

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/2824
15 February 1956

ORIGINAL: ENGLISH

ECONOMIC AND SOCIAL COUNCIL
Twenty-first session
Item 12

SLAVERY

DRAFT SUPPLEMENTARY CONVENTION ON THE ABOLITION OF
SLAVERY, THE SLAVE TRADE, AND INSTITUTIONS AND
PRACTICES SIMILAR TO SLAVERY: REPORT OF THE
COMMITTEE APPOINTED BY RESOLUTION 564 (XIX).

New York, 16 January to 6 February 1956

Rapporteur: Mr. Aleksandar Bozovic (Yugoslavia)

56-04136

TABLE OF CONTENTS

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
I. Organization of the session	1-10	5
A. Opening and duration of the session	1-2	5
B. Representation at the session	3-6	5
C. Election of officers	7	7
D. Meetings, resolutions, and documentation	8-10	7
II. Agenda	11	7
III. Preparation of a draft supplementary convention dealing with those practices resembling slavery not covered in the International Slavery Convention of 1926	12-274	8
Introduction	12-15	8
A. General comments on the draft convention as a whole	16-18	9
B. The title of the draft convention	19-22	10
C. Preamble of the draft convention	23-45	11
Introduction	23-26	11
1. First paragraph	27	13
2. Second paragraph	28-31	13
3. Third paragraph	32-33	13
4. Fourth paragraph	34-36	14
5. Fifth paragraph	37-39	14
6. Proposal for an additional paragraph	40-43	14
7. Adoption of the preamble	44-45	15
D. Articles of the draft convention	46-259	16
Article 1	46-88	16
Introduction	46-48	16
1. Introductory paragraph	49	17
(a) The nature of the measures to be taken	50-53	18
(b) The question whether the institutions and practices dealt with in the draft convention should be abolished immediately or progressively	54-57	18
(c) The relationship of the institutions and practices covered by the draft convention to those dealt with in the Slavery Convention of 1926	58-60	19
(d) Adoption of the introductory paragraph	61-62	20
2. Paragraph (a)	63-66	20
3. Paragraph (b)	67-70	21
4. Paragraph (c)	71	21
Sub-paragraph (i)	72-75	22
Sub-paragraph (ii)	76	22
Sub-paragraph (iii)	77-78	23

TABLE OF CONTENTS (Cont'd.)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
5. Paragraph (d)	79-86	23
6. Adoption of the article as a whole	87-88	24
Article 2	89-96	25
Article 3	97-139	27
Article 4	140-150	38
Article 5	151-156	40
Article 6	157-171	41
Article 7	172-188	44
Article 8	189-201	46
Article 9	202-211	49
Article 10	212-229	51
Article 11	230-246	54
Article 12	247-255	57
Article 13	256-259	59
E. Consideration of draft article on registration and publication of the draft convention	260-264	59
F. Order of the articles of the draft convention	265-271	60
G. Improvements in the drafting and style of articles of the draft convention	272-273	61
H. Adoption of the Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	274	62
IV. Adoption of the report of the Committee to the Economic and Social Council	275	62

ANNEXES

- I. Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
- II. List of documents before the Committee

I. ORGANIZATION OF THE SESSION

A. Opening and duration

1. The Committee on the Drafting of a Supplementary Convention on Slavery and Servitude, convened in accordance with resolution 564 (XIX) of the Economic and Social Council, met at the Headquarters of the United Nations, New York, from 16 January to 6 February 1956.
2. Mr. Martin Hill, Deputy Under-Secretary for Economic and Social Affairs, opened the session on behalf of the Secretary-General on 16 January.

B. Representation at the session

3. The following representatives of Member States on the Committee attended:

Australia	Mr. Trevett Wakeham Cutts
Ecuador	Mr. Gonzalo Apunte
Egypt	Mr. A.H. Abdel-Ghani
France	Mr. Emile Giraud Mr. Jean Turpin (alternate)
India	Mr. B. Rajan Mr. P.N. Kaul (alternate) Mr. R.K. Kapur (adviser)
Netherlands	Mr. E.L.C. Schiff Mr. A.E. van Braam Houckgeest (alternate)
Turkey	Mr. Talat Benler Mr. Ilhan Akant (alternate)
Union of Soviet Socialist Republics	Mr. Anatoly Nikolaev Mr. B.P. Pisarev (adviser)
United Kingdom of Great Britain and Northern Ireland	Mr. R.D.J. Scott-Fox Mr. Vincent Evans (alternate) Mr. Mervyn Brown (adviser)
Yugoslavia	Mr. Aleksandar Bozovic Mr. Kresimir Horvat (adviser)

4. The International Labour Organisation was represented at the session by Mr. R.A. Metall, Director of the ILO Liaison Office with the United Nations, and Mr. O. Seiersen, of that Office.

5. The following authorized representatives from non-governmental organizations in consultative relationship with the Economic and Social Council were present as observers:

Category A

International Confederation of Free Trade Unions (Miss Toni Sender and Miss Nina Hillquit); International Federation of Christian Trade Unions (Mr. G. Thormann); World Federation of United Nations Associations (Mr. Barret Brown).

Category B

Agudas Israel World Organization (Mr. Isaac Lewin); The Anti-Slavery Society (Mr. C.W.W. Greenidge); Catholic International Union for Social Service (Mrs. Carmen Giroux); International Bureau for the Suppression of Traffic in Persons (Mrs. W.G. Grabinska); International Conference of Catholic Charities (Mr. Louis Longarzo); International Movement for a Fraternal Union Among Races and Peoples (Miss M. Krynen); International Union of Socialist Youth (Miss Susan Gyarmati); Nouvelles Equipes Internationales (Mr. K. Sieniewicz); Pan-Pacific Southeast Asia Women's Association (Mrs. H.G. Fowler); World's Alliance of Young Men's Christian Associations (Mr. Owen E. Pence); World Assembly of Youth (Mr. Robert Perlzweig); World Union of Catholic Women's Organizations (Miss Catherine Schaefer).

Register

St. Joan's International Social and Political Alliance (Mrs. W.G. Grabinska and Mr. C.W.W. Greenidge).

6. Mr. John P. Humphrey, Director of the Division of Human Rights, and Mr. Egon Schwelb, Deputy Director of the Division, represented the Secretary-General. Mr. Marc Schreiber, Deputy Director, General Legal Division, attended a number of meetings and gave advice to the Committee on various questions of a legal nature. Mr. Pedro L. Yap acted as Secretary of the Committee.

C. Election of Officers

7. The Committee at its first meeting unanimously elected:

Mr. Trevett Wakeham Cutts (Australia), Chairman; and
Mr. Aleksandar Bozovic (Yugoslavia), Rapporteur.

D. Meetings, resolutions and documentation

8. The Committee held 20 plenary meetings. The views expressed by the members of the Committee during these meetings are summarized in documents E/AC.43/SR.1-20.

9. The Committee granted hearings at its fourth meeting to representatives of the following non-governmental organizations:

Category A: International Federation of Christian Trade Unions
(Mr. G. Thormann).

Category B: The Anti-Slavery Society (Mr. C.W.W. Greenidge); Catholic International Union for Social Service (Mrs. Carmen Giroux); International Bureau for the Suppression of Traffic in Persons (Mrs. W.G. Grabinska).

Register: St. Joan's International Social and Political Alliance
(Mrs. W.G. Grabinska).

10. The text of the Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted by the Committee and submitted to the Economic and Social Council, is reproduced in Annex I. Documents before the Committee are listed in Annex II.

II. AGENDA

11. At the first meeting, the Committee considered the provisional agenda (E/AC.43/1), prepared by the Secretary-General, and unanimously adopted the following agenda for the session:

1. Election of Officers.
2. Adoption of the Agenda.

3. Preparation of a draft supplementary convention dealing with those practices resembling slavery not covered in the International Slavery Convention of 1926 (Economic and Social Council resolution 564 (XIX)).
4. Adoption of the report of the Committee to the Economic and Social Council.

III. PREPARATION OF A DRAFT SUPPLEMENTARY CONVENTION DEALING WITH THOSE PRACTICES RESEMBLING SLAVERY NOT COVERED IN THE INTERNATIONAL SLAVERY CONVENTION OF 1926

Item 3 of the Agenda

Introduction

12. At its 1st to 20th meetings, the Committee considered item 3 of its agenda, entitled "Preparation of a draft supplementary convention dealing with those practices resembling slavery not covered in the International Slavery Convention of 1926".

13. The Committee had before it a Draft Convention on the Abolition of Slavery and Servitude (E/2540/Add.4), which had been submitted to the Economic and Social Council by the Government of the United Kingdom of Great Britain and Northern Ireland, and the comments that had been received on it from governments, the International Labour Organisation, and non-governmental organizations. The draft convention and comments had been transmitted to the Committee by the Economic and Social Council in resolution 564 (XIX).

