade in all their manifestations, ascertaining the needs of Governments in this respect. The Sub-Commission could then consider the measures required for the implementation of such a programme.

The need for increased regional activities

133. The value of a regional approach to the problem of the elimination of conditions of slavery and servitude was recognized by the Ad Hoc Committee on Slavery in 1951. The Committee noted that conditions of servitude varied greatly in different regions of the world. The problems of the Middle East, for example, appeared to be quite different from those of the Far East or of Africa. The Committee came to the conclusion that a great many of these problems might usefully be approached on a regional basis. Not only might the representatives of governments facing common problems meet and discuss the solution of those problems, but in addition they might prepare regional agreements which would establish a common standard, and a programme, for the solution of these problems. Accordingly the Committee recommended: 18/

"1. That governments facing common problems, with respect to slavery or other forms of servitude, should organize, within the framework of the United Nations, regional conferences or seminars among peoples with a common cultural background for the following purposes:

"(a) To consider the most effective means of eliminating slavery or other forms of servitude in the region concerned:

"(b) To establish standards for the treatment of persons of servile status until they are able to participate in national life on a basis of full equality,

"(c) To devise the means of utilizing the good offices of such governments in the region as have abolished slavery, the slave trade or any other form of servitude, for the assistance of such other governments in the region as may desire to undertake similar measures;

18/ See E/1988, chap. II, para. 34 and chap. III, recommendation E.

"(d) To review customary and religious laws pertaining to slavery and other forms of servitude as understood and practised by the people in the region;

"(e) To study movements of population, such as pilgrimages, labour migrations, etc., and their relation to the clandestine traffic in slaves; and to devise such means as may be necessary to check the exploitation of individuals participating in such population movements;

"(f) To promote the exchange of technical information among officials and other persons concerned with problems relating to slavery, the slave trade and other forms of servitude."

134. Several Governments have stressed the value of the regional approach to the problem of eradicating slavery and the slave trade in all its manifestations. The Government of Kuwait, for example, has stressed the importance of securing the aid of those regional organizations with competent institutionalized organs to combat slavery and the slave trade and has cited the League of Arab States as an example. 19/ Ecuador has suggested that the holding of regional meetings of non-governmental organizations would be of great benefit in combating slavery and similar practices, 20/ while Romania has stated that such organizations should be encouraged to organize meetings and other activities at the regional level in support of the measures adopted by the United Nations, the specialized agencies and the Governments of the countries concerned, to eliminate slavery and similar institutions and practices. 21/

135. Several non-governmental organizations have also stressed the importance of regional activities, among them the Friends World Committee for Consultation, the International Council of Women and the Women's International League for Peace and Freedom.

136. Clearly regional activities, including conferences and seminars held in areas where vestiges of slavery or the slave trade are believed to subsist, may prove more conducive to a frank exchange of views on the difficulties encountered, and on suitable methods of overcoming those difficulties, than would discussion on an international level. Countries with a similar cultural background may approach the subject with greater mutual confidence, and may be able to confess shortcomings to one another and submit more readily to persuasion from one another.

137. The Special Rapporteur accordingly recommends that wherever possible the problem of eradicating slavery and the slave trade in all their manifestations should be approached on a regional basis, and in particular that special efforts should be made by regional intergovernmental and non-governmental organizations to organize conferences and seminars for this purpose among peoples with a common cultural background.

19/ See Report on Slavery, United Nations publication, Sales No.: 67.XIV.2, paras. 1413 and 1587.

20/ Ibid., para. 1516.

21/ Ibid., para. 1529.

The need for expanded land reform and vocational guidance programmes

138. As regards the relationship between land reform and the elimination of serfdom and debt bondage, the Ad Hoc Committee on Slavery, proposed in 1951 that the Economic and Social Council should recommend to the Governments

"... that States in whose territories serfdom and agricultural debt bondage, distinguishable from serfdom, exist, shall apply economic measures to solve this problem such as making land available to the agricultural workers (accompanied by the provision of financial services to enable them to cultivate it), and instruction in modern methods of cultivation and co-operative marketing of their produce; or where land is not available they should seek to make it available by reclamation of land, transfer of population or by establishing other industries into which agricultural workers could be absorbed." 22/

139. The abolition of serfdom, as defined in article 1 (b) of the 1956 Slavery Convention, is bound up with the problems of land reform and of the vocational guidance and training of persons at present in a condition of serfdom.

140. A recent ILO report indicated that thousands of farm workers still live under tenure entailing conditions akin to serfdom. This applies for instance to certain forms of tenure whereby agricultural workers, and often the members of their families also, are required to perform various services free of charge and to work for lower wages than other farm labourers in exchange for a plot of land for their own use. Such systems frequently give rise to abuse, even when legislation has been passed to abolish them. They continue owing to the farm workers' ignorance, the strength of custom and tradition, inadequate enforcement of the law and inaccessibility of many areas. 23/ As was pointed out at the World Land Reform Conference in 1966, in some countries where land reforms have been undertaken, which should help to abolish these forms of serfdom, political power is in fact in the hands of those who themselves exploit the tenants and it is rare for Governments to make a real effort to enforce the land reform legislation they have passed. 24/

141. In an effort to deal with some of these problems, the International Labour Conference in 1957 adopted Convention No. 107, concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries, which included provisions to the effect that the exaction of compulsory personal services in any form, whether paid or unpaid, should be

22/ See E/1988, chap. III, recommendation C.

23/ ILO, Improvement of Conditions of Life and Work of Tenants, Sharecroppers and Similar Categories of Agricultural Workers, report VII (1), International Labour Conference, 51st session, Geneva, 1967 (Geneva, 1966), pp. 35-38.

24/ See Report of the World Land Reform Conference, 1966 (United Nations publication, Sales No. E.68.IV.10), p. 46.

prohibited and made punishable by law. Subsequently, in 1965, the Conference reaffirmed, in a resolution on agrarian reform, with particular reference to employment and social aspects, that personal services and other practices restricting the liberty of the individual should be abolished, together with any arrangements involving unpaid personal services in areas inhabited by indigenous and tribal groups. At the same time, it listed a series of measures needed to establish an economic, social and institutional framework within which the systems involving those forms of compulsion could be abolished. In the Tenants and Sharecroppers Recommendation (No. 132) of 1968, the Conference called for the provision of protection for tenants, sharecroppers and similar categories of agriculture workers against the imposition by landowners of the obligation to perform personal service in any form, paid or unpaid, and for the application of penal sanctions in case of any attempt to impose such an obligation.

142. In its Vocational Guidance Recommendation (No. 87) of 1949, the International Labour Conference emphasized that such guidance must be founded on the free and voluntary choice of the individual and that its primary object was to give him full opportunity for personal development and satisfaction from work, with due regard to the most effective use of national manpower resources.

143. In the field of vocational training, the ILO provides widespread technical assistance, aimed at making young persons self-supporting through training in agriculture, rural crafts and other skills and integrating them with the local population through community services in education, public health and social welfare. One of the most important achievements in this field is the Andean programme, for which the ILO has acted as the co-ordinating agency in co-operation with the United Nations, the Food and Agriculture Organization of the United Nations, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization. Under this programme, the ILO has set a goal involving nothing less than the ultimate transformation of the way of life for some 7 million Indians living in Argentina, Bolivia, Chile, Colombia, Ecuador and Peru. The programme aims to integrate these peoples into the national life of the countries to which they belong, to give them hope for the future and to enable their Governments to put to use the full strength of their untapped human resources. One of the largest and most comprehensive multi-agency projects ever attempted, the Andean programme embraces health, education, agriculture and social services. Steps are under way to transfer executive responsibility for further implementation of the programme to the national authorities of the countries concerned and to ensure that all activities covered by the programme are carried out within the framework of the national economy.

144. When, in 1962, the Andean programme was reviewed by the ILO's Panel of Consultants on Indigenous and Tribal Populations, it was felt that the experience gained in the Andes could benefit other areas, not only in Latin America but in the Middle East, Asia and Africa. This in fact proved to be the case. ILO experts have since initiated integration schemes for the Indians in the Colombian and Venezuelan parts of the Guajira Peninsula and they have co-ordinated operational responsibility for integration and zone development projects for the joint benefit of refugees from Rwanda and the local populations in Burundi and in the Kivu Province of the Democratic Republic of the Congo. The purpose of these projects is to make refugees self-supporting through training in agriculture, rural crafts and other skills and to integrate them with the local population through community services in education, public health and social welfare.

145. Stress should also be placed on the special responsibility of FAO in connexion with land reform. As this specialized agency works closely with agricultural communities all over the world and deals with problems of land tenure, it could help to combat abuses which occur within this field. In a communication to the Special Rapporteur dated 5 March 1970, FAO wrote:

"... For many years FAO has assisted in the reform of feudalistic and semi-feudalistic structures of land tenure and the abolition of debt-slavery through development of credit institutions.

...

"With the gradual spread of law and order in some of the most backward and non-monetized economies of the world, a combination of debt bondage and serfdom has gradually replaced slavery in its classical forms. But, in effect this debt bondage cum serfdom is no less harsh on the victims and in fact, with the gradual monetization and commercialization of economies, though the underprivileged, by law, are free, they are in practice dependent on the privileged classes as much as even a slave, in the absence of alternative employment opportunities and any recognized rights in land. Land reform legislation taken together with debt relief regulations is therefore considered to be one of the immediate and urgent measures necessary for abolition of slavery in the agricultural sector.

"In Bolivia (1952) and for that matter in many parts of the backward regions of Latin America, the underprivileged Andean Indians are acquiring new rights, unknown prior to land reform with the passing in of the land reform legislation. The FAO has had the privilege of giving considerable assistance in these ventures. Similarly, in Iraq where a tenant of the land was not free to move from one place to another without the prior permission of his (feudal) landowner, the passing in of land reform legislation, in 1958, has considerably reduced the extent of serfdom. In many parts of Central Africa, the condition of the landless, whose class is daily increasing with the gradual individualization of communal land tenure system, virtually border on slavery largely due to the dominance of landlord-cum-trader-cum-moneylender.

"Land reform measures, synchronized with integrated schemes for development of co-operatives, credit and marketing institutions, need to be taken on an urgent basis. Wherever necessary, as for instance in Latin America, a multisided approach involving development of village councils, co-operatives, marketing societies, Government-supported institutions for supply of agricultural and domestic requisites need to be adopted and the FAO has been actively engaged in this sphere."

146. The interagency character of land reform is illustrated by the publication in 1970 of Progress in Land Reform, Fifth Report, prepared jointly by the United Nations, FAO and the ILO. 25/

25/ United Nations publication, Sales No. 70.IV.5.

147. As a result of a recommendation contained in the special study of racial discrimination in the political, social, economic and cultural spheres, prepared by Mr. Hernán Santa Cruz as Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, chapter IX of which dealt with measures taken in connexion with the protection of indigenous peoples, the Economic and Social Council, in resolution 1589 (L) of 21 May 1971 authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to make a complete and comprehensive study of the problem of discrimination against indigenous peoples, and to suggest the necessary national and international measures for eliminating such discrimination, in co-operation with the other organs and bodies of the United Nations and with the competent international organizations.

148. In the view of the Special Rapporteur it is highly desirable that this study should include within its scope a consideration of the need for land reform and vocational guidance as essential to the elimination of the remaining vestiges of serfdom.

The need for national legislation to abolish debt bondage

149. In some areas, where debt bondage is still a serious problem, there is a need for basic legislation to eradicate this evil, which is described in the Supplementary Convention of 1956 as

"the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined."