14. For the convenience of the Committee, the Secretary-General had prepared a memorandum (E/AC.43/L.1 and Add.1 and 2 and Corrs.1 and 2), containing the text of the Draft Supplementary Convention on Slavery and Servitude and the comments thereon received from governments, the International Labour Organisation, and various non-governmental organizations. The memorandum also contained a number of comments submitted by the Secretary-General. The Committee decided to use this memorandum as its basic working document, and to examine the articles of the draft convention one by one.

15. The Committee gave the draft convention three readings. The first reading, which took place at the 2nd to the 7th meetings, was devoted to an examination

of the draft convention, article by article. Amendments to the articles were submitted by members of the Committee, but decisions with respect to such amendments were postponed until the second reading, which took place at the 8th to 19th meetings. The third reading, which took place at the 20th meeting, was devoted to consideration of drafting proposals and suggestions for improvement of the style of the English, French, Spanish and Russian texts.

A. General comments on the draft convention as a whole

16. Chapter I of the memorandum prepared by the Secretary-General contained a number of general comments on the draft convention as a whole. Members of the Committee considered that all of the general comments related to particular articles of the draft convention, and could therefore be dealt with when the relevant articles were discussed. Nevertheless, on the request of the representative of the Union of Soviet Socialist Republics, the Committee decided that a general discussion should precede the article-by-article examination of the draft convention.

17. The representative of the Union of Soviet Socialist Republics, in the course of the general discussion, made a statement on the draft convention as a whole (E/AC.43/SR.2). He observed that the documentation on slavery before the Economic and Social Council clearly indicated that various forms of slavery, including crude slavery, still existed in many countries. Although the problem of slavery did not exist in the Union of Soviet Socialist Republics, his delegation had always been prepared to support any measures that might help to abolish slavery and related institutions and practices where they still exist. The United Nations should take more effective measures than those provided in the Slavery Convention of 1926. The representative of the USSR pointed out that the draft convention proposed by the Government of the United Kingdom, while it contained a number of provisions aimed at the elimination of slavery, had important defects. Article 1 of the draft, for example, provided that slavery should be abolished "progressively and as soon as possible", a provision which weakened the scope of the convention. Article 10 contained a provision whereby the Parties to the convention would be entitled to determine whether or not to apply the convention to certain territories for the

international relations of which they are responsible, i.e. to colonial territories. Such a provision would hinder the application of the convention to such territories, where the struggle against slavery is of greatest significance. The draft contained other defects as well, such as the inclusion of Article 7 on reservations and a provision concerning the compulsory jurisdiction of the International Court of Justice.

18. General views on the draft convention were presented by all members of the Committee in the course of the article-by-article consideration of its text. The Chairman, in addition, drew the Committee's attention to the comments on the draft convention as a whole which appeared in Chapter I of the Secretary-General's memorandum, including comments received from Australia, Austria, Belgium, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, China, Costa Rica, Cuba, Denmark, Greece, Honduras, Indonesia, Iraq, Japan, Laos, Lebanon, Libya, Luxembourg, Mexico, Nepal, Netherlands, Nicaragua, Norway, Switzerland, Turkey, and Viet Nam; from the International Labour Organisation; and from the Anti-Slavery Society.

B. The title of the draft convention

19. The draft convention submitted by the Government of the United Kingdom of Great Britain and Northern Ireland (E/2540/Add.4) was entitled "Draft Convention on the Abolition of Slavery and Servitude".

20. The Committee discussed the wording of the title at the 8th and 9th meetings.

21. Some members of the Committee pointed out that the word "servitude" presented linguistic difficulties, particularly in the Arabic, Russian and Spanish languages. The representative of the United Kingdom explained that the draft convention covered something more than slavery and that the word "servitude" had been added in view of the well-defined and rather restricted connotation which had been given to the term "slavery".

22. The representative of the USSR proposed at the 9th meeting that the draft convention be entitled, "Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery". The proposal was adopted unanimously by the Committee.

C. Preamble of the draft convention

Introduction

23. The preamble of the draft convention (E/2540/Add.4) was as follows:

"The States signatories of the present Convention,

[1] "Considering that article 4 of the Universal Declaration of Human Rights proclaims as one of the aims of the United Nations that no one shall be held in slavery or servitude,

[2] "Recognizing that the International Convention with the Object of Securing the Abolition of Slavery and the Slave Trade signed at Geneva on 25 September 1926, represented the widest undertaking upon which agreement could be reached at that time,

[3] "Considering that further progress has been made towards elimination of slavery and practices of a similar nature from the world,

[4] "Believing that the provisions of the aforementioned Convention of 1926, which remains fully operative and the custody of which by the Secretary-General of the United Nations has been confirmed in a Protocol dated 7 December 1953, can now appropriately be augmented by the conclusion of a supplementary convention,

"Have agreed as follows:"

24. Comments on the preamble had been submitted by the Anti-Slavery Society and by the Secretary-General (E/AC.43/L.1, paras. 38-42).

25. The Committee discussed the preamble at the 2nd, 8th, 9th and 20th meetings.

26. Amendments to the preamble were submitted by the representatives of France, the Netherlands and the USSR. The representative of France proposed (E/AC.43/L.4) that the second paragraph should be amended to read as follows:

"Recognizing that the Slavery Convention signed at Geneva on 25 September 1926, which was designed to abolish slavery and the slave trade, represented the widest undertaking upon which agreement could be reached at that time."

The representative of the Netherlands proposed (E/AC.43/L.3) that the first paragraph should be amended to read as follows:

"Considering that the Universal Declaration of Human Rights, proclaimed by the General Assembly as a common standard of achievement for all peoples and all nations, states in Article 4 that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms."

The representative of the USSR proposed (E/AC.43/L.5) deletion from the preamble of the statement that the 1926 Slavery Convention "represented the widest undertaking upon which agreement could be reached at that time," and insertion at the end of the preamble of the following paragraph:

"Recognizing that the conclusion of a new supplementary convention on slavery and servitude is essential in order to intensify the struggle against slavery and servitude and the institutions and practices associated therewith."

A revised text for the preamble (E/AC.43/L.18), taking into account the various amendments and the preliminary discussion thereon, was submitted to the Committee by the representative of the United Kingdom. The revised text was as follows:

"The States signatories of the present Convention,

1/ "Mindful that the peoples of the United Nations in the Charter reaffirmed their faith in the dignity and worth of the human person;

2/ "Considering that the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations as a common standard of achievement for all peoples and all nations, states in Article 4 that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms;

3/ "Recognizing that, since the conclusion of the Slavery Convention signed at Geneva on 25 September 1926, which was designed to secure the abolition of slavery and the slave trade, further progress has been made towards this end;

4/ "Being aware, however, that slavery has not yet been eliminated in all parts of the world and that other forms of servitude of a similar nature still exist;

5/ "Having decided, therefore, that the provisions of the Convention of 1926, which remains fully operative, should now be augmented by the conclusion of a supplementary convention designed to intensify efforts towards the abolition of these practices;

"Have agreed as follows:"

1. First paragraph

27. The first paragraph of the revised preamble did not give rise to any discussion. At the 9th meeting, the Committee adopted it unanimously.

2. Second paragraph

28. The second paragraph of the revised preamble reproduced the amendment which had been submitted by the representative of the Netherlands, which in turn had taken into account the drafting changes suggested by the Secretary-General.

29. There was a difference of opinion in the Committee with regard to the phrase "as a common standard of achievement for all peoples and all nations". Some members pointed out that inclusion of the phrase might suggest that the abolition of slavery was a mere ideal, while others considered the phrase unnecessary since it merely restated what was already in the Universal Declaration of Human Rights. There was however no formal proposal to delete the phrase.

30. The advisability of referring to Article 4 of the Declaration was questioned by some members, who felt that other articles of the Declaration also had a bearing upon the draft convention. A formal proposal by the representative of the Netherlands (E/AC.43/L.26) to delete the words "in Article 4" was accepted by the representative of the United Kingdom.

31. The second paragraph of the revised preamble, as amended, was adopted by the Committee at the 9th meeting by 9 votes in favour, none against, with 1 abstention.

3. Third paragraph

32. The third paragraph of the revised preamble took into account the amendments which had been proposed by the representatives of France (E/AC.43/L.4) and of the USSR (E/AC.43/L.5).

33. The paragraph did not give rise to any discussion. At the 9th meeting the Committee adopted it unanimously.

4. Fourth paragraph

34. The fourth paragraph of the revised preamble was characterized by some members of the Committee as not being sufficiently precise. The representatives of France, the Netherlands, and the USSR, proposed that reference should be made to the slave trade and to institutions and practices similar to slavery.