150. In this connexion the Special Rapporteur draws attention to the proposal made by the Ad Hoc Committee on Slavery in 1951, that the Economic and Social Council should recommend to Governments that the following principles be incorporated in any basic legislation intended to abolish debt bondage: 26/

"(a) All arrangements for labour in consideration of a debt should be held to be legal only if reduced to writing;

"(b) A procedure should be evolved whereby the correctness of the debt and the value of the services to be rendered in payment thereof should be established before a competent official and incorporated in the agreement;

"(c) The proportion of the value of the services to be paid towards the elimination of the debt should also be prescribed;

"(d) The debtor should in no circumstances be bound to work for the creditor under the agreement for more than a prescribed maximum number of days;

"(e) The value of the work as undertaken in the agreement should not be less than what is sanctioned by usage in the district;

26/ See E/1988, chapter III, recommendation C.

"(f) The duty of rendering services in extinguishment of a debt should not be transferable to a third person; and

"(g) The agreement should not bind the heirs of the debtor;" .

The need for action during the "transition period" pending the complete abolition of slavery and forms of servitude resembling slavery

151. Article 2 (b) of the International Slavery Convention of 1926 requires States Parties to bring about, "progressively and as soon as possible, the complete abolition of slavery in all its forms". Similarly, article 1 of the Supplementary Convention of 1956 places upon States Parties the obligation to take all practicable and necessary legislative and other measures to bring about, "progressively and as soon as possible", the complete abolition and abandonment of the institutions and practices defined in the Convention.

152. The words "progressively and as soon as possible" reflect the view of the drafters of the two Conventions that the sudden abolition of slavery and the slave trade in all their manifestations would almost certainly result in social and economic disturbances that would be more prejudicial to the development of the well-being of the peoples than the provisional continuation of the existing state of affairs. They recognized in particular that in certain cases in the past the abrupt attempt to do away with slavery and similar conditions, although noble in its inspiration, had resulted in unforeseen hardships for the individuals whose condition it sought to alleviate, and even in grave social upheavals.

153. Public attitudes towards the abolition of slavery and the slave trade in all their manifestations have advanced considerably since 1926, and even more since 1956. The Special Rapporteur is therefore reluctant to encourage any State to make preparations for action during any "transitional period" pending the complete abolition of these evils. On the contrary, he has consistently stressed the urgent necessity to accord every man his freedom, and has advocated the immediate integration into employment and into the general social life of the community of persons freed from slavery or any form of servitude.

154. Recognizing that this goal may not always be attainable, he reproduces below, without endorsing it, a recommendation put forward by the Ad Hoc Committee on Slavery in 1951 with a view to alleviating the hardships which might result from the transition from any form of servitude to freedom. The Committee proposed that the Economic and Social Council recommend to Governments, inter alia: 27/

"8. That any State, considering that it was unable to liberate at once all slaves or persons of other servile status in its territory, should nevertheless abolish the legal status of slavery or other forms of servitude on a given date and in the transitional period should take the following measures:

"(a) The person of servile status shall be entitled, irrespective of his ability to work for reasons of age, native talent, injury or health, to all the rights enjoyed by the members of the master's household or dependents, which include the right to be fed, clothed and housed;

27/ See E/1988, chap. III, recommendation C.

"(b) The courts shall be empowered to set free any slave or other person of servile status who proves to the satisfaction of the court that he or she has been ill-treated by the owner;

"(c) The government shall provide by law that after a prescribed date all children born of slaves or other persons of servile status shall be considered free from birth;

"(d) The slaves or other persons of servile status shall be registered with the record of the genesis of their status; any person not so registered shall have the right to apply to a competent authority for a certificate of freedom;

"(e) Persons of servile status, when duly married, shall not be separated by their masters; no child shall be separated from its mother because of the status of either;

"(f) Mutilation and branding of slaves shall be prohibited;

"(g) The government shall establish an office whose function shall be to supervise the application of the laws concerning slaves and other individuals of servile status; the office shall also conduct social services for the rehabilitation of such persons after they are freed and assistance to those who are unable to earn their own living; it shall be a function of the office to promote knowledge of laws concerning slavery and other forms of servitude, in language comprehensible both by persons of servile status and by their masters; the office shall employ an adequate staff of agents to confer with and counsel such persons;

"(h) The government shall provide funds to assist slaves in buying their freedom and to grant loans to slaves and other persons of servile status for individual rehabilitation."

155. It will be observed that the implementation of these resolutions, made by the Ad Hoc Committee, would entail the adoption of legislation, whereas in all or virtually all countries anti-slavery legislation now exists and any remaining problems are ones of administrative enforcement.

The need for special assistance to persons freed from slavery and other forms of servitude

156. As has been pointed out above, persons formerly subject to slavery or other forms of servitude may, after their emancipation, need special assistance in order to secure their integration into employment and into the general social life of a community. In this connexion the Ad Hoc Committee on Slavery, in 1951, proposed that the Economic and Social Council should recommend to Governments:

"2. That every State in which slavery or other forms of servitude exist or have been abolished comparatively recently should bind itself to make suitable provisions for:

"(a) The assistance of emancipated slaves, or individuals of former servile status, to establish themselves in the free society of the country;

"(b) The maintenance of such individuals, if they are aged or infirm or without means of subsistence;

"(c) The maintenance, care and education of the children of such individuals if their parents are not able or willing to provide it."

"...

"7. That provision should be made for assisting freed slaves who desire to return to their home country with their parents, wives and children, if any, and rejoin their kin or tribe." 28/

The need to promote fundamental economic and social change by educational and other methods

157. Without derogating the importance for the immediate future of legislation and setting up of administrative machinery to combat slavery and other forms of servitude, and of international police co-operation and other measures to end the slave trade, it may be recognized that the existence of these evils is profoundly affected by the general economic and social conditions of the countries or territories in which they occur. In the long run, the improvement of such conditions would cause the disappearance of slavery and the slave trade in all its manifestations and is for that reason, among many others, itself an aim to be pursued. Among the main causes of the persistence of such practices are ignorance, poverty and unemployment, which could probably in no way be more effectively combatted than by raising the level of living and education in areas where they are still widespread, and integrating all under-privileged groups into economically active life.

158. Steps must be taken to prepare the people of the countries and territories concerned to accept the enforcement of legislation against slavery, the slave trade and similar practices and institutions, especially where such institutions and practices are not yet considered reprehensible. Massive educational efforts may be necessary to achieve this goal, involving the co-operation of every level of administration within the Government, the entire educational system and all existing media of information. A recommendation could be addressed to Governments concerned to take such steps, utilizing the technical assistance available through the United Nations Development Programme, UNESCO and other international organizations, and calling upon non-governmental organizations - particularly religious organizations - to assist wherever possible.

159. The International Labour Organisation should be encouraged to continue and expand the assistance that it provides to persons who escape from countries or territories where they have suffered from slavery, the slave trade or any of the slavery-like practices of apartheid or colonialism. Such assistance is available when requested by the Governments of the States in which such persons are living -

28/ See E/1988, chapter III, recommendation C.

whether or not those States are members of the ILO; by the United Nations High Commissioner for Refugees; or by any regional organization, such as the Organization for African Unity, recognized as such by the ILO. It includes the vocational guidance and training which are so essential to those emerging from a status of servitude who wish to integrate themselves into the normal social life of their new community. The ILO could play an increasingly important part in training freed slaves for industrial employment.

160. UNESCO could also be encouraged to contribute to the long-term solution of the problems, first continuing its programme of education to correct a social outlook, persisting in some areas, that tolerates the existence of slavery or forms of servitude similar to slavery - as requested in Economic and Social Council resolution 1126 (XLI) of 26 July 1966; and, secondly, through the expansion of literacy for the benefit of, among others, persons still labouring under and persons recently freed from slavery or similar forms of servitude.

161. Again, the United Nations may recommend to the Governments of countries where the emancipation of slaves and other persons of servile status is taking place, or where there is an influx of newly-freed persons from nearby areas, that they should make every effort to absorb such persons into the general labour force and give them access to vocational guidance and training facilities, including those which may be made available by the ILO and other international organizations. In this connexion it must be realized that freedom from slavery and servitude in the legal sense is only a first step and that practical measures - including re-education to eradicate acceptance of servile status, vocational training, and integration into the social life of the new community - are equally, if not more, important.

162. A number of States have urged that non-governmental organizations should play an important role in promoting the economic and social changes necessary for the complete eradication of slavery and the slave trade in all their manifestations. 29/ Iran, for example, suggested that they might act as agencies for advancing information and co-operate, within the framework of the law, with enforcement officers for the purpose of action against the guilty persons. 30/ Jamaica has suggested that they act as pressure groups on the Governments concerned with a view to their taking appropriate legal action against persons or local institutions indulging in slavery in any of its forms. 31/ Spain has suggested that:

"cultural organizations should campaign against the practices of slavery; charitable organizations should endeavour to assist ex-victims and persons who, owing to their vulnerability, might fall into the clutches of those engaged in slavery and similar practices; and they should all report any facts which warrant reporting, and suggest to the Government whatever measures they consider effective."

29/ Report on Slavery, paras. 1609-12. See replies from Chad (para. 1513), Cuba (para. 1514), Ecuador (para. 1516), India (para. 1518), Peru (para. 1528), Romania (para. 1529), Senegal (para. 1531), Sudan (para. 1534) and the United Kingdom (para. 1536).

30/ Ibid., para. 1519.

31/ Ibid., para. 1521.

In this connexion the Anti-Slavery Society, a non-governmental organization, has pointed out that:

"While Governments alone can legislate, administer and influence economic conditions, non-governmental organizations may to a limited extent influence public opinion and so government policy. This they have always done, in the case of slavery, by obtaining information and, if the Government concerned is unwilling or unable to act on it, by resorting to publicity to induce the Government to do so. A second and equally important function of the non-governmental organization in fighting slavery is to provide continuity. Official bodies, whether governmental or international, tend not to survive international catastrophes. Voluntary bodies, however small, tend to do so and serve a useful purpose."

The need for permanent machinery to secure the implementation of the Slavery Conventions

163. It would appear that neither the International Slavery Convention of 1926 nor the Supplementary Convention of 1956 provides for the implementation of their respective provisions by an international body. The International Court of Justice may be called upon to settle disputes between States Parties relating to the interpretation or application of either Convention, and the Economic and Social Council may use information communicated under the terms of article 8 (2) of the Supplementary Convention "as part of the documentation for any discussion which the Council might undertake with a view to making further recommendations for the abolition of slavery, the slave trade, and institutions and practices which are the subject of the Convention". But no international body has been explicitly recognized as being competent to receive and consider claims on the part of one State Party that another State Party is not fulfilling its obligations under either Convention. 32/ Nor has any such body been established or recognized as being competent to receive and consider communications from individuals who claim to be victims of a violation by a State Party of any of the provisions of either Convention. Nor has any body been set up for the sole purpose of continuously overseeing the application of either Convention. This is a clear defect in the arrangements made for the eradication of slavery, the slave trade and similar institutions and practices.

164. It has been maintained 33/ that the relative success of efforts made against the slave trade between 1890 and 1914 was due in considerable measure to the functioning of the International Maritime Office in Zanzibar and the International Bureau in Brussels, set up under the General Act of the Brussels Conference of 1890, an international instrument which provided for a number of military, legislative and economic measures for the suppression of the slave trade in Africa and on the coasts of the Indian Ocean and the Red Sea. The representative of the Anti-Slavery Society, commenting in 1968 on the periods of progress and the periods of stagnation in the liberation campaign, observed that the greatest

32/ The extent of the meaning of the term "application" as applied to the powers of the Court in relation to the Conventions has never been tested by litigation.

33/ See Report on Slavery, United Nations publication, Sales No. 67.XIV.2, para. 1545.

progress had been made during the operation of the International Slavery Bureau, between 1890 and 1914, and of the Standing Advisory Committee of Experts set up under the auspices of the League of Nations, from 1933 to 1939.

165. In his Report on Slavery the Special Rapporteur suggested to the Economic and Social Council (paragraph 1633) that the Council should establish a committee of experts on slavery, the slave trade, and institutions and practices similar to slavery. The Council decided, however, in resolution 1126 (XLI) of 26 July 1966, to refer the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, to the Commission on Human Rights; and the Commission in turn, in resolution 13 (XXIII) of 21 March 1967, requested the Sub-Commission to undertake regular consideration of that question.

IV. APARTHEID

166. Whenever the word apartheid is mentioned, one is reminded particularly of conditions in South Africa. Even though the same phenomenon may exist in other lands like Southern Rhodesia, it is more a case of the tail wagged by the dog. Apartheid, though an Afrikaans ^{34/} word meaning separateness, or separate development, has come to mean a policy of the State; based on racial segregation and race discrimination, and pursued in a most rigorous and brutal manner by a minority of whites against the large majority of Africans, Coloureds and Asians. In order to pursue such a policy, a cruel régime has been established, supported by a police State and the most wicked "legal" machinery imaginable.

167. South Africa is the only country in the world that proclaims the inequality of its citizens in its laws. The South Africa Act of 1961 declares that only white persons may become members of the all-powerful parliament. The Native Land Act, 1912, provides that Africans may not own land in 87 per cent of the country's territory. The Group Areas Act, 1956, empowers the Government to proclaim ghettos for ownership and occupation by people of mixed descent and origin; the Native Urban Areas Act, 1945, restricts the entry of Africans into the towns and compels Africans in the cities to live in locations subject to the control of white superintendents. The Native Abolition of Passes Act, 1952, makes it compulsory for every African man or woman over sixteen to carry and produce on demand to any policeman a book containing his photograph, number, and the various permissions he needs in connexion with residence, movement and work. The Population Registration Act, 1950, obliges every South African to have himself racially classified, and creates special race courts for investigation of borderline cases. The Reservation of Separate Amenities Act expressly authorizes separate but unequal facilities in public places for persons of different races.

168. Lawyers throughout the country draft, peruse and look for loop-holes in a great accumulation of statutes, ordinances, by-laws, proclamations, government notices and ministerial directives, as amended, with amendments to the amendments. Divided into sections, subsections, paragraphs and clauses, they are replete with whereas's, wherefores, notwithstanding and hereinbefores. ^{35/}

^{34/} The white population in South Africa is either Afrikaans-speaking in Transvaal and the Orange Free State, or English-speaking in the Cape and Natal, the former rather larger numerically. The number of all whites is about 3,481,000 as against 12,456 Africans (Bantu), 1,805,000 "coloureds" and 574,000 Asians.

^{35/} For these and other details, the Special Rapporteur is indebted to Albert Sacks and to the publications of the International Commission of Jurists.

169. For the public the literature is simpler: signs reading "Whites only" - "Non-whites only". These signs are on poles standing in playgrounds, parks and beaches; they are painted on benches, stencilled on telephone boxes and nailed over sportsfields, concert halls, post offices and railway stations. No place is too lowly for them - the urinals are strictly segregated - and no complication is too great: at new stations separate counters are provided for white luggage, for non-white luggage, and for white luggage to be fetched by non-white persons. The colour bar applies to sex, with policemen shining their torches through windows to catch white and black in forbidden embraces (Immorality Act). It applies to disaster, with white ambulances being prevented from carrying non-white casualties (Hospital Board Regulations); and it applies to death, with burial grounds racially zoned to ensure that the bodies remain as divided in death as they were in life (Group Areas Act).

170. The Government claims that apartheid belongs to the natural order of things, and corresponds to divine will and the wishes of all sections of the South African population. In case citizens are not aware of their wishes, and as a supplement to divine wrath, the apartheid laws all carry penal sanctions. As a further precaution, the law ensures that training in the use of weapons is confined to white youth only and that only whites may possess fire-arms.

171. It is not surprising that the law has made extensive efforts to ensure the survival of the order it has created. The major piece of legislation for outlawing opposition has been the Suppression of Communism Act, 1950, which has provided the legal foundation for banning not only the Communist Party but the African National Congress, the Pan-African Congress, the Congress of Democrats and lately the South African Defence and Aid Fund. This Act gives the Government power, without further reference to Parliament or to the courts, to ban periodicals, meetings, organizations and individuals. In 1962 the Sabotage Act created a special offence of sabotage, which was broadly defined and for which the penalties ranged from a maximum sentence of death to a minimum sentence of five years' imprisonment. It was under this law that Nelson Mandela and other leaders of resistance were sentenced to life imprisonment in 1964.

172. For the perpetration of all sorts of atrocities, the South African authorities have established a cruel and efficient machinery, of which the main elements are:

(a) The courts. Justice is placed by law firmly in the hands of the whites. Judges, juries and magistrates are always whites, as are also the prosecution. Nearly all court officials are whites. There are separate docks for white and non-white accused; separate witness boxes for white and non-white witnesses; and separate seating areas for white and non-white spectators.

(b) The Department of Justice. Apart from cleaners, a few court orderlies, interpreters and junior clerks, the membership of this large and important bureaucracy is confined to whites, most of whom are enthusiastic supporters of apartheid.

(c) The police force. The power and importance of this body has grown so much in recent years that it has become the most important organ of Government, making the country a veritable police state. It plays an important role not only in the execution of policy but in shaping and determining it. Its 30,000 members are divided roughly half and half, into whites and blacks. But there are no

non-white commissioned officers. White police use helicopters, armoured cars, Sten guns, rifles, bayonets and pistols, whereas non-white police carry only batons and whistles. After the Sharpeville incident in 1960, the security branch increased its size six times, and it has now become the dominant section of the whole of the police force.

(d) The prisons. The average daily prison population is over 70,000, or twice that of Britain, which has nearly four times the total population of South Africa. The great majority of prisoners are Africans sentenced for contravention of apartheid regulations.

173. Apartheid applies to both prisoners and prison staff. All senior warders are white; no non-white warder may ever be placed in charge of a white prisoner. White and non-white prisoners are strictly segregated, with different diet and different work régimes. Tens of thousands of non-white prisoners work on privately-owned farms, the farmer paying 9d. a day per prisoner. The quality of the prison varies greatly, but generally white prisoners sleep on beds, "coloured" prisoners on mattresses, and Africans on mats. Political prisoners are usually treated more severely than rapists and robbers, having to spend long periods in isolation doing degrading work. Generally they are not given the normal remission of sentence for good behaviour, nor are they allowed out on parole.

174. The "master and servants laws" provide for criminal sanctions for breach of contract of employment. There are four such laws, dating from before the establishment of the Union of South Africa, one in respect of each of the four provinces of the Republic and all basically the same. They apply mainly to domestic and agricultural workers, but similar provisions in respect of African labourers in mines and works are contained in the Bantu Labour Act, 1911. They include the following:

(a) The Cape Master and Servants Amendment Act, 1873, sections 2-6, as amended by Act No. 7 of 1875 and Act No. 30 of 1889;

(b) The Transvaal Master and Servants Law, No. 13 of 1880, chapter V, sections 3-8;

(c) The Natal Master and "Native" Servants Act, 1893, sections 26-30;

(d) The Bantu Labour Act, 1964, sections 13 (b) and 15.

175. Other master-and-servants laws, under which African workers appear to be subjected to forced labour as defined in the international slavery conventions, are also in force:

(a) The Cape Masters, Servants and Apprentices Ordinances of 1847;

(b) The Master and Servants Act, No. 15 of 1856, which repealed the Ordinance No. 50 of 1828 (giving to the Hottentots the rights of equal treatment). This Act defined in detail the duties of a servant;

(c) The Master and Servants Act (Natal), 1850, containing clauses which made the flogging of servants a common practice in Natal (offences are usually impertinence, disobedience, neglect of duty or desertion);

(d) The Master and Servants Act (Transvaal) of 1880;

(e) The Master and Servants Act (Orange Free State), 1904.

With minor amendments, these laws are still enforced.

176. The effect of such provisions, the purpose of which is to control the relationship between white employers and African employees, is that it is a criminal offence for an African: (a) having signed a contract of employment, to refuse or fail to enter into service under it; (b) without lawful cause to leave his employment or fail to carry out the terms of his contract; (c) willfully to do or omit to do anything which, or the omission of which, is likely to cause injury to persons or property; (d) to neglect to perform his duty; (e) to render himself unfit for work through drink or drugs; (f) to refuse to obey a lawful order of, or to use insulting or abusive language to his employer or supervisor; (g) to take steps to change his job before the expiry of his contract.

177. It should be pointed out that under the master-and-servants laws it is a criminal offence for an African who has agreed to take a job not to do so, or to take steps to change his occupation before the expiry of his contract. Once an African has taken a position, he has no right, even if he is offered another job by another employer who pays better, to leave his post, and he must work until his contract expires. In the year ending 30 June 1966, 22,800 Africans were prosecuted for this offence.

178. Although the laws of South Africa have always been severe and inhuman, they have tended to increase in severity and inhumanity each time the régime commits one of those exceptional atrocities which have aroused indignation of all public opinion throughout the world. This was the case after the incident in Sharpeville in March 1960, in which about eighty persons were killed and a greater number wounded for no offence save a peaceful protest against the pass laws, and the world-wide indignation which it aroused in nearly every country. The Government of South Africa proceeded to intensify repressive measures and to enact even more severe laws than those which already existed. Most oppressive among the new laws is the "180-day law" of 1965, which replaced the "90-day law" of 1963. Under this law the police are given the power to arrest and imprison any person for six months, without any magistrate examining the case. At the end of the 180 days, the prisoner may be rearrested and imprisoned for a further term. Whatever interrogation is carried out is conducted by special members of the Security Branch, who employ different systems of torture. Over a thousand persons were held under such laws shortly after their enactment. Most of these, according to one reliable witness, are now serving long sentences, some have been executed, one leapt to his death from a window, and two hanged themselves.

179. One of the most cruel aspects of the application of the "180-day law" is the fact that the arrested person need not be suspected of committing anything illegal at all; he is arrested, kept in isolation and tortured because he is a "potential witness"; and must be made to confess his knowledge of something of which he may be completely ignorant. In the course of his interrogation he may be examined by a series of police agents, each of whom will take charge of torturing him in turn. Such an interrogation may last up to forty hours, until the witness has collapsed.

180. Such has been the experience of even white female witnesses like Mrs. Caroline de Crespigny, an English journalist; and of Mr. Albert Sacks, a South African lawyer. Both were arrested under the "180-day law" as potential State witnesses. Such instances of cruelty and torture are recorded in the report of the Ad Hoc Working Group of Experts of the Commission on Human Rights, which, though it was denied admission to South Africa, has nevertheless managed to listen to some very important witnesses, most of whom have been exposed to various degrees of suffering under the apartheid régime of South Africa.