35. The representative of the United Kingdom accordingly revised the paragraph to read as follows:

"Being aware, however, that slavery, the slave trade, and institutions and practices similar to slavery have not yet been eliminated in all parts of the world;"

36. The fourth paragraph of the revised preamble, as amended, was adopted unanimously by the Committee at the 9th meeting.

5. Fifth paragraph

37. The fifth paragraph of the revised preamble took into account the amendment to the final paragraph of the original text which had been proposed by the representative of the USSR (E/AC.43/L.5).

38. In the course of the discussion, the representative of France suggested deletion of the words "the provisions of" which appeared before "the Convention", and deletion of the word "fully" which appeared before the word "operative". The representative of Yugoslavia suggested that the words "national as well as international" should be inserted before the word "efforts", and that the expression "slavery, the slave trade, and institutions and practices similar to slavery" should be substituted for the words "these practices". The representative of the United Kingdom accepted these suggestions and revised the text accordingly.

39. The fifth paragraph of the revised preamble, as amended, was adopted unanimously by the Committee at the 9th meeting.

6. Proposal for an additional paragraph

40. The representative of Ecuador introduced a proposal, submitted jointly by his delegation and those of Egypt and India (E/AC.43/L.22), for a new paragraph to be included in the preamble, as follows:

"Recognizing further that progress on the elimination of slavery and similar forms of servitude depends not only on international conventions but also, to a great extent, on concerted measures for economic, social and cultural advancement and on international co-operation towards this end;".

41. The Committee was divided on the question of including such a paragraph. Some members, including the representative of the USSR, favoured its inclusion as a recognition of the fact that legal measures alone could not bring about the abolition of slavery, but would have to be accompanied by concerted measures for economic, social and cultural advancement. The representative of France, while agreeing that the sponsors of the joint amendment were right to emphasize the importance of economic, social and cultural advancement as a factor in the abolition of slavery as well as the risks involved in confining action to prohibition, felt nevertheless that the question of concerted action was not within the Committee's terms of reference. Other members felt that the paragraph was unnecessary, that it dealt with some matters not mentioned in the draft convention, and that it might provide contracting States with a pretext for not applying the convention as long as the measures referred to had not been taken.
42. In the course of the debate the sponsors of the joint amendment accepted a further amendment, suggested orally by the representative of Yugoslavia, and redrafted their amendment as follows:

"Recognizing further that progress in the elimination of slavery, the slave trade and similar institutions and practices depends not only on legislative measures adopted by States pursuant to international conventions but also, to a great extent, on concerted measures for economic, social and cultural advancement and on international co-operation towards this end,".

43. The joint amendment, as amended, was considered by the Committee at the 9th meeting. It received 5 votes in favour and 5 against, and consequently was not adopted.

7. Adoption of the preamble

44. The revised preamble, as amended, was adopted unanimously by the Committee at the 9th meeting, as follows (E/AC.43/L.30):

"The States signatories of the present Convention,

"Mindful that the peoples of the United Nations reaffirmed in the Charter their faith in the dignity and worth of the human person;

"Considering that the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations as a common standard of achievement for all peoples and all nations, states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms;

"Recognizing that, since the conclusion of the Slavery Convention signed at Geneva on the 25th of September 1926, which was designed to secure the abolition of slavery and of the slave trade, further progress has been made towards this end;

"Being aware, however, that slavery, the slave trade and institutions and practices similar to slavery have not yet been eliminated in all parts of the world;

"Having decided, therefore, that the Convention of 1926, which remains operative, should now be augmented by the conclusion of a supplementary convention designed to intensify national as well as international efforts towards the abolition of slavery, the slave trade and institutions and practices similar to slavery;

"Have agreed as follows:"

45. At the 20th meeting the Committee decided to change the words "The States signatories" to "the States Parties" in the opening line of the preamble.

D. Articles of the draft convention

Article 1

Introduction

46. Article 1 of the draft convention (E/2540/Add.4) was as follows:

"All practicable and necessary measures, including legislation where appropriate, shall be taken to bring about, progressively and as soon as possible, the complete abolition or abandonment of the following institutions and practices, where they still exist.

"(a) Debt bondage, i.e., the status or condition arising from a pledge by a debtor of his personal services or those of a third person under his control as a security for a debt where the value of those services rendered is not applied towards the liquidation of the debt and the person pledged has to serve the creditor until the debt is repaid.

"(b) Serfdom, i.e. the servile hereditary tenure of land whereby the tenant is by law, custom and agreement bound to live and labour on land belonging to another person and render some determinate service to his landlord 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 given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or clan; or

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

"(iii) The woman on the death of her husband is liable to be inherited by his heir-at-law.

"(d) Any institution or practice whereby a child or young person is delivered by either or both his natural parents or his guardian to another person, whether for reward or not, under conditions which permit that person to exploit the child or young person or his or her labour; except that this Article shall not be construed so as to prohibit or hinder bona fide adoptions intended to promote the welfare of children or young persons."

47. Comments on Article 1 had been submitted by the Governments of Haiti, the Federal Republic of Germany, the Republic of Korea and Pakistan; by the International Labour Organisation; and by the Anti-Slavery Society, the International Abolitionist Federation, the International Union for Child Welfare, the Liaison Committee of Women's International Organizations, and the St. Joan's International Social and Political Alliance (E/AC.43/L.1, paras. 44-60, and E/AC.43/L.1/Add.1 and 2).

48. The Committee examined Article 1 at the 2nd, 3rd, 10th, 11th, 12th, 13th and 20th meetings.

1. Introductory paragraph

49. The debate on the introductory paragraph related principally to (a) the nature of the measures to be taken, (b) the question whether the institutions and practices dealt with in the draft convention should be abolished immediately

or progressively, and (c) the relationship of the institutions and practices covered by the draft convention to those dealt with in the Slavery Convention of 1926.

(a) The nature of the measures to be taken

50. The representative of France proposed (E/AC.43/L.28) deletion of the phrase "including legislation where appropriate", which he considered to be superfluous. The representatives of the USSR and Yugoslavia, while agreeing that the words "where appropriate" might be unnecessary, considered reference to legislation to be indispensable. Speaking against the French amendment, the representative of the USSR stated that in his view it was directed towards worsening and weakening the draft convention. The representatives of Australia and France, on the other hand, stated that in their view elimination of the phrase would strengthen, rather than weaken, the text.

51. At the 10th meeting the words "where appropriate" and "including legislation" were put to separate votes. These words were not retained, the vote in each case being 5 in favour and 5 against.

52. At the 11th meeting the representative of Yugoslavia proposed that the expression "all practicable and necessary measures" should be replaced by the expression "all practicable and necessary legislative and other measures". On the suggestion of the representative of Ecuador he extended his amendment to read: "Each of the Contracting Parties shall take all practicable and necessary legislative and other measures...."

53. The amendment was adopted by the Committee at the 11th meeting by 9 votes to none, with 1 abstention.

(b) The question whether the institutions and practices dealt with in the draft convention should be abolished immediately or progressively

54. The representative of the USSR proposed (E/AC.43/L.5) deletion of the words "progressively and" as he considered these words to weaken the scope of the article and to be contrary to the principles and purposes of the United Nations as set forth in the Charter. The representative of Egypt proposed

(E/AC.43/L.10) deletion of the words "progressively and as soon as possible", but withdrew the proposal at the 10th meeting after consultation with the representative of the USSR, in favour of the USSR proposal.

55. Several members of the Committee opposed the USSR proposal. The representative of the United Kingdom pointed out that practices similar to slavery were deeply rooted in the traditions of many centuries in some parts of the world, and that their immediate abolition would cause considerable disorganization. The representative of the Netherlands recalled the reasoning which had led the League of Nations to include the words "progressively and as soon as possible" in the Slavery Convention of 1926, and expressed the view that the same reasons applied with even greater force to the practices similar to slavery which would be covered by the supplementary convention. The representative of the USSR could not agree with the arguments which had been adduced by the representatives of the Netherlands and the United Kingdom.

56. The USSR amendment was not adopted when put to the vote at the 10th meeting, receiving 5 votes in favour and 5 against.

57. At the 11th meeting, at the request of the representative of the USSR, a separate vote was taken on the words "progressively and as soon as possible" which appeared in the text of the draft convention. The Committee decided to retain the words by 5 votes in favour and 4 against, with 1 abstention.

(c) The relationship of the institutions and practices covered by the draft convention to those dealt with in the Slavery Convention of 1926

58. The representative of the United Kingdom proposed (E/AC.43/L.2) to insert at the end of the introductory paragraph the phrase, "and whether or not they are covered by the definition of slavery contained in Article 1 of the Slavery Convention of 25 September 1926". He explained that the proposal was in line with the suggestion of The Anti-Slavery Society (E/AC.43/L.1, paragraph 46).