181. It is rather difficult, within the scope of this progress report, to give a full account of the policy of apartheid of the Government of South Africa. It is a subject which has engaged and continues to engage the attention of United Nations bodies like the General Assembly, the Commission on Human Rights and even the Security Council, and is at present being considered by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The General Assembly began to show its interest by gently trying to persuade the South African Government to abandon its policy of racial discrimination. Then the General Assembly was obliged to set up the Special Committee on the Policies of Apartheid of the Government of South Africa.

182. The Special Committee consisted of representatives of Member States nominated by the President of the General Assembly, with the following terms of reference: (a) to keep the racial policies of the Government of South Africa under review when the Assembly is not in session; (b) to report either to the Assembly or to the Security Council or to both, as may be appropriate, from time to time. In resolution 1978 A (XVIII) of 16 December 1963, the General Assembly requested the Special Committee to continue to follow constantly the various aspects of the question of apartheid and to submit reports to the Assembly and to the Security Council whenever necessary. Furthermore, the General Assembly has, in a number of resolutions, requested the Special Committee to fulfil specific tasks in addition to its general mandate. For instance, in resolution 2202 A (XXI) of 16 December 1966, the General Assembly, endorsing the proposal of the Special Committee for an international campaign against apartheid under the auspices of the United Nations, invited the Committee to continue to take all steps to discharge its mandate more effectively and, to that end, authorized it, inter alia, to hold sessions away from United Nations Headquarters or to send a sub-committee on a mission to consult specialized agencies, regional organizations, States and non-governmental organizations on ways and means to promote the international campaign against apartheid. In resolution 2307 (XXII) of 13 December 1967, the General Assembly requested the Special Committee, among other things, to intensify its co-operation with other special organs concerned with the problems of racial discrimination and colonialism in southern Africa and to continue to discharge its mandate and to intensify its efforts to promote an international campaign against apartheid. In resolution 2396 (XXIII) of 2 December 1968, it requested the Special Committee, among other things, to hold consultations with experts and to arrange for special studies on various aspects of apartheid, in consultation with the Secretary-General. In resolution 2506 B (XXIV) of 21 November 1969, the General Assembly requested the Special Committee to take additional steps to promote assistance to the national movement of the oppressed people of South Africa against the policies of apartheid and to take further steps, including the holding of joint meetings with other appropriate organs of the United Nations, to increase its co-operation and co-ordinate its efforts with such organs.

183. In addition to the Special Committee, which continues to undertake various duties, two seminars on apartheid have been held, one in Brazil and one at Kitwe, Zambia. In 1967, a Special Rapporteur on apartheid, Mr. Ganji (Iran), was appointed by the Commission on Human Rights. In 1968 he presented his first report of which an abbreviated edition was published and distributed.

184. Perhaps the most significant of the United Nations publications on apartheid - and the one that gives the most correct picture of the policy and its victims - is the report of the Ad Hoc Working Group of Experts published on 27 October 1967 (E/CN.4/950). Although this report has been widely distributed, there is a limit to the publicity to be achieved by a mimeographed publication. It would be a great service to the cause of the suffering masses of South Africa if this report were to be re-edited and reissued in a suitable form.

185. In addition to the establishment of a Special Committee on the Policies of Apartheid of the Government of South Africa, the General Assembly asked the Secretary-General to establish, within the Secretariat, a Unit on Apartheid. The Unit has continued to publish from time to time studies on such subjects as foreign investments in South Africa, as well as many popular or informative pamphlets on other related subjects. Other publications of a similar nature are issued by the United Nations Office of Public Information, such as the booklet entitled Action against Apartheid which contains a very useful summary of the subject.

186. The above does not represent a full account of what is being done to combat apartheid but merely gives an idea of the nature of some of the lines that are being pursued. It has been mentioned by several writers that South Africa aims at building up an impregnable citadel of some 6 million square kilometres and 36 million inhabitants - occupying the south of the African continent and consisting of the Republic of South Africa, Namibia, Angola, Southern Rhodesia and Mozambique - which would be in such a strong position that it could defy the rest of the world. It would not be difficult to demonstrate the futility of such a dream if the free world decided to do its duty, in accordance with the Charter of the United Nations.

Apartheid before the world

187. On a map of the world especially drawn to illustrate how far the countries of the world maintain diplomatic representation in the Republic of South Africa (see annex III) it is abundantly clear that South Africa stands in a very unfavourable position. There has never been anything like this in international history. Out of a membership of 140 in the United Nations, there are barely twenty Member States which have diplomatic representation in the South African Republic. The picture is perhaps less gloomy than it appears on the map because some States, like Japan, are content with maintaining trade relations without having diplomatic representation. Nevertheless the picture is by no means agreeable, and South Africa cannot be happy at this state of affairs, no matter how it may pretend otherwise.

188. The fact that South Africa has managed to defy the United Nations and ignore the orders of the General Assembly and even the Security Council has led many people to imagine that this defiance is the result of the strong economic ties which exist between South Africa and those countries whose citizens are benefiting by trade and economic transactions.

189. There are admittedly among the countries which trade with South Africa some whose citizens are drawing such great benefits that these are bound to affect the relations with South Africa.

190. When the Unit on Apartheid was established in the Secretariat in accordance with General Assembly resolution 2144 (XXI) of 26 October 1966, "in order that maximum publicity may be given to the evils of those policies", the first study produced (ST/PSCA/Ser.A/1) was entitled "Foreign investments in the Republic of South Africa".

191. The result of the study was, as expected, namely that foreign investment clearly plays an important role in the economy of South Africa. In 1965 the total of foreign assets in the country was estimated at \$4,802 millions. The principal creditor countries are the United Kingdom, whose holdings are the largest of any one country, and the United States of America. The two countries together accounted for about 70 per cent of foreign investments in South Africa in 1969. There are much smaller, none the less significant, investments on the part of international organizations, France, Switzerland and several other countries.

192. Among the major industries, foreign investments bulk largest in mining and manufacturing, though they are also of importance in South African finance and trade.

193. Of the mining industries, by far the most important is of course mining for gold. South Africa has been described in a popular monthly magazine as producing three fourths of the gold of what the magazine describes as "the free world". The other fourth of that same mineral is produced in Canada, the United States and Australia. The article further indicates that the gold produced in Africa must be produced cheaply, so that it should not cost more than thirty-five dollars an ounce, the rate at which the value of the dollar must be maintained. This could only be achieved through Bantu labour, which the South Africans consider "unskilled" though it is not less skilled than that in other countries. In Africa the gold has to be fetched from a depth of 12,000 feet or more. Only the best Bantu labour is employed at these great depths, and only after a severe course of training on the surface in a manner which resembles the conditions deeper down. The Bantu is paid for this labour \$17 to \$19 a month.

194. It occurred to the Special Rapporteur to inquire how this Bantu pay compares with pay for similar work elsewhere. The inquiry was addressed to the deputy director-general of the ILO, and the answer was received in April 1970; the wages were given in US dollars equivalent to the local currency. The result is the following:

Average monthly wages and salaries in mining and quarrying
and in gold mining in selected countries (in US dollars)

		<u>Mining and quarrying</u>		<u>Gold mining</u>	
		1963	1967	1963	1967
South African Republic	All employees	48	63	50	61
	Whites	294	400	307	404
	Non-whites 99% Bantu	18	23	18	22
USA	All employees	514	591	-	-
(a) lode gold				487	
(b) Placer gold				469	
Canada	Wage earners	380	493		
Australia	All adult male employees	293	395		
United Kingdom	Adult male wage earners	199	222		
Japan	All employees	98	157		
Chana	All employees	47	63		
Gabon	All employees			32	97

195. We need not go into all the details in this table. It is sufficient to note that in 1967 Bantus were paid about \$23 per month in mining and quarrying and \$22 a month in gold mining, compared to \$400 and \$404 per month respectively paid to white employees for the same work. These wages may be compared with the nearly \$500 per month paid in the United States of America.

196. Rather interesting is the figure for Gabon, also a gold-producing country. In 1963, shortly after independence, the wage was only \$32 per month - more than the wage in Transvaal but still comparable with it. But in 1967, five years later, the wage in Gabon rose to \$97 a month, while in South Africa it did not rise above \$32, i.e., barely one third of the wage of the Gabon worker.

197. The Bantu, as such, are the greatest producers of gold, and the Bantu-produced gold must not cost more than \$35 an ounce.

198. When asked how the wages are determined, South African authorities claim that the work involved is of the nature of "unskilled" labour for which a low wage is quite adequate. But this is the common argument in South Africa and is not true. We read for instance in The New York Times of 28 June 1971 that "in the construction trade, the average monthly earnings of the white workers (in South Africa) are

\$450, of Africans \$70. The apartheid argument is that whites are much more skilled, but in practice, all too often, the blacks do the same, or nearly the same, work as whites".

199. This is the testimony of a Mr. Paul Hofmann, special correspondent of The New York Times in Johannesburg. The essential principle in the apartheid system is that all work done by the non-whites is considered unskilled labour, even when the prosperity of the country depends on it. The apartheid system is thus not limited to political and social persecution of the African and coloured population, but is also one of sharp discrimination in the economic and living conditions.

200. But the other side of the medal consists of the great wealth which is acquired by the financial interests involved, whether these interests belong to South African companies or to foreign investments who gain all the benefits of which the indigenous population is deprived.

201. The governing authorities of South Africa, who help to promote the financial interests of foreign investors and who assist in facilitating their acquisition of most of the gold and other minerals, must expect those interests to defend the policy of South Africa, whether it is that of apartheid or of defying the United Nations. It is hardly to be doubted that those financial interests wield a great deal of influence in their respective countries and can persuade their Governments to be quite friendly towards the Republic of South Africa no matter what atrocities it may commit.

202. There are, of course, bodies - philanthropic, religious, and above all acting at the instigation of the United Nations - who are exerting much effort in combating the policy of apartheid and condemning the excesses committed by the racist Government of South Africa, and to complete the picture an attempt will be made in the following section to indicate the lines along which the policy of apartheid is being combated.

Combating apartheid

203. The actions of the Government of South Africa have aroused the feelings of nearly every country in the world, in a manner unknown to exist towards any other people or any other régime. One may even doubt that it could receive less condemnation than the Nazi rule at its very worst. The unanimity evident everywhere in detesting and condemning the South African régime is much more widespread than is shown by the map attached to this report (annex III), which shows how reluctant the world is to recognize the South African Republic. Even with regard to the twenty odd countries which have official diplomatic relations with South Africa, such recognition only reflects a Government's attitude, while the feelings of the population may be strongly antagonistic. Thus the United Kingdom Government, for instance, might have its dealings with South Africa, but there is no mistaking the attitude of the British people, who in April 1964 organized in London a four-day international conference on economic sanctions against South Africa. The report of the Conference was subsequently published in a Penguin edition, to bring it within reach of as many readers as possible. Similar conferences, agitations, public gatherings and protests, have been conducted in many countries, even those with close economic relations with South Africa.

204. Though it would take us very far to attempt to give anything like a full account of the indignation which people are showing all over the world towards the policy and actions of the South African racist régime, it is nevertheless desirable that we give some indication of how the world has reacted against the South African régime of oppression and racial discrimination.

205. Naturally, the United Nations with all its bodies and departments has played the foremost role in combating apartheid. The General Assembly, the Security Council, the Economic and Social Council and many commissions and subcommissions have taken bold steps aimed at eradicating this evil. In addition, there is a Special Committee on Apartheid and a special Secretariat unit, which were created to follow up every development of conditions in South Africa.

206. Among the United Nations activities in this field, we note the seminar in Brasilia in 1966 and the seminar in Kitwe (Zambia) in 1967, the creation of an Ad Hoc Working Group, consisting of experts to conduct an investigation of the terrible crimes committed against the political prisoners of the South African Government, the thorough study of the problems of apartheid carried out in 1968 by a Special Rapporteur (whose report was submitted to the Human Rights Conference in 1968), and finally the report of Mr. Santa Cruz of July 1970 on the policies of apartheid and racial segregation (E/CN.4/Sub.2/307 and Add. 1-8).

207. All these reports and documents contain recommendations representing the wisdom of a large international gathering of exceptionally able men and women, indicating what actions should be pursued to bring about a complete or partial reduction of the evils of apartheid.

208. Some of the suggestions, which are often repeated in several documents, may relate to humanitarian requests, like the release of old and ailing prisoners or the suppression of particularly wicked laws like the Terrorism Law or refraining from executing a death sentence on a large number of accused. Such sentences are usually carried out in the teeth of world disapproval and horror. Some of the suggestions in those documents might be addressed to States Members asking them to refrain from selling weapons and ammunition to the racist State. Other demands concern the stopping of trade or diplomatic relations; and although many countries have decided to sever commercial and/or diplomatic relations, this is usually the case with those States, which have had no such relationship and are thus making a virtue out of necessity.

209. Because Member States attending those conferences are anxious that South Africa should be forced to follow a more decent line of conduct, we find that they all insist on the necessity of applying sanctions according to Chapter VII of the United Nations Charter; and there are always lengthy arguments about whether these should be mandatory sanctions or selective, like those applied against Southern Rhodesia which have not produced any results.

210. One particularly interesting conference, to which reference has already been made, was described by Mr. Ronaldo Segal, a member of the Steering Committee, in the following terms:

"In April 1964 there was held at London a four-day International Conference on Economic Sanctions against South Africa, organized by a Steering Committee of individuals and delegates from movements, South African and British, opposed to apartheid. Our purpose was to submit economic sanctions to the scrutiny of impartial intelligence; to establish whether - as we ourselves believed - they constituted a feasible and effective means of forcing white South Africa to abandon its racial policies; and, if our belief was confirmed, to fortify the campaign for international intervention with the prospect of appropriate tactics. To the Conference we accordingly invited - along with delegates and observers from governing and opposition parties, trade union federations and pressure groups, in several dozen countries - individual experts, economists and international lawyers, historians and military strategists, distinguished not only by their competence and reputations, but by the absence of any known commitment on the issues to be examined. The papers that they prepared, with the findings and recommendations of the Conference, comprised the official record, which was dispatched to all Governments, considered by the United Nations, and subsequently published as a book.

"The Steering Committee remained in existence to promote the Conference recommendations - chief of which was the unanimous conclusion that a programme of total economic sanctions against South Africa would be practical and effective - and when we were approached by a leading member of the resistance movement in South West Africa to organize another conference, on the crisis for international responsibility presented by South Africa's continued possession of the mandate, we decided that this fell properly within our purposes. We were much encouraged by the success of the first conference, which had substantially contributed to removing economic sanctions from the realm of fantasy and setting them in the context of practical, if still contentious, politics."

211. The economic situation in South Africa is, by consensus of opinion of experts, not one which is likely to prosper under the régime of apartheid. In the first place, the insistence of the authorities on avoiding to give skilled labour engagements to the Bantu has hampered the economic development of the country. Hence we find that financial magnates like Harry Openheimer, the Chairman of Anglo-American Company, is strongly opposed to the policy of apartheid. It is conceivable that the development of the resources of the country will become one day so urgent that there will be a need to give a large portion of the population all the skills and the training required for such developments.

212. On Monday, 28 June 1971, the correspondent of The New York Times in Johannesburg wrote to his paper that a South African civil rights organization had formulated recommendations for United States business concerns that were considering investing there, advising them how to alleviate apartheid from within.

213. J. Fred van Wyk, Director of the South African Institute of Race Relations, said in an interview that "a lot can be done" within the laws on racial separation to give African workers a better deal and more human dignity and reach across the colour line. The recommendations of the Institute, prepared at the request of some United States businessmen, call for wage scales for non-white workers far above the legal minimum, opportunities, other benefits not contemplated by South African legislation, and "meaningful dialogue" and social contact with

Africans. The Race Relations Institute, a respected private organization with a staff of fifty throughout South Africa, is funded by South African businessmen, the Ford Foundation and its own members.

214. The forty-year-old Institute has 4,500 members, including some in the United States and other foreign countries, and is affiliated with a number of universities and churches. According to The New York Times report:

"The Institute, an interracial organization, states that it is seeking and publishing the facts on race relations 'whether by so doing it is popular or unpopular with any government or party or group'.

"The Government, though aware of the Institute's anti-apartheid stand, has not so far interfered with its activity and on occasion even uses its reports.

"The Institute's officers noted that not a few United States and other foreign executives adapt very quickly to the South African wage structure with its glaring differences in the treatment of white and non-white workers, and seem quite at ease with the maze of apartheid laws.

"Apart from the everyday indignities and discrimination that apartheid entails, the disparities in the treatment of whites and non-whites can best be gauged by the wage differentials.

"In the construction trade, for instance, the monthly average earnings of white workers are \$450, of Africans \$70. The apartheid argument is that whites are much more skilled, but in practice all too often the blacks do the same or nearly the same work as whites.

"Some employers, including church bodies, voluntarily pay their African workers more than the legal minimum, provide opportunities for on-the-job training, and give them channels - such as productivity committees - to air grievances.

"Civil rights advocates stress that efforts to counter apartheid 'from within' are all the more important since the present legislation gives the Government overwhelming powers to deal harshly with clandestine or otherwise illegal opposition.

"One liberal said: 'There's been sullen lethargy among our Africans ever since the Government removed and silenced one after another of their militants in the early nineteen-sixties. That's why involvement of American firms could be important.'

"Dudley Horner, who is responsible for a study by the Institute covering American investment in South Africa, suggested that American executives here should become seriously involved in the community from which their profits are made and should resist the temptation to be drawn into conformist white South African society.

"The Institute's officers are perplexed and divided, however, as to whether increased Ameri-corporate involvement here is advisable at all.

"Do new American investments weaken or reinforce apartheid?" Mr. Van Wyk asked during the interview.

"I wouldn't know," he replied. "I would give any new investor from the United States five years time; let him show that he doesn't just mean tokenism."

"A researcher at the Institute who did not want to be identified said, however, that no more than tokenism - promotion for only a few Africans - would result from the arrival of new American companies on the South African business scene.

"They'll use what they do for Africans in their advertising," the researcher, a white man, said. "If American business involvement in the anti-apartheid fight becomes a meaningful movement, the Government will step in with new legislation."

"According to the Institute study, about 300 United States concerns have at present substantial direct capital investments in South Africa. They are known to employ 'tens of thousands' of Africans.

"The study places United States investment in South Africa at the beginning of 1970 at \$750 million, 14 per cent of all foreign capital here.

"United States investors are attracted by South Africa because wages for African workers are very low, manpower, mostly unskilled, is plentiful, strikes are rare, the local economy and market are expanding, and returns are high.

"One United States concern that sells its products here, the Polaroid Corporation, announced early this year that while it abhorred apartheid it had decided to 'try to influence the system from within'.

"On the recommendation of a racially mixed investigation group of its employees in the United States, Polaroid has started an experimental one-year programme here. The plan provides for improved wages for African workers in companies here that do business with Polaroid, advanced training for them, and grants for 500 scholarships for non-white students."

215. This is, of course, a private effort, and its results will be - and how far and how long it will be tolerated by the South African régime - will be watched with interest.

216. Other suggestions were advanced by international meetings, like the seminars at Brasilia and Kitwe, especially the latter.

217. The seminar at Brasilia produced thirty recommendations. Five of these express the need for application of sanctions. Other interesting recommendations concern (a) help to the victims of apartheid whether at home or abroad; (b) aid and support by every State to all who oppose apartheid; (c) appeal for generous

contributions to the United Nations Trust Fund for South Africa; (d) the annual commemoration of the Sharpeville Massacre and making this an occasion for collecting funds for combating apartheid; (e) promotion of the most active acts of self-help among African States, under the auspices of the Organization of African Unity; (f) assistance to the States neighbours of South Africa to help them maintain their independence, e.g. Swaziland, Lesotho, and Botswana, as well as giving special assistance to Zambia.

218. An interesting point raised by the seminar is the boycotting of South Africa in the domain of culture and sport.

219. It is even more important that all countries should have as little political or trade contact as possible, or should make such economic contacts conditional upon South Africa's abandoning the policy of apartheid. A good example of this is the conduct of the famous English building firm of Wates, which in 1970 refused on moral grounds to make any investments in South Africa, though strongly urged to do so. 36/

220. The seminar at Kitwe (Zambia) treated both apartheid and colonialism and produced three sets of recommendations for combating the former. The first was delivered by the well-known jurist, Mr. Sean MacBride, on behalf of the observers from the Africa Bureau, the American Institute, the American Committee on Africa, the Commission of the Churches in International Affairs, the International Commission of Jurists, the International Confederation of Free Trade Unions, the International Defence and Aid Fund, and the Student Non-Violent Co-ordinating Committee. The recommendations of this valued and capable group were of great interest.

221. There was, however, one recommendation which represented a novel idea, namely recommendation No. 2 which considered it necessary and urgent that the Secretary-General should appoint a special representative whose specific task would be to approach Governments of Member States at top level in regard to the application of such decisions and resolutions. Such a special representative of the Secretary-General and his assistant should be of sufficiently high standing, repute and experience to make direct contact with the President, Prime Minister and Ministers of the Government of Member States.

222. The second set of recommendations was presented at Kitwe on behalf of the African Liberation Movements attending the seminar. Finally, the seminar issued a broad declaration covering several recommendations.

223. In concluding this chapter on apartheid, there can be no doubt that this subject has aroused the feelings of a vast number of men and women throughout the world and it seems true that even among South African whites there are many who feel unhappy for what is going on in their country.

224. No attempt has been made here to speculate on what may happen in Africa if the advanced countries remain content to look at the continent and its people with

36/ See the London Observer of 30 August 1970. See also: Objective: Justice, Vol. 3.

their particularly short-sighted contemplation. Africa, with all its shortcomings, is now fully conscious of its existence and its possibilities. It is obvious that Africa will not allow the old game of sowing discord between peoples and playing one land against another. There are, of course, disputes that may cast their shadows. But the people know that they are Africans and that Africa, which has gone through a process of liberation, will do its utmost not to fall back into the dark ages.

225. Mr. Colin Legun at Kitwe spoke with truth and wisdom, quoting Mrs. Alva Myrdal when she wrote:

"Violence and counter-violence in South Africa are only the local aspects of a much wider danger. The coming collision must involve the whole of Africa and indeed, the world beyond. No remaining nation can remain aloof. Moreover, a race conflict starting in South Africa must affect race relations elsewhere in the world and also in its international repercussions, create a world danger of first magnitude.

V. COLONIALISM

226. Colonialism may be defined as the status of a country and its inhabitants when they are subjected to a foreign rule. Usually, under colonialism the land is so governed that the interests of the dominant Power are allowed to outweigh the interests of the indigenous population. The extent to which the latter's social, cultural, economic and even political interests are taken into consideration is the yard-stick by which colonialism in a certain area is considered more or less benevolent.

227. In modern times, the political consideration came to outweigh all others. Hence the liberation movements with all their sacrifices, and the repressive measures inflicted upon the indigenous population, anxious to gain a measure of liberty and self-determination.