59. The representatives of India and Australia agreed that the amendment was necessary and that it would help to clarify the text.

60. The Committee unanimously adopted the amendment at the 11th meeting.

(d) Adoption of the introductory paragraph

61. At the 11th meeting the Committee adopted the introductory paragraph, as amended, by 9 votes in favour and 1 against, as follows:

"Each of the Contracting Parties to the present Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in Article 1 of the Slavery Convention of 25 September 1926."

62. The representative of the USSR explained that he had been unable to vote for the paragraph because his proposal for deletion of the word "progressively" had not been adopted; he considered that slavery should not be abolished progressively but as quickly as possible.

2. Paragraph (a)

63. Paragraph (a) was examined by the Committee at the 3rd and 11th meetings.

64. The representative of the United Kingdom proposed (E/AC.43/L.2) to delete from the words "where the value" to the end of the paragraph and substitute the following:

"Where the value of those services rendered is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined."

In submitting the amendment he explained that it had been prompted by suggestions made in the report of the Ad Hoc Committee on Slavery (E/1988, paragraph 14).

65. At the 11th meeting the representative of Yugoslavia suggested that the words "reasonably assessed" should be added after the word "value" in the amendment; he felt that the debtor was in no strong position to negotiate with the creditor and that the State therefore had the right and the duty to intervene in order to determine whether the value was reasonable. The representative of the United Kingdom accepted the suggestion and revised his amendment accordingly.

66. At the 11th meeting the Committee unanimously adopted the amended paragraph, as follows:

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

3. Paragraph (b)

67. Paragraph (b) was examined by the Committee at the 3rd, 11th and 12th meetings.

68. The representatives of the Netherlands and the United Kingdom jointly proposed (E/AC.43/L.9) deletion of the word "hereditary" and replacement of the words "custom and agreement" by the words "custom or agreement". The amendment was accepted without vote by the Committee at the 11th meeting.

69. The representative of Ecuador orally suggested deletion of the word "servile", as he felt that the meaning was implicit in the word "serfdom". The representative of Yugoslavia supported the suggestion. The representative of the United Kingdom agreed that the word "servile", although useful, was not absolutely indispensable, because the status of the person concerned was fully described in the following part of the paragraph. He agreed, therefore, with its deletion.

70. At the 12th meeting the Committee unanimously adopted the amended paragraph, as follows:

"(b) Serfdom, i.e., the tenure of land whereby the tenant is by law, custom or agreement bound to live and labour on land belonging to another person and render some determinate service to his landlord whether for reward or not and is not free to change his status."

4. Paragraph (c)

71. Paragraph (c) was examined by the Committee at the 3rd, 11th and 12th meetings.

Sub-paragraph (i)

72. The representatives of the Netherlands and the United Kingdom proposed (E/AC.43/L.9) that the words "promised or" be inserted before the words "given in marriage". An amendment along these lines had been suggested by The Anti-Slavery Society and the Liaison Committee of Women's International Organizations.

73. The amendment was adopted without vote at the 11th meeting.

74. The representative of France proposed (E/AC.43/L.7) substitution of the words, "to the persons having authority over her" for the words "to her parents, guardian, family or clan". As there was some objection to omitting the original enumerative formulation altogether, the representatives of France and the United Kingdom jointly proposed (E/AC.43/L.7/Rev.1) that the words "or clan" be deleted from the article as originally drafted, and that the words "or by any other person or group having authority over her" be inserted in their stead. The use of the word "authority" in the proposal led to some disagreement, as members felt that it should either be precisely defined or eliminated. The representative of the USSR opposed use of the phrase, "having authority over her", as he considered that the inclusion of such a phrase in the convention would mean in substance the recognition of a right of authority over a woman.

75. The representative of France modified the amendment, proposing that the words "or clan" be replaced by the phrase "or by any other person or group". This proposal was adopted unanimously at the 11th meeting. The sub-paragraph thus amended, was adopted unanimously at the 12th meeting.

Sub-paragraph (ii)

76. The representative of the United Kingdom agreed to the deletion of the words "in his lifetime". The representative of the USSR suggested that the words "for value received" should be changed to read "whether for reward or not". In view of the doubts expressed by the representative of the United Kingdom about the latter amendment, the representative of India suggested as an alternative the words "whether for value received or otherwise". The Indian suggestion, which was acceptable to the representative of the USSR, was adopted unanimously by the Committee at the 12th meeting. The sub-paragraph, thus amended, was adopted unanimously at the same meeting.

Sub-paragraph (iii)

77. The representative of Egypt proposed (E/AC.43/L.10) deletion of the words "by his heir-at-law". The representative of Turkey proposed (E/AC.43/L.24) that the words "his heir-at-law" be replaced by the words "another person", in line with a suggestion which had been made by the Secretary-General (E/AC.43/L.1, paragraph 52).

78. The representative of Egypt withdrew his amendment. The amendment proposed by the representative of Turkey was adopted unanimously by the Committee at the 12th meeting. The sub-paragraph, thus amended, was adopted unanimously at the same meeting.

5. Paragraph (d)

79. Paragraph (d) was examined by the Committee at the 3rd, 12th and 13th meetings.

80. The representative of the United Kingdom proposed (E/AC.43/L.19) that the words "under conditions which permit that person to exploit a child or young person or his or her labour" should be replaced by the words "for the purpose of exploiting, in a manner detrimental to his or her welfare, the child or young person, or his or her labour". The representative of the United Kingdom also proposed deletion of the words "except that this article shall not be construed so as to prohibit or hinder bona fide adoptions intended to promote the welfare of children or young persons". The latter proposal was in line with comments which had been submitted by the International Labour Organisation and by the St. Joan's Social and Political Alliance.

81. The representative of India proposed (E/AC.43/L.8) that the words "child or young person" and "children or young persons" be replaced by the word "minor" and "minors" respectively. The representative of the USSR supported the Indian amendment as he considered that, from a legal point of view, its phrasing was more precise. The proposal was however withdrawn after discussion in the 12th meeting. Subsequently, at the same meeting, the Committee unanimously agreed, at the suggestion of the representative of France, to use the term "child or young person under the age of eighteen years" wherever appropriate in the paragraph.

82. The second United Kingdom amendment, deleting the phrase beginning "except that this article" was adopted unanimously by the Committee at the 12th meeting.

83. The first United Kingdom amendment, to substitute the phrase "under conditions which permit that person to exploit a child or young person or his or her labour", was considered at the 12th and 13th meetings. The representative of the United Kingdom explained that it aimed at leaving the door open for the employment of child actors and musicians with the proper safeguards for their welfare and education. However, the representative of the USSR and others were opposed to the amendment on the ground that it would sanction in effect the exploitation of the labour of children.

84. The representative of the United Kingdom agreed to delete from his amendment the phrase "in a manner detrimental to his or her welfare". In doing so he recorded his interpretation that the article did not prohibit the employment of children when such employment was not detrimental to the child's welfare.

85. The representative of Australia suggested that the paragraph, as it stood, might possibly be interpreted as prohibiting corrective or penal treatment of young persons in State institutions. It was unanimously agreed that the paragraph could not properly be interpreted in that light.

86. Paragraph (d), as amended, was adopted unanimously by the Committee at the 13th meeting.

6. Adoption of the article as a whole

87. Article 1, as amended, was adopted by the Committee at the 13th meeting by 9 votes in favour and none against, with 1 abstention, as follows (E/AC.43/L.30/Add.1):

"Article 1

"Each of the Contracting Parties to the present Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in Article 1 of the Slavery Convention of 25 September 1926.

"(a) Debt bondage, i.e., the status or condition arising from a pledge by a debtor of his personal services or those of a third person under his control as a security for a debt, where the value reasonably assessed of those services rendered 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, i.e., the tenure of land whereby the tenant is by law, custom or agreement bound to live and labour on land belonging to another person and render some determinate service to his landlord 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 to any other person or group.

"(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) The 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 his natural parents or his guardian to another person, whether for reward or not, for the purpose of exploiting the child or young person, or his or her labour."

88. At the 20th meeting the Committee decided to change the words "Contracting Parties" to "States Parties" in the introductory paragraph of the article. The text of the article, as thus modified, appears in Annex I as Article 1.

Article 2

(Formerly Article 5)

89. Article 5 of the draft convention (E/2540/Add.4) was as follows:

"With a view to bringing to an end the institutions and practices mentioned in Article 1 (c) of this Convention, the Contracting Parties undertake to prescribe where appropriate a minimum age of consent in

marriage and to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a recognized marriage officer who shall register such marriage."