228. As regards the analogy with slavery and servitude, one cannot help noting that colonies were generally marked on maps and atlases as "possessions"; and the possessions of every colonial Power were marked by a special colour: red, green, blue, purple etc. A colony did not have its own flag, but had to fly the flag of its possessor; and at festivals and celebrations, its people would sing the anthems of kings or chiefs whose lands lay a thousand miles away, just as a slave would carry the markings of his lord, living in another distant country.

229. The acquisition of colonies by imperialist Powers was just like the acquisition of slaves, to be exploited by their lord. At times, especially in modern history, the movement for acquisition of colonies became very strong, and the passion irresistible. Like a plague or epidemic it spread far and fast and embraced whole continents, like the movement towards the end of the nineteenth century well known to historians as the "scramble for Africa". The keen competition in the realm of colonialism was a major factor in producing international misunderstanding, and was perhaps one of the main causes of the two great world wars. It was perhaps the tacit realization of that fact that dictated the terms of Chapter XII of the Charter of the United Nations, dealing with the International Trusteeship System (Articles 75 to 85 inclusive).

230. One can realize, in reading Articles 75 to 85, that the statesmen meeting in San Francisco in the summer of 1945 were doing their best to avoid the shortcomings of the Mandates System of the League of Nations. Article 77, paragraph 1, of the Charter states:

"The Trusteeship System shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- "(a) territories now held under mandate;
- (b) territories which may be detached from enemy states as a result of the Second World War; and
- (c) territories voluntarily placed under the system by States responsible for their administration."

231. It will be noted that Article 77 introduces an interesting innovation, by including the possibility of voluntary acceptance by some States Members, of the status of trusteeship to be applied to lands which they have been administering. In fact, it may be said that the spirit prevailing among the delegations to the San Francisco Conference was particularly liberal as far as the question of trusteeship was concerned.

232. Article 76 stipulates that the objectives of the trusteeship system shall be:

"(a) to further international peace and security;

(b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence;

(c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world".

233. There is no doubt as regards the spirit of magnanimity towards the cause of the indigenous inhabitants of each territory, and this was an important factor in the subsequent movements in Asia and Africa that led to the political development of many States which in the early 1960s became Members of the United Nations.

234. At San Francisco only fifty-one States were assembled to draw up the Charter of the United Nations. At that time few could have foreseen that twenty-five years later the membership of the United Nations would have reached 126, the increase being largely due to the acquisition of full membership by States which had managed to achieve complete political independence.

235. The forces that brought about this emancipation were set in motion largely by the efforts of the populations concerned. But the Charter, even though it reflected the diverse interests of its drafters, from the outset involved the United Nations in the struggle to eliminate colonialism. This action by the United Nations culminated in the adoption by the General Assembly, at the end of 1960, of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples. The following year the Assembly had to exert pressure on administering Powers to obtain their compliance. To assist it in that task, the Assembly in 1961 established the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Special Committee, whose number has subsequently increased to twenty-four, is often referred to as the Committee of Twenty-Four. It has been very active and has become, next to the General Assembly itself, the principal United Nations body dealing with all aspects of decolonization. 37/

37/ The Committee of Twenty-Four as will be shown later, has in the course of the year 1971 lost three of its participant Member States, namely the United States of America, the United Kingdom and Australia, which have withdrawn from the Committee. The present members are Afghanistan, Bulgaria, Ecuador, Ethiopia, Fiji, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Sweden, Syria, Trinidad and Tobago, Tunisia, USSR, United Republic of Tanzania, Venezuela, Yugoslavia.

236. In spite of the liberation of many lands and peoples, colonialism has not completely disappeared; but is still lingering in several usually small areas, scattered and separated from each other and of the rest of the world. We shall not deal with these tiny spots in detail here, beyond expressing the hope that, under United Nations auspices, they will find the solutions of their problems.

237. But there remain problems in colonialism in certain areas in Africa where a small minority of alien elements are maintaining a ruthless régime, and inflicting intolerable hardships upon the indigenous populations. These territories comprise Namibia, Southern Rhodesia, and the Portuguese colonies of Angola, Mozambique, and Guinea (Bissau). The conditions in these territories are examined briefly in the following paragraphs.

Namibia

238. The country was once known as South West Africa. At one time a German colony, the territory came under Class C Mandate of the League of Nations after the First World War, and was administered by the Government of South Africa.

239. Between the two wars South Africa did not disguise its dislike of having to send a report annually to the Mandates Commission of the League of Nations and to answer questions on its actions concerning the administration of the mandate. After the Second World War, South Africa hoped to secure the complete annexation of South West Africa. When General Smuts arrived at San Francisco at the head of his country's delegation, he had with him a proposal for making that mandate an exception to any new trusteeship system. His companions on the delegation made no secret of their plans. Their argument was that they had received South West Africa from the League of Nations and, as the latter no longer existed, the land belonged to them. Their wishes, however, for the time being, had to be concealed, or postponed; and General Smuts had to accept Article 77 of the Charter, which stipulated that all lands subject to the mandate system were to pass under trusteeship.

240. Subsequent Governments in South Africa refused to co-operate, and the General Assembly of the United Nations decided, in resolution 338 (IV), to request an advisory opinion from the International Court of Justice on the international status of South West Africa. The resolution was duly transmitted to the Court, which rendered its opinion on 11 July 1950, 38/ to the effect that South West Africa was "a territory under the international mandate assumed by the Union of South Africa on 17 December 1920". South Africa, nevertheless, decided that the opinion of the Court was merely "advisory" and persisted in its policy of annexation of South West Africa.

241. On 4 November 1960, the International Court of Justice received two applications, each instituting proceedings against the Government of South Africa relating to the continued existence of the Mandate of Southwest Africa and the duties and performance of the Union as Mandatory thereunder. One of these applications was submitted on behalf of the Government of Ethiopia, the other on

38/ International Court of Justice, Reports of Judgments, Advisory Opinions and Orders, 1950, "International status of South West Africa, advisory opinion," p. 128.

behalf of the Government of Liberia. The case dragged on in the Court for several years; its decision was anxiously awaited, especially since the Union of South Africa had declared its separation from the British Commonwealth and its complete independence under the name of Republic of South Africa. The Republic had made a preliminary objection that the Court had no competence in the case, but its objection had been over-ruled by a small majority, 8-7.

242. The Court then went on considering at leisure the petitions of Ethiopia and Liberia until 18 July 1966, when at last the judgement was issued 39/ and it was found that the Court was equally divided. Those who voted against the applicants were: Sir Percy Spender (Australia), President of the Court, and Judges Winiarski (Poland), Spiropoulos (Greece), Sir Gerald Fitzmaurice (United Kingdom), Morelli (Italy), Gros (France) and van Wyk. The seven delivering judgements for the applicants were: Judges Wellington Koo (China), Koretsky (USSR), Tanaka (Japan), Jessup (USA), Padilla Nervo (Mexico), Forster (Senegal) and Sir Louis Mbanefo.

243. The votes being equally divided, the President, in accordance with Article 55 of the Statute of the Court, employed his casting vote to produce a majority vote to the effect that Ethiopia and Liberia had not established that they had any legal right or interest in the observance of the Mandatory's obligations. According to article 60 of the Statute, the judgement is final and without appeal.

244. Considering, however, that the judgement was concerned merely with form and did not affect the substance of the issue raised by the applicants, it was hardly necessary to apply for a revision of the judgement, which was permissible according to article 61.

245. Naturally the situation as regards the mandate for South West Africa did not improve as a result of the judgement of the court, and it was felt that some decisive action by the United Nations must be taken. Thus the General Assembly, in resolution 2145 (XXI), decided in paragraph 4 "that the Mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South West Africa is therefore terminated, that South Africa has no other right to administer the Territory and that henceforth South West Africa comes under the direct responsibility of the United Nations". By paragraph 6 of the same resolution the Assembly established an Ad Hoc Committee for South West Africa to recommend practical means by which South West Africa should be administered, so as to enable the people of the Territory to exercise the right of self-determination and to achieve independence.

246. The Ad Hoc Committee was composed of the following fourteen Member States appointed by the President of the General Assembly: Canada, Chile, Czechoslovakia, Ethiopia, Finland, Italy, Japan, Mexico, Nigeria, Pakistan, Senegal, USSR, United Arab Republic, United States of America.

247. In May 1967 the General Assembly established a United Nations Council for South West Africa (subsequently called the United Nations Council for Namibia), consisting of eleven Member States and assisted by a United Nations Commissioner

39/ Ibid., 1966, "South West Africa cases, second phase, judgement of 18 July 1966", p. 6.

for South West Africa, to administer the Territory until independence. The eleven members are: Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia, Zambia. The Council holds occasional meetings to discuss some question or other until the time when something more decisive might develop.

248. The work of the Security Council concerning Namibia was at this time especially important, particularly after the judgement of the Court. Several sessions were held between 1966 and 1970, in which the question of Namibia was fully debated, in order to arrive at the proper line of action. The members were fully agreed that "South Africa has forfeited the right to administer the Mandate of South West Africa", but members continued their deliberations in order to arrive at the proper decision to meet the situation which had arisen as a result of the decision of the Court and its repercussions.

249. On 30 January 1970 the Security Council issued resolution 276 which inter alia:

"Affirms the right of the people of Namibia to freedom and independence, recognises the General Assembly resolution 2145 (XXI) of 27 October 1966 by which the Mandate for South West Africa was terminated, and direct responsibility for the territory was assumed by the United Nations, until its independence.

and in the operative paragraphs:

"Condemns strongly the refusal of the Government of South Africa to comply with the resolutions of the General Assembly and the Security Council pertaining to Namibia;

"Considers the continued presence of South African authorities in Namibia illegal."

The resolution was adopted by 13 votes to none, with 2 abstentions (France and the United Kingdom).

250. After adopting this important resolution, the Security Council had to decide the line of conduct the Council should take to define its position vis-à-vis the Republic of South Africa, after the judgement of the International Court of Justice of 18 July 1966. The question that must have occupied the minds of the members of the Security Council was how far their hands were tied by the Court's decision, now that Namibia was the responsibility of the United Nations and no longer administered by South Africa.

251. The Security Council felt that there was a need for an advisory opinion from the International Court of Justice, and for that reason it adopted resolution 284 (70), in which it denied:

"To submit in accordance with Article 96 (I) of the Charter, the following question to the International Court of Justice, with the request for an advisory opinion which shall be transmitted to the Security Council at an early date:

"What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?"

The Council requested the Secretary-General to transmit the resolution to the Court, in accordance with Article 65 of the Statute of the Court, accompanied by all documents which would throw light upon the question.

252. The Court met and gave due consideration to the request of the Security Council. In the course of its deliberations, South Africa demanded that it should be represented by a special judge, ad hoc, but this being a matter of an advisory opinion, the request was refused.

253. After it had received all the petitions and statements and completed its deliberations, the Court issued its considered opinion on 21 June 1971 in the following terms:

"The continued presence of South Africa in South West Africa being illegal, South Africa is under the obligation to withdraw its administration from Namibia (South West Africa) immediately and thus put an end to its occupation of the territory".

254. After quoting this text, the New York Times said in a leading article: "With this historic thirteen-to-two verdict, the Court has cleared away the legal and political fog that for years obscured the status of the former German colony placed under South African administration by a League of Nations Mandate 51 years ago. ..." With this decision the Court has rehabilitated itself as well as enhanced the prestige of the United Nations. The Court may also have given a considerable forward thrust to International Law and a boost to the concept of world peace under World Law, but this will depend on what will happen in the wake of this verdict."