90. Comments on the article had been submitted by the Governments of India, the Republic of Korea, and Syria; by The Anti-Slavery Society, the St. Joan's International Social and Political Alliance, the International Union for Child Welfare, the International Bureau for the Suppression of Traffic in Persons; and by the Secretary-General (E/AC.43/L.1, paras. 75-81 and E/AC.43/L.1/Add.1).

91. The Committee examined the article at the 4th, 7th, 13th, 14th, 16th, 19th and 20th meetings.

92. At the 7th meeting the representative of the United Kingdom proposed (E/AC.43/L.11) that the text of the article be revised to read:

"The Contracting Parties undertake to prescribe, where appropriate, suitable minimum ages of marriage and, with a view to bringing to an end the institutions and practices mentioned in Article 1 (c) of this Convention, to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a person legally entitled to celebrate marriages."

93. In presenting the revised text, the representative of the United Kingdom explained that he had taken into account the comments which had been submitted on the article, including the suggestion made by the Secretary-General (E/AC.43/L.1, paragraph 78) that the words "recognized marriage officer" be replaced by "person legally entitled to celebrate marriages".

94. The representative of Egypt proposed that the revised United Kingdom text be amended by deleting the end of the article from the word "marriage" onwards, and substituting the following: "shall be freely expressed and shall be registered by a person legally entitled to register marriages". Such a provision, he explained, would assure that Moslems residing in countries where slavery still existed could not marry except with their freely expressed consent, but would not make the validity of the marriage dependent upon the expression of consent in the presence of a third party. The representative of India found it difficult to accept the Egyptian amendment as it favoured compulsory registration of marriages. The representative of Egypt however withdrew the amendment at the 14th meeting in favour of a new amendment submitted jointly by the representatives

of Egypt, France, India, and the United Kingdom (E/AC.43/L.35), which, in a revised form, in which only the sequence of the phrases was changed (E/AC.43/L.35/Rev.1) was examined at the 16th meeting, and adopted unanimously, as follows:

"With a view to bringing to an end the institutions and practices mentioned in Article 1 (c) of this Convention, the Contracting 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."

95. At the 19th meeting the Committee decided that the article would appear in the draft supplementary convention as Article 2.

96. At the 20th meeting the Committee decided to change the words "Contracting Parties" to "States Parties". The text of the article, as thus modified, appears in Annex I as Article 2.

Article 3

(Formerly Article 2)

97. Article 2 of the draft convention (E/2540/Add.4) was as follows:

"(a) The act of conveying slaves on the high seas or slave-raiding shall be deemed to be an act of piracy, and subject to appropriate penalties.

"(b) Public vessels under the control of parties to this Convention shall have the same rights in relation to vessels or persons engaged in such act as they have in relation to vessels and persons engaged in acts of piracy.

"(c) All slaves so captured shall be set at liberty."

98. Comments on the article had been submitted by The Anti-Slavery Society and by the Secretary-General (E/AC.43/L.1, paras. 62-67).

99. The Committee examined the article at the 5th, 7th, 13th, 14th, 15th, 16th, 18th, 19th and 20th meetings.

100. At the 5th meeting the representative of the United Kingdom submitted a revised text of the article (E/AC.43/L.6), as follows:

"(a) The act of conveying or being concerned in the conveyance of slaves, or persons intended to be dealt with as slaves, on the high seas shall be a criminal offence under the laws of the Parties to this Convention, and persons convicted thereof shall be liable to be punished as for piracy.

"(b) While in the maritime zones indicated in international treaties for the abolition of the slave trade as being suspect, warships or military aircraft under the control of Parties to this Convention shall have the same rights of visit in relation to vessels suspected on reasonable grounds of being engaged in such acts as they have in relation to vessels so suspected of being engaged in acts of piracy.

"(c) Vessels and slaves captured in accordance with this Article shall be brought before a competent Court for adjudication. Persons in charge of such vessels and other persons thereon who are suspected of having committed an offence specified in paragraph (a) of this Article shall, unless dealt with by the authorities of the capturing State, be handed over to the authorities of their own State or of any other State whose Courts have jurisdiction to punish them for that offence. The slaves shall in all cases be set at liberty."

101. In submitting the revised text, the representative of the United Kingdom explained that he had taken into account the many constructive comments and observations which had been made on the original text, and had borne in mind the draft articles on the regime of the high seas which had been prepared by the International Law Commission. He had also considered the desirability of minimizing the need for new domestic legislation by the contracting parties.

102. The representative of the United Kingdom indicated that paragraph (a) differed from its predecessor in three respects. The offences were more fully defined, there was no longer any reference to slave-raiding, and the provision assimilating the transport of slaves to piracy had been omitted. The new version of paragraph (b) followed the recommendations of the International Law Commission in limiting the right to take action to warships and military aircraft, and accepted The Anti-Slavery Society's suggestion that the right of search should be limited to a defined area, such a limitation being consistent

with Article 21 (1) (b) of the International Law Commission's draft. The new version of paragraph (c) included a provision that slaves should be brought before a court for adjudication firstly in order that a competent authority might establish that they were really slaves and not persons in lawful custody, and secondly in order that the right of ownership over slaves could be terminated in a legal manner in order to ensure that it would not be reasserted.

103. The representative of the Netherlands suggested that, since the word "slave" is not used in the 1926 Slavery Convention, a definition of the term should be incorporated in the revised text of the article.

104. The representative of India made two suggestions: (1) that the words "being concerned with", in paragraph (a), be replaced by "being accessory to", and (2) that, although the reference to slave-raiding had been deleted, a special provision authorizing action against those taking part in that practice should be inserted, as the conveyance of slaves across land frontiers might be at least as frequent as on the high seas. A proposal giving effect to the latter suggestion (E/AC.43/L.16) was submitted by the representative of India, but was withdrawn at the 18th meeting.

105. Some members felt that the reference, in paragraph (b), to "maritime zones indicated in international treaties", was somewhat vague and needed clarification.

106. At the request of the Committee, the representative of the Legal Office of the Secretariat advised the Committee, at the 7th meeting, on the meaning of the expression "being concerned" in paragraph (a), as compared with the expression "being an accessory to"; on the effects in international law of an assimilation of acts of conveyance of slaves on the high seas to acts of piracy; on the scope of the "right of visit" on the high seas; on the implications of a reference to the maritime zones referred to in the Brussels Act of 1890, and on the question of the jurisdiction of courts as it would arise under the text proposed for paragraph (c).

107. At the 14th meeting, the representative of the United Kingdom submitted a second revision of the article (E/AC.43/L.6/Rev.1), drafted on the basis of the observations which had been made in the Committee, as follows:

"(a) The act of conveying or being concerned in the conveyance of slaves on the high seas shall be a criminal offence under the laws of the Parties to this Convention and persons convicted thereof shall be liable to severe penalties.

"(b) While on the high seas in the maritime zones defined in Article XXI of the General Act for the Repression of African Slave Trade signed at Brussels on the 2nd July 1890, warships or military aircraft under the control of Parties to this Convention shall have the same rights of visit, search and seizure in relation to vessels of Parties to this Convention suspected on reasonable grounds of being engaged in the act of conveying slaves as they have in relation to vessels so suspected of being engaged in acts of piracy.

"(c) (i) Any vessel seized in accordance with this Article shall be brought in for adjudication by a competent court.

(ii) Any persons suspected of being slaves who are found on board any vessel searched in accordance with this Article shall be brought before a competent court for adjudication. All persons adjudged to be slaves shall be set at liberty.

(iii) Any persons found on board any vessel searched in accordance with this Article who are reasonably suspected of having committed any of the offences specified in paragraph (a) of this Article shall, unless dealt with by the authorities of the capturing State be handed over to the authorities of their own State or of any other State whose courts have jurisdiction to punish them for that offence.

"(d) In this Article 'slave' means any person over whom any or all powers attaching to the right of ownership are exercised and includes any person intended to be dealt with as a slave."

108. At the 15th meeting, the representative of Yugoslavia questioned the propriety of the reference, in paragraph (b), to Article XXI of the General Act of Brussels of 1890, and pointed out that since 1890 new independent States had been established in the areas mentioned therein. He asked the representative of the United Kingdom to reconsider that part of the text.

109. At the 16th meeting there was general agreement that the problems raised by the article called for further careful study. On the suggestion of the Chairman a drafting committee, composed of the representative of Yugoslavia as chairman and the representatives of France, India, the USSR and the United Kingdom, was appointed to prepare a draft of the article for consideration by the full Committee.

110. The drafting committee held two meetings. In its report to the Committee (E/AC.43/L.37) it submitted a tentative draft of the article in which words and phrases on which there was no agreement in the drafting committee, and which had been supported only by some members, were put in square brackets. An alternative text for paragraph (a) of the article, proposed by the representative of India, was also reproduced in square brackets. The text thus submitted to the Committee at the 18th meeting was as follows:

"Paragraph a

"(a) The act of conveying or of attempting to convey slaves on the high seas or being accessory thereto, shall be a criminal offence under the laws of the Parties to this Convention and persons convicted thereof shall be liable to penalties as severe as those generally applied to acts of piracy.

"Alternative text proposed by India

["(a) The act of conveying or of attempting to convey slaves or being accessory thereto shall be a criminal offence under the laws of the Parties to this Convention and shall be made subject to appropriate penalties.

"Persons convicted of such acts on the high seas shall be liable to penalties as severe as those generally applied to acts of piracy.]

"Paragraph b

"(b) While on the high seas [in the maritime zones defined in Article XXI of the General Act for the Repression of African Slave Trade signed at Brussels on the 2nd July, 1890], warships or military aircraft under the control of Parties to this Convention shall have the same right of visit, search and seizure in relation to vessels of Parties to this Convention [or stateless vessels] suspected on reasonable grounds of being engaged in the act of conveying slaves as they have in relation to vessels so suspected of being engaged in acts of piracy.

"Paragraph c

"(c) (i) Any vessel [and any person suspected of being a slave who is found on board a vessel] seized in accordance with this article shall be brought in for adjudication by a court of the State which has made the seizure.

"However this State may request any other State party to the [this] Convention [or] to the Slavery Convention of 1926 [to refer the case to one of its courts if, in its view, practical or other reasons make this advisable.

"(ii) Any slave who is found on board a vessel shall be immediately set at liberty.

"(iii) Any person found on board any vessel searched in accordance with this article who is reasonably suspected of having committed any of the offences specified in paragraph (a) of this article shall be handed over to the authorities of the State of which he is a national or, if practical or other reasons make this advisable, he may [subject to the consent of the State of which he is a national] be dealt with by the authorities of the capturing State.

"Paragraph d

["(d) In this article 'slave' means any person over whom any or all powers attaching to the right of ownership are exercised and includes any person intended to be dealt with as a slave."]

111. The Committee, at the 18th meeting, voted first upon the alternative text for paragraph (a) proposed by the representative of India. The representative of India explained that the adoption of his text would eliminate the necessity of having the additional Article 2-A which he had proposed (E/AC.43/L.16). He indicated that the scope of the text was broader than that of the provisions of Articles 2 and 6 of the 1926 Slavery Convention.

112. The representative of the USSR and others supporting the Indian proposal emphasized that it was necessary and appropriate for the convention to penalize not only the conveying of slaves on the high seas but the conveying of slaves anywhere, and in particular across international land frontiers. Those opposed to the proposal pointed out that the Slavery Convention of 1926, in Articles 1, 2, and 6, had obligated contracting parties to make adequate provision for the punishment of such acts.

113. The Indian proposal was not adopted, receiving 5 votes in favour and 5 against.

114. The text of paragraph (a), as submitted by the drafting committee, was adopted unanimously.

115. The Committee examined paragraph (b), as submitted by the drafting committee. The representative of the United Kingdom proposed that the part of the text in square brackets which read "in the maritime zones defined in Article XXI of the General Act for the Repression of African Slave Trade signed at Brussels on the 2nd July, 1890," should be replaced by the following words "in the area of the Indian Ocean, including the Red Sea and the Persian Gulf, bounded by the twenty-sixth degree south latitude and the sixty-second degree east longitude."

116. In presenting this amendment, the representative of the United Kingdom explained that the intention of his delegation was to meet the objections expressed by different members of the Committee to the previous draft because that draft made reference to the Brussels Act of 1890, which contained obsolete geographical and political terms. The representative of the United Kingdom and those supporting his amendment emphasized, however, that the new version did not differ greatly in substance from the previous one. The proposed new zone included the whole zone specified in the Brussels Act, but for purposes of simplicity the new zone was described with reference to one line of latitude and one line of longitude which enclosed some additional areas of ocean.

117. Those who opposed the amendment, among them the representatives of Egypt and Yugoslavia, described it as restrictive and as weakening the convention. They pointed out that the principle of geographical limitation had not been embodied in the initial draft convention, and they were opposed to the singling out of one particular region for special regulation. They questioned, therefore, the advisability of voting on such a proposal, which had been made orally, without consultation of maps and without having an opportunity to study it more carefully and to ask for further instructions from their respective Governments. The representative of the USSR, maintaining the stand which he had taken concerning the elimination from the convention of the provision relating to zones, observed that the new proposal by the representative of the United Kingdom had been made at the very last moment of the Committee's work. The representative of Egypt, with the support of the representative of the USSR, suggested that no vote should be taken and that the matter should be referred to the Economic and Social Council. However, there was no formal proposal to this effect and no request for a postponement of the vote.

118. The amendment proposed by the representative of the United Kingdom was adopted by 6 votes in favour and 4 against.

119. The meaning of the words "or stateless vessels," which appeared in square brackets, was questioned by some members of the Committee, who did not understand how a vessel could be "stateless". After hearing a statement by the representative of the Legal Office of the Secretariat, members of the Committee agreed that the term, "or stateless vessels" was unnecessary. With the consent of the Committee the phrase was withdrawn by the representative of the United Kingdom.

120. Paragraph (b), as amended, was adopted by the Committee by 7 votes in favour and 1 against, with 2 abstentions.

121. Paragraph (c), as submitted by the drafting committee, was divided into three sub-paragraphs, numbered (i), (ii), and (iii) respectively.

122. The Committee first considered the words which appeared in square brackets in sub-paragraph (i) of paragraph (c): "and any person suspected of being a slave who is found on board a vessel."

123. Those who supported retention of these words explained that they were necessary for several reasons: firstly it was necessary to ascertain the truth of the fact that the individual in question was a slave and to distinguish between individuals who were held because they were slaves and those who were held in lawful custody, and secondly it was in the interest of the slave to have the fact that he ceased to be a slave authoritatively decreed by a court of law. The representative of the USSR and others who opposed retention of the words stressed the necessity of setting slaves free with the least possible delay; they opposed subjecting such persons to necessarily time-consuming court procedures.

124. At the suggestion of the representative of Yugoslavia, the representative of the United Kingdom proposed orally that the words "with the least possible delay" be inserted after the words "for adjudication".

125. The words which appeared in square brackets in the drafting committee's text "and any person suspected of being a slave who is found on board a vessel" were not adopted, receiving 4 votes in favour and 5 against, with 1 abstention. The representative of the United Kingdom therefore withdrew his proposal that the words "with the least possible delay" be inserted.

126. The words in square brackets which appeared in the second part of subparagraph (c)(i), "or to the Slavery Convention of 1926", were supported by some members of the Committee on the ground that, since particularly in the beginning the number of parties to the supplementary convention might not be too great, the co-operation of the parties to the Slavery Convention of 1926 might be necessary in the implementation of Article 2. Other members of the Committee were opposed to retention of these words because in their view States which did not share in the obligations of the supplementary convention should not exercise any of the rights that derived from that convention.

127. The Committee decided to retain the words "or to the Slavery Convention of 1926" by 6 votes in favour and 3 against, with 1 abstention.

128. Paragraph (c)(i) was adopted by 9 votes in favour and none against, with 1 abstention.

129. Paragraph (c)(ii) was adopted unanimously.

130. The representative of the Netherlands proposed that paragraph (c)(iii) be amended by the addition, at the end of the paragraph, of the words "or by the authorities of any other State Party to this Convention or to the Slavery Convention of 1926". The representative of Yugoslavia proposed, as a sub-amendment, that the phrase "subject to the consent of the State of which he is a national" should be inserted between the word "or" and the words "by the authorities".

131. The sub-amendment proposed by the representative of Yugoslavia was adopted by 6 votes in favour and 4 against. The amendment submitted by the representative of the Netherlands, as amended, was adopted by 6 votes in favour and 1 against, with 2 abstentions.

132. The Committee considered the phrase "subject to the consent of the State of which he is a national", proposed by the representative of the USSR, which appeared in square brackets in paragraph (c)(iii) of the text prepared by the drafting committee. Some members supported retention of the phrase, stressing that it was necessary if the terms of the convention were to be in accordance with the principle of the sovereignty of States. Others opposed retention of the phrase on grounds that it might raise practical difficulties and that its effect might be to allow criminals to escape justice altogether.

133. The Committee decided not to retain the words "subject to the consent of the State of which he is a national", 2 votes being cast in favour of their retention and 5 against, with 3 abstentions.

134. Paragraph (c) (iii), as amended, was adopted by 7 votes in favour and none against, with 3 abstentions.

135. Some members of the Committee favoured retention of paragraph (d), which appeared in square brackets in the text prepared by the drafting committee. They felt that it was appropriate to insert a definition of the term "slave" in the convention, and pointed out that the proposed definition was based upon the definition of "slavery" in the Slavery Convention of 1926 although it was somewhat broader because it included "any person intended to be dealt with as a slave". The representative of the USSR and some other members opposed retention of the paragraph on the ground that the supplementary convention should not duplicate the provisions of the Slavery Convention of 1926. They further pointed out that the term "any person intended to be dealt with as a slave" was not sufficiently precise for inclusion in an international convention.