255. The case of Namibia is different from that of any other part of southern Africa. South Africa has been a British Colony or independent dominion, and although this does not justify a policy of apartheid or any other kind of oppression, there will be people who maintain that it is their territory, and that its people are the subjects of the South African Government. Angola and Mozambique have been under the rule or misrule of Portugal, which even pretends that they are Portuguese provinces. Rhodesia has been a British Crown Colony for a long time.

256. But Namibia has never had anything to do with South Africa, and under the German occupation was not the home of any South African. It had its own indigenous people, who fought the Germans bravely until they were vanquished. When the Germans left, the country was not bestowed on any conqueror. The League of Nations asked South Africa to administer the country for the benefit of its own people. South Africa set up, instead, a régime of oppression and tyranny, and thereby forfeited any right to administer the mandate which it may ever have had. The land and its inhabitants are now a trust of the United Nations, and the highest juridical authority in the world has decreed accordingly.

257. If sanctions are to be applied in any case, this is the case and place where Chapter VII of the Charter should be fully applied. The honour of the United Nations is involved and it cannot maintain its honour as long as it neglects the humanitarian task entrusted to it. The right is so clearly on the side of the United Nations that it should be possible for the Security Council to achieve its objective of justice.

258. It does not seem fair to the Great Powers to think that they have a special interest in weakening the United Nations Organization, and to take the side of South Africa, when it is so obviously in the wrong.

259. There are not the same economic and financial interests in Namibia that the United Kingdom and other Powers have in South Africa. When the latter gives the "free world" three quarters of its gold, this may be an important incentive even when it involves the maintenance of the policy of apartheid. But Namibia's wealth consists of a minor diamond mine, some lead and copper, the breeding of Karakul sheep, and a fish industry at Walfish Bay, which will probably remain in the hands of South Africa.

260. It is true that some American firms are interested in the economy of Namibia, but it is a small interest and will not be in any danger when the rule of South Africa is abolished.

261. It seems that the future of Namibia has its chances, especially if the United Nations remains loyal to its obligations, and proceeds towards its goal with a mixture of diplomacy and courage.

Southern Rhodesia

262. The territory known as Southern Rhodesia was part of the Federation of Rhodesia and Nyasaland, embracing Northern Rhodesia, Nyasaland and Southern Rhodesia, which was a member of the British Commonwealth. When the Federation was dissolved in 1963, Northern Rhodesia and Nyasaland achieved independent status assuming respectively the names of Zambia and Malawi. In both cases the European population was small and could not stand in the way of the natural developments. The European population in Southern Rhodesia is not very large, but certainly it is greater than in the case of either Zambia or Malawi. There was a concentration of Europeans around Salisbury, the capital of Southern Rhodesia which had been the capital of the Federation. The different elements of the population in Southern Rhodesia are as follows:

Europeans	224,000
Asians	8,200
Coloured	13,000
Africans	4,150,000

Europeans thus constitute merely a fraction of the population, but they are racially minded and have been strongly imbued with the idea of racial discrimination through the influence of their own leaders and the proximity of the Republic of South Africa.

263. When Zambia and Malawi became independent States, Southern Rhodesia unilaterally proclaimed a special constitution. While retaining its nominal attachment to Her Majesty the Queen, Southern Rhodesia nevertheless enacted its own laws and created a new post of "Officer Administering the Government". The fact could not be concealed that the white minority in Southern Rhodesia aimed at establishing a régime based on apartheid, knowing full well that such a régime

would not be acceptable to the British Government. Several attempts were made to reconcile the views of the British authorities and the European group of Southern Rhodesia. It is safe to assume that the rigid attitude of Salisbury was strongly backed by the Government of the Republic of South Africa, which has on many occasions given every assistance to the Government of Salisbury. The decisive step was taken early in March 1970 when Southern Rhodesia, by a unilateral action, severed all relations with Britain and declared itself an independent republic.

264. On 9 March, the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples met and adopted the following consensus on the question of Southern Rhodesia:

"The Special Committee strongly condemns the purported assumption of republican status and other illegal acts by the racist minority régime in Southern Rhodesia. While the Special Committee has no doubt whatsoever about the illegality of these acts, it is gravely concerned at the extraordinarily far-reaching and arbitrary powers which the régime has now arrogated to itself to intensify the oppression of the African majority by the racist minority.

"Noting that these recent developments have led to a further worsening of the situation in southern Africa, constituting a dangerous threat to international peace and security, the Special Committee calls upon the Government of the United Kingdom, the administering Power to take all necessary measures to put an end to that régime and to restore to the people of Zimbabwe their right to self-determination and independence. The Special Committee also calls on all States to co-operate in bringing the rebellion in Southern Rhodesia to an end by complying fully with the relevant resolutions of the Security Council and the General Assembly. Furthermore, having regard to the latest developments, the Special Committee requests all States not to extend recognition to or to entertain diplomatic or other relations with the illegal régime and to refrain from any action which would assist or encourage that régime.

"In view of the further aggravation of the situation which has previously been determined by the Security Council to be a threat to international peace and security, it is the feeling of the Special Committee that the Security Council should urgently consider taking further appropriate measures under the Charter to bring the rebellion to an end and to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV)."

265. The Security Council on 18 March 1970 condemned the "illegal proclamation of republican status of the Territory by the illegal régime in Southern Rhodesia". It decided that Member States should refrain from recognizing it or rendering any assistance to it and should sever all relations with it and interrupt any transport links with the Territory.

266. The Council, which had met on 6 March at the request of the United Kingdom, took that action by adopting a draft resolution submitted by Finland by a vote of 14 in favour (Burundi, China, Colombia, Finland, France, Nepal, Nicaragua, Poland, Sierra Leone, Syria, USSR, United Kingdom, United States, Zambia), none against and 1 abstention (Spain).

267. Under other provisions in the twenty-four operative paragraphs of the resolution, the Council decided that Member States should immediately sever all diplomatic, consular, trade, military and other relations with the illegal régime and immediately interrupt any existing means of transportation to and from Southern Rhodesia. It condemned the policies of the Governments of South Africa and Portugal, which continued to have political, economic, military and other relations with the Ian Smith régime, in violation of United Nations resolutions, and demanded the immediate withdrawal of South African police and armed personnel from the Territory of Southern Rhodesia.

268. The Council called upon Member States to take more stringent measures to prevent any circumvention by their nationals, institutions and companies of the sanctions previously imposed by the Council against Southern Rhodesia. It requested the United Kingdom, as the administering Power, to rescind or withdraw any existing agreements on the basis of which foreign consular, trade and other representation might at present be maintained in or with Southern Rhodesia.

269. The Council urged Member States to increase moral and material assistance to the people of Southern Rhodesia in their struggle for freedom and independence, and requested Member States to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, "not excluding any of the measures provided in that Article".

270. The responsibilities of the Sanctions Committee, previously established by the Council, were broadened, and the Secretary-General was requested to report by 1 July 1970 on the progress made in the implementation of the resolution.

271. Such is the curious and unprecedented case of Southern Rhodesia, which was brought before the Security Council by the United Kingdom itself, which was prepared to co-operate with all the Member States, short of the employment of force, in carrying out this unique resolution of the Security Council.

272. Unfortunately on 2 July 1971, as a result of further discussions of the question of Southern Rhodesia, the Special Committee of Twenty-four adopted a resolution to the effect that "the Special Committee of Twenty-four on decolonization this afternoon condemned the continued failure and refusal of the United Kingdom to take effective measures to end the illegal régime in Southern Rhodesia".

273. The Committee adopted the resolution by a vote of 17 in favour to none against, with 2 abstentions (Fiji and Sweden) and 1 absent (Mali).

274. The discussion led in the end to the withdrawal from the Committee of Australia, the United Kingdom and the United States of America.

Portuguese colonies

275. The background of the Portuguese colonies in Africa is fairly well known. Portugal, having been a pioneer in the age of discovery of the Middle Ages, took a prominent part in the African trade in slaves, ivory and gold; and when the colonial period came, and the scramble for Africa was at its highest, hardly any other State contested the claim of Portugal to the territories which it now occupies. Some of the big Powers even encouraged the claims of Portugal because this enabled them to take a large share in the exploitation of the Portuguese colonies.

276. Thus it is not surprising that a small country like Portugal claims sovereignty over large and rich areas like Angola and Mozambique and the less rich but quite important territory of Guinea, known as Portuguese Guinea. In addition, Portugal dominates some interesting groups of islands like Cape Verde (opposite Guinea), and the rich islands of São Tomé and Príncipe in the Gulf of Guinea.

277. The régime established by the Portuguese in their colonies has been one of oppression and despotism. Their unique form of racial discrimination is not quite analogous to that of South Africa. They have recognized a class, very small in number, known as the assimilados, which consists of members of few African families slightly well-off, who generally speak Portuguese and have received their education (often university standard) in Portugal. Together with the ruling classes of Portuguese descent, they do not constitute more than 4 per cent of the total population of any of the colonies. Thus, unlike his counterpart in South Africa, the African can aspire, in certain very limited cases, to both position and social status. This is the main difference between the treatment of the Africans in Portuguese colonies and in South Africa, where a prominent leader like Chief Luthuli, a winner of the Nobel Prize, has been treated with the greatest barbarism and cruelty.

278. As regards the fate of the vast majority of the African population there is not much to choose between the treatment of Africans in the Portuguese Territories and in South Africa. In both cases minority rule is the order of the day, and the vast African majority is reduced to poverty and subject to harsh treatment.

279. There is however an important point of difference between the régime of South Africa and that of the Portuguese colonies. In the case of the Portuguese colonies the rulers and oppressors, the soldiers and officials, have to be brought from far-away Portugal, while in South Africa the rulers, the despots, the police and the army are all living in the country, and are in fact occupying the greater part of the land.

280. These conditions in the Portuguese colonies have led to the formation of militant groups, which have raised the banner of revolution in Angola, Mozambique and Guinea (Bissau). Although few know exactly how matters stand, there is no doubt that the rebellions exist and are causing Portugal no small trouble.

281. In November 1965 the Security Council affirmed for the first time, in its resolution 218 (1965), that the situation resulting from Portugal's policies, both as regards the African population of its colonies and the neighbouring States, "seriously disturbs international peace and security".

282. In that resolution the Council again asked all States to refrain from offering Portugal any assistance and to prevent the sale and supply of arms to Portugal. In the following month the General Assembly went a step further, in resolution 2107 (XX), by appealing to all States to render the people of the Territories under Portuguese administration the moral and material support necessary for the restoration of their inalienable rights.

283. Both sides appear to be getting assistance. Mozambique's centre of assistance seems to be in Dar-es-Salaam. The Angola rebels have established a Government in Exile in the extreme northeast of Angola and in the adjoining territory of the Democratic Republic of the Congo. Their fate depends very much

upon who rules the Democratic Republic of the Congo. In the time of Tshombé things were rather hard for the rebels, but at present the Congo is giving them considerable assistance.

284. In Guinea (Bissau), the rebels claim that they already dominate half of the country.

285. On the other hand, Portugal is also receiving help. Amilcar Cabral, leader of the movement for the liberation of Portuguese Guinea, declared at a press conference reported in The New York Times of 24 February 1970 that the Portuguese forces had begun to employ planes of American make to bombard with napalm bombs (also of American make) those areas of Guinea under the control of the revolutionary forces.

286. The Americans do not deny that they supplied the Portuguese with planes and bombs (compare the statement of the United States representative in the Kitwe seminar), but they argue that they are being supplied to Portugal as a member of NATO and are not meant to be used in Portuguese colonies.