136. The Committee adopted paragraph (d) as submitted by the drafting committee by 5 votes in favour and 4 against, with 1 abstention.

137. The article, as amended, was adopted as a whole by 8 votes in favour and none against, with 2 abstentions, as follows:

"(a) The act of conveying or of attempting to convey slaves on the high seas or being accessory thereto, shall be a criminal offence under the laws of the Parties to this Convention and persons convicted thereof shall be liable to penalties as severe as those generally applied to acts of piracy.

"(b) While on the high seas in the area of the Indian Ocean, including the Red Sea and the Persian Gulf, bounded by the twenty-sixth degree south latitude and the sixty-second degree east longitude, warships or military aircraft under the control of Parties to this Convention shall have the same right of visit, search and seizure in relation to vessels of Parties to this Convention suspected on reasonable grounds of being engaged in the act of conveying slaves as they have in relation to vessels so suspected of being engaged in acts of piracy.

"(c) (i) Any vessel seized in accordance with this article shall be brought in for adjudication by a court of the State which has made the seizure.

"However this State may request any other State party to this Convention or to the Slavery Convention of 1926 to refer the case to one of its courts if, in its view, practical or other reasons make this advisable.

"(ii) Any slave who is found on board a vessel shall be immediately set at liberty.

"(iii) Any person found on board any vessel searched in accordance with this article who is reasonably suspected of having committed any of the offences specified in paragraph (a) of this article shall be handed over to the authorities of the State of which he is a national or, if practical or other reasons make this advisable, he may be dealt with by the authorities of the capturing State or, subject to the consent of the State of which he is a national, by the authorities of any other State party to this Convention or to the Slavery Convention of 1926.

"(a) In this article 'slave' means any person over whom any or all powers attaching to the right of ownership are exercised and includes any person intended to be dealt with as a slave."

138. At the 19th meeting the Committee decided that the article would appear in the draft supplementary convention as Article 3.

139. At the 20th meeting the Committee decided to make certain drafting changes in the article. At the suggestion of the representative of the United Kingdom the phrases "on the south" and "on the east" were added in paragraph (b), so that it would read: "...bounded on the south by the twenty-sixth degree south latitude and on the east by the sixty-second degree east longitude...." The Committee accepted suggestions by the Secretary-General (E/AC.43/L.41, paragraphs 8 and 9) to insert the words "for trial" between "handed over" and "to the authorities of the State of which he is a national", and to substitute the phrase "he may be brought to trial by the authorities of the capturing State" for the phrase "he may be dealt with by the authorities of the capturing State". The Committee also decided to

use the term "States Parties" in paragraph (a) instead of "Parties", and to combine into one paragraph the two sub-paragraphs in paragraph (c) (i). The text of the article as thus modified appears in Annex I as Article 3.

Article 4

(Formerly Article 3)

140. Article 3 of the draft convention (E/2540/Add.4) was as follows:

"In a country where the abolition of servile status is not yet complete, any person who mutilates, brands or otherwise marks another person to indicate that status, and any person accessory to such an act, shall be guilty of a criminal offence and liable to punishment."

141. Comments on the article had been submitted by the Government of Monaco, the Anti-Slavery Society, and the Secretary-General (E/AC.43/L.1, paragraphs 69-71).

142. The Committee discussed the article at the 4th, 12th, 13th, 14th, 19th and 20th meetings.

143. Amendments to the article were submitted by the representatives of the United Kingdom and of France.

144. The representative of the United Kingdom proposed (E/AC.43/L.20) that the words "or to punish a person having that status" be inserted after the words "to indicate that status". The amendment was in line with the view of the Anti-Slavery Society that mutilation inflicted upon a person in servile status as a punishment is not less objectionable than mutilation perpetrated in order to indicate that person's servile status.

145. The representative of France proposed that the article be reworded along the lines suggested by the Secretary-General (E/AC.43/L.1, paragraph 71), by replacing the words "servile status" by the words "slavery or any of the institutions and practices mentioned in Article 1 of the Convention".

146. The amendment proposed by the representative of the United Kingdom was adopted unanimously at the 12th meeting. The amendment proposed by the representative of France was adopted at the same meeting by 4 votes in favour and 1 against, with 5 abstentions.

147. The representative of the United Kingdom drew attention to the fact that the wording of the article, as amended, did not cover the practice of castration. He therefore introduced a revised text (E/AC.43/L.31) incorporating (a) the amendments which had been adopted, and (b) a new phrase reading "or for any other reason", to cover the practice in question. Subsequently he further revised the text (E/AC.43/L.31/Rev.1) by adding a second paragraph defining the term "person of servile status".

148. The revised text of the article was adopted unanimously by the Committee at the 14th meeting, as follows:

"(a) In a country where the abolition of slavery or of the institutions or practices mentioned in Article 1 of this Convention is not yet complete, any person who mutilates, brands or otherwise marks another person of servile status in order to indicate that status or as a punishment or for any other reason, or any person accessory to such an act, shall be guilty of a criminal offence and liable to punishment.

"(b) In this article 'person of servile status' means any slave or any person who has a servile status resulting from any of the institutions or practices mentioned in Article 1 of the Convention."

149. At the 19th meeting the Committee decided that the article would appear in the draft supplementary convention as Article 4.

150. At the 20th meeting the Committee accepted a suggestion by the Secretary-General (E/AC.43/L.41, paragraphs 3 and 4) that the article should be drafted on lines as closely similar as possible to Article 3 (see paragraph 137 of this report). Accordingly paragraph (a) of the article was revised to read as follows:

"(a) 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 another person of servile status in order to indicate that 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."

The text of the article, as thus modified, appears in Annex I as Article 4.

Article 5

(Formerly Article 4)

151. Article 4 of the draft convention (E/2540/Add.4) was as follows:

"Any person shall be guilty of a criminal offence and liable to punishment who attempts, or is an accessory to an attempt, or takes part in a conspiracy, to enslave another person or to induce another person to give himself, or a person dependent upon him, into slavery or any other form of servitude."

152. A comment on the article had been submitted by the Government of Monaco (E/AC.43/L.1, paragraph 73).

153. The Committee examined the article at the 12th, 19th and 20th meetings. No amendments were proposed and the text of the article did not give rise to discussion.

154. The article was adopted unanimously by the Committee at the 12th meeting.

155. At the 19th meeting the Committee decided that the article would appear in the draft supplementary convention as Article 5.

156. At the 20th meeting the Committee accepted a suggestion by the Secretary-General (E/AC.43/L.41, paragraphs 3 and 5) that the article should be drafted on lines as closely similar as possible to Article 2 (see paragraph 137 of this report). Accordingly the article was revised to read as follows:

"The act of enslaving another person or of inducing another person to give himself or a person dependent upon such other person into slavery or any other form of servitude, 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."

The text of the article, as thus modified, appears in Annex I as Article 5.

Article 6

157. Article 6 of the draft convention (E/2540/Add.4) was as follows:

"The Contracting Parties undertake to co-operate with each other to give effect to the foregoing provisions and to communicate to each other through the Secretary-General of the United Nations copies of any laws and regulations enacted to implement the provisions of this Convention."

158. In commenting on the article (E/AC.43/L.1, paragraph 83) the Secretary-General had drawn attention to the fact that, unlike Article 7 of the 1926 Slavery Convention, it provided for exchange of information by the contracting parties inter se only. Moreover, as in Article 7 of the 1926 Convention, the information to be communicated was restricted to laws and regulations. The question was raised whether such information should not also be transmitted periodically to the Economic and Social Council. The question was also raised whether the information to be transmitted should not cover, in addition to the de jure situation, the de facto situation resulting from the "practicable and necessary measures, including legislation where appropriate", taken in accordance with Article 1 of the convention.

159. The Committee examined the article at the 4th, 13th, 15th and 20th meetings.

160. The representative of India suggested that the scope of the article should be widened in order to provide for the communication of administrative decisions as well as laws and regulations, and introduced a revised text of Article 6 (E/AC.43/L.12) at the 13th meeting. This text proposed that contracting parties should "communicate to each other through the Secretary-General of the United Nations, as well as to the Economic and Social Council, copies of any laws, regulations and administrative measures enacted or put into effect to implement the provisions of this Convention".