287. In conclusion, the following is an account of the area and population of the principal Portuguese colonies in Africa:

Angola (including the enclave of Cabinda):

Area: 481,350 square miles

Population: 5,362,000 in 1968

Mozambique:

Area: 302,327 square miles

Population: 7,274,000 in 1968

Guinea, called Portuguese Guinea:

Area: 30,947 square miles

Population: 529,000 in 1968

288. All accounts of the disturbances in the three Territories admit that it is costing Portugal a great deal to mobilize and train and equip an army of 150,000. It has been reported that larger and larger elements of the population of Portugal are complaining of war taxation and expense.

289. It seems also that the rebellion of Guinea Bissau has caused the Portuguese considerable difficulties. This seems to be the reason why Portugal made a great effort to instigate rebellion against the President and Government of the Republic of Guinea. The facts of this rebellion were verified by a special mission sent by the Security Council, which addressed a strong warning to Portugal.

290. Movements of Liberation must grow in the course of the years, and Portugal's empire in Africa must bear the consequences.

ANNEX I

List of experts in economic, sociological, legal and other relevant disciplines, whose advice could be made available to States concerned with the liquidation of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

Mr. Mario Alzamora-Valdez, philosopher and jurist (Peru)

Mr. Mohamed Awad, Special Rapporteur on slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (United Arab Republic)

Mr. Abdelwahab Bouhdiba, sociologist, publicist and scientific researcher (Tunisia)

Mr. Jorge Bravo Bresani, engineer and economist (Peru)

Mr. William O. Brown, sociologist, professor of sociology and Director of African Research and Studies Programme, Boston University (United States of America)

Pastor Bjørn Bue (Norway)

Mr. Emilio Castañón-Pasquel, attorney, economist and professor of economics (Peru)

Smt Kamaladevi Chattopadhyaya, writer and lecturer (India)

Mr. André Joseph Chosalland, Commissioner of Police (France)

Dr. William Montague Cobb, anatomist, physical anthropologist, medical editor, head of Department of Anatomy, Howard University (United States of America)

Mr. Paul Cornil, professor at the Université libre de Bruxelles (Belgium)

Mr. James T. Duffy, educator, associate professor of Anthropology, Brandeis University (United States of America)

Pastor Halvdan Endresen (Norway)

Mr. Gregorio Feliciano, Secretary of Social Welfare (Philippines)

Mr. Raúl Ferrero-Rebagliati, writer, sociologist, man of letters, attorney and university professor (Peru)

Mr. Kemal Uddin Hossain, Deputy Attorney General for Pakistan, Dacca (Pakistan)

Mr. José D. Inglés, Undersecretary of Foreign Affairs and member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Philippines)

Mr. Karl Gothe Stig Johansson, police officer (Sweden)

Mr. A. E. Jøraandstad (Norway)

Mr. Noe Ladhari, jurist, publicist and university professor (Tunisia)

Mr. John Marcum, political scientist, professor of political science and Director of African Language Center and Studies Programme, Lincoln University (United States of America)

Smt Lakshmi Menon (India)

Mr. Telesfor Nowak, jurist-judge of the Voivodship Court, Warsaw (Poland)

Mr. Blas Ople, Secretary of Labour (Philippines)

Mr. Richard Parvis, sociologist, associate professor of anthropology, University of Pittsburgh (United States of America)

Mr. Justice Herman T. Raymond (retired) (Pakistan)

Mr. George W. Shepherd, political scientist, Director of Research and Training Programme on Race in International Systems, University of Denver (United States of America)

Mr. Arnold A. Sio, sociologist, professor and Chairman of Department of Sociology and Anthropology, Colgate University (United States of America)

Mr. Taieb Slim, Ambassador (Tunisia)

Mr. Øystein Stabrun (Norway)

Mr. Mamintal Tamano, Commission for National Integration (Philippines)

Mr. Olof G. Tandberg, Head of section in the Ministry of Education (Sweden)

Mr. Claudio Teehankee, Secretary of Justice (Philippines)

Mrs. Germaine Tillon, writer and sociologist (France)

Mr. Ilhan Unat, Professor of private international law at Ankara University (Turkey)

Professor Cicely D. Williams (United Kingdom)

ANNEX II

RESOLUTION ADOPTED BY THE ECONOMIC AND SOCIAL COUNCIL

1579 (L). Special arrangement between the International Criminal Police Organization and the Economic and Social Council

The Economic and Social Council,

Noting the relevant recommendations of the Council Committee on Non-Governmental Organizations, 1/

Approves the arrangement for co-operation between the United Nations and the International Criminal Police Organization (INTERPOL) set out in the annex to the present resolution.

1769th plenary meeting,
20 May 1971.

ANNEX

Special arrangement between the International Criminal Police Organization and the Economic and Social Council

1. Matters of concern to the International Criminal Police Organization

Note is taken that the aims of the International Criminal Police Organization, as stated in article 2 of its Constitution, are:

(a) To ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries in the spirit of the Universal Declaration of Human Rights:

(b) To establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes; and that, according to article 3 of its Constitution, it is strictly forbidden to undertake any intervention or activities of a political, military, religious or racial character.

In the execution of these aims, the International Criminal Police Organization is concerned in all criminal police matters, including the police aspects of drug abuse, prevention of crime and treatment of offenders, traffic in persons, certain human rights questions specified by its Constitution, counterfeiting and new forms of crime that may arise.

1/ See E/4945, chapter II.

2. Exchange of information and documentation

The United Nations Secretariat and the International Criminal Police Organization shall exchange, as may be appropriate, information and documentation relevant to matters of mutual interest.

3. Consultations and technical co-operation

The United Nations Secretariat and the International Criminal Police Organization at the request of either, shall consult together on matters of common interest. They may collaborate in the study of such matters and may undertake technical co-operation in substantive projects.

4. Representation by observers

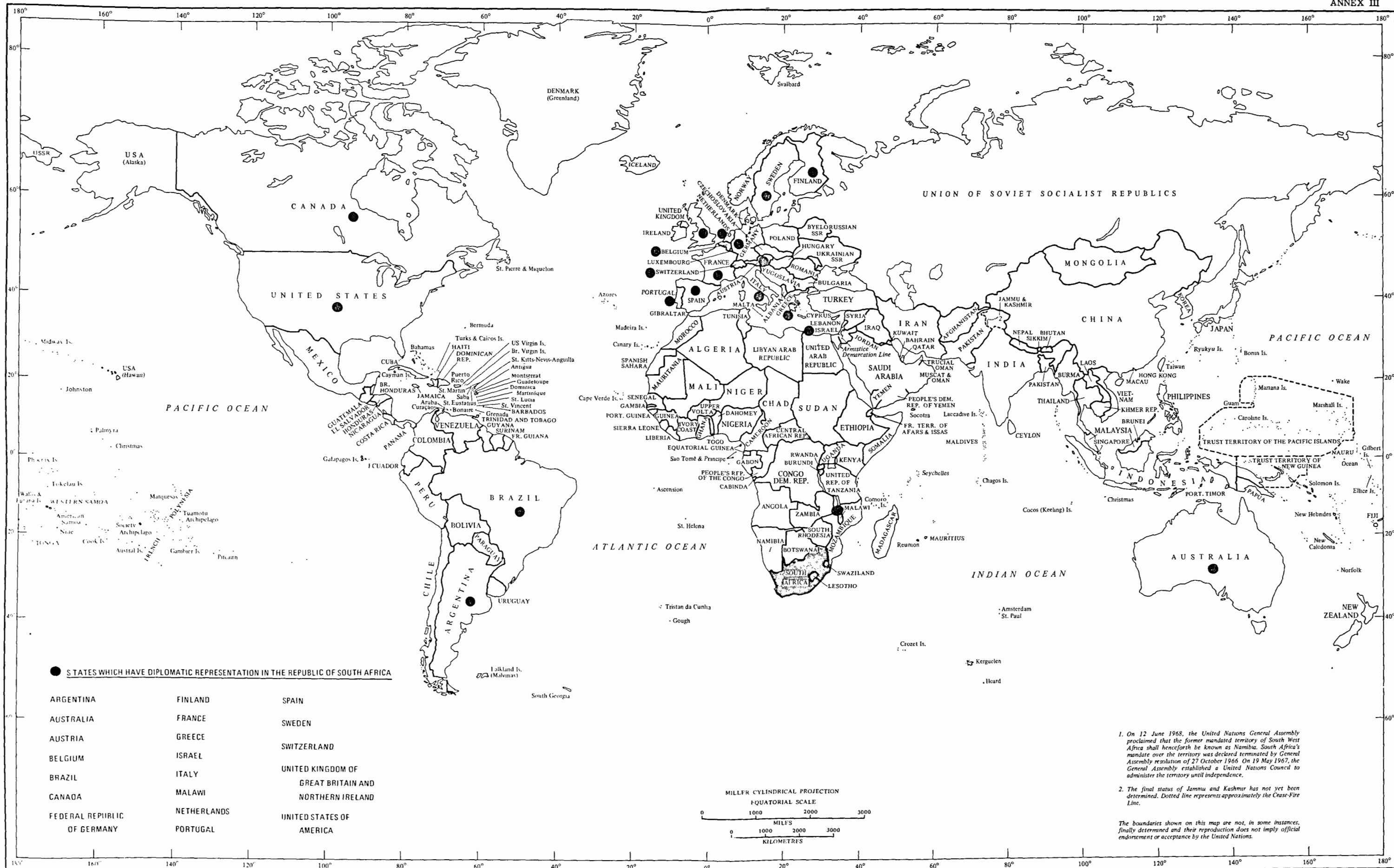
Representatives of the United Nations Secretariat shall be invited to attend in an observer capacity meetings of bodies of the International Criminal Police Organization and other meetings organized by it which deal with matters of common interest. Representatives of that organization shall be invited to attend in an observer capacity meetings of the Economic and Social Council, of its subsidiary organs, conferences convened by it and meetings of other United Nations bodies which deal with matters of common interest. Observers invited pursuant to the present paragraph may participate, with the approval of the body concerned, and without the right to vote, in debates on questions of concern to their organizations.

5. Written statements

The United Nations Secretariat may submit written statements to meetings of bodies of the International Criminal Police Organization and other meetings organized by it on matters of common interest which are relevant to the work of those bodies. The International Criminal Police Organization may submit written statements to the Economic and Social Council, to its subsidiary organs and to conferences convened by it, on matters of common interest which are relevant to the work of those bodies, subject to the same conditions and procedures as are applicable to written statements by organizations having consultative status in category I with the Council.

6. Proposal of agenda items

The United Nations may propose items for the provisional agenda of bodies of the International Criminal Police Organization and other meetings organized by it. The International Criminal Police Organization may propose items for the provisional agenda of the Economic and Social Council and its subsidiary bodies, subject to the same conditions and procedures as are applicable to such proposals by organizations having consultative status in category I with the Council.



1. On 12 June 1968, the United Nations General Assembly proclaimed that the former mandated territory of South West Africa shall henceforth be known as Namibia. South Africa's mandate over the territory was declared terminated by General Assembly resolution of 27 October 1966. On 19 May 1967, the General Assembly established a United Nations Council to administer the territory until independence.

2. The final status of Jammu and Kashmir has not yet been determined. Dotted line represents approximately the Cease-Fire Line.

The boundaries shown on this map are not, in some instances, finally determined and their reproduction does not imply official endorsement or acceptance by the United Nations.