161. The representative of Egypt, in supporting the Indian amendment, recalled that all United Nations conventions dealing with human rights provided for some form of implementation. He suggested that the Committee might well follow those precedents and insert in the convention a provision that contracting parties should transmit to the Council copies of any laws, regulations, and administrative measures enacted or put into effect to implement the convention. He further

suggested that the Committee might prefer to recommend that the contracting parties should also transmit to the Council information on the current situation, in countries and territories under their jurisdiction, as regards slavery and similar practices.

162. Other members of the Committee were agreed that the convention should be linked to the United Nations. Some however felt that a difficulty would arise if contracting parties were obliged to submit information to the Economic and Social Council. As all the members of the Council would not necessarily be contracting parties, the amendment might have the effect of compelling some of the parties to report to States which had assumed no obligations under the convention.

163. In the light of the discussion, the representative of India submitted a further revision of the text of the article (E/AC.43/L.12/Rev.1) to the Committee at the 15th meeting, as follows:

"1. The Contracting Parties undertake to co-operate with each other to give effect to the foregoing provisions and 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.

"2. The Secretary-General shall communicate this information to the Contracting Parties and to the Economic and Social Council."

164. The representative of the United Kingdom proposed (E/AC.43/L.34) to add to the end of paragraph 2 the words "as part of the documentation for any general discussion on slavery or the institutions and practices which are the subject of this Convention".

165. The representative of Ecuador suggested that the United Kingdom amendment should be revised to read as follows: "as part of the documentation to enable the Council to adopt positive measures aimed at the abolition of the institutions and practices which are the subject of this convention." He explained that in his view the convention should contain a reference to the measures which the Economic and Social Council would take upon receipt of the information. The information communicated to the Council should enable it to take concrete measures; it should not merely be examined as in the case of information transmitted under Article 73 of the Charter.

166. At the 15th meeting the representative of Yugoslavia suggested that the text might read: "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." This formulation was supported by the representative of the USSR and accepted by the representative of the United Kingdom.

167. The representative of Ecuador indicated that since the United Kingdom representative had withdrawn his amendment, he would support the Yugoslav proposal even though it was not entirely satisfactory to him, since it called for positive action by the Council on the information which would be communicated to the United Nations.

168. The amendment proposed by the representative of Yugoslavia was adopted by 9 votes to none, with 1 abstention.

169. A suggestion by the representative of France, that paragraph 1 of the revised text be divided into two paragraphs, was accepted by the Committee.

170. The revised text of Article 6 was adopted unanimously by the Committee at the 15th meeting, as follows:

"1. The Contracting Parties undertake to co-operate with each other to give effect to the foregoing provisions.

"2. The Contracting 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 this information to the Contracting 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."

171. At the 20th meeting the Committee accepted a proposal by the representative of the United Kingdom that in paragraph 1 of the article the words "to this Convention" should be inserted after the words "the Contracting Parties". The Committee also accepted a United Kingdom proposal that in paragraph 3 the words "to the Contracting Parties" should be replaced by the words "to the other

Contracting Parties". The Committee subsequently decided to change the words "Contracting Parties" to "States Parties" where these words first occurred in the article, and to use the word "Parties" elsewhere in the article. The text of the article, as thus modified, appears in Annex I as Article 6.

Article 7

172. Article 7 of the draft convention (E/2540/Add.4) was as follows:

"Any State may when signing this Convention or when depositing its instrument of ratification or accession, or when making a notification under Article 10, make a reservation in respect of any particular provision of the Convention to the extent that any law then in force in its territory or territories is not in conformity with the provisions thereof. Reservations of a general character shall not be permitted. Any reservation made under this Article shall contain a brief statement of the law concerned."

173. Comments on the article had been submitted by the Governments of Canada and Pakistan, the Anti-Slavery Society, and the Secretary-General (E/AC.43/L.1, paragraphs 85-88, and E/AC.43/L.1/Add.1).

174. The Committee examined the article at the 18th and 19th meetings.

175. The Chairman drew the Committee's attention to the first operative paragraph of resolution 598 (VI) of the General Assembly, by which the General Assembly had recommended "that organs of the United Nations, specialized agencies, and States should, in the course of preparing multilateral conventions, consider the insertion therein of provisions relating to the admissibility or non-admissibility of reservations and to the effect to be attributed to them".

176. The representative of the USSR proposed (E/AC.43/L.13) deletion of the article. However, at the 18th meeting, he agreed to the Chairman's suggestion that the Committee should first vote on the article as a whole.

177. At the 18th meeting the representative of France orally proposed (1) deletion of the sentence, "Reservations of a general character shall not be permitted"; and (2) insertion of the words "and custom" after the words "to the extent that any law" in the first sentence and also after the words "statement of the law" in the final sentence.

178. The opinion of members of the Committee was divided on the question whether an article dealing with reservations should be included in the convention. There was also a difference of opinion as to whether reservations to the convention should be permitted and, if so, to what extent. Some members felt that it was not necessary to include an article dealing with reservations. On the other hand, those who believed that such an article was necessary were not agreed on its text. One view was that the article should state that no reservations should be permitted. Another view was that reservations should be permitted in respect of certain articles.

179. The representative of the Legal Office of the Secretariat drew the Committee's attention to the desirability of clarifying what the Secretary-General would be expected to do, if no article on reservations were included in the convention and if States were subsequently to ratify or accede to the convention subject to reservations. The representative of the USSR pointed out that under paragraph (b) of the third operative paragraph of General Assembly resolution 598 (VI), the Secretary-General had been requested "to continue to act as depositary in connexion with the deposit of documents containing reservations or objections, without passing upon the legal effect of such documents".

180. The article, and amendments thereto, were put to the vote at the 18th meeting with the understanding that if no text were adopted, members of the Committee might subsequently submit new proposals.

181. The first amendment proposed by the representative of France, to delete the sentence, "Reservations of a general character shall not be permitted", was adopted by 3 votes in favour and none against, with 6 abstentions. The second French amendment, to add the words "and custom" in two places in the article, was rejected by 2 votes in favour and 3 against, with 5 abstentions.

182. The article, as amended, was rejected by 2 votes in favour and 4 against, with 4 abstentions.

183. New texts for the article were proposed by the representatives of France and Yugoslavia at the 18th meeting.

184. The text proposed by the representative of France (E/AC.43/L.39) was as follows:

"States signing and ratifying the Convention, or acceding to it, may not make any reservations whatsoever."

185. The text proposed by the representative of Yugoslavia (E/AC.43/L.40) was as follows:

"1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than Articles _____.

"2. Any State making a reservation in accordance with paragraph 1 of this Article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations."

186. At the 19th meeting the Committee examined the text proposed by the representative of Yugoslavia, together with a revised text (E/AC.43/L.39/Rev.2) proposed by the representative of France. The text of the representative of France read as follows:

"No reservations may be made to this Convention."

187. The text proposed by the representative of France was adopted by 6 votes in favour and 3 against, with 1 abstention. The text of the article, as thus modified, appears in Annex I as Article 7.

188. In view of the adoption of this text, it was not necessary for the Committee to vote on the proposal of the representative of Yugoslavia.

Article 8

189. Article 8 of the draft convention (E/2540/Add.4) was as follows:

"(1) Any question of dispute concerning the interpretation or application of this Convention which arises between Contracting States both or all of which are parties to the Statute of the International Court of Justice, shall be referred to the International Court of Justice, unless in any specific case it is agreed by the parties to have recourse to another mode of settlement.

"(2) If the Contracting States between which a dispute has arisen are not parties, or any one of them is not a party, to the Statute of the International Court of Justice, the dispute shall, if the State concerned so desires, be submitted in accordance with the constitutional rules of each of them, to an arbitral tribunal established in conformity with the Convention for the Pacific Settlement of International Disputes signed at The Hague on 18 October 1907, or to any other arbitral tribunal."

190. A comment on the article had been submitted by the Anti-Slavery Society (E/AC.43/L.1, paragraph 90).

191. The Committee examined the article at the 5th, 7th, 14th and 15th meetings.

192. The representative of the USSR proposed (E/AC.43/L.13) the insertion of the words "with the agreement of all the parties to the dispute" before the words "be referred to the International Court of Justice", in paragraph 1 of the article, and replacement of the words "if the State concerned so desires" in paragraph 2 by the words "if the parties to the dispute so desire".

193. The representative of France proposed (E/AC.43/L.17) that paragraph 1 of the article be amended to read:

"Any question or dispute concerning the interpretation of this Convention which arises between the Contracting States shall be referred to the International Court of Justice as provided in Article 35 of the Statute of the said Court;"

and that paragraph 2 be deleted.

194. The representative of the Netherlands submitted the following sub-amendments (E/AC.43/L.27) to the text submitted by the representative of France:

(1) deletion of the words "question or", and insertion of the words "or application" after the word "interpretation"; (2) insertion of the words "at the request of either party" after the words "shall be referred"; and (3) addition of the words "unless in any specific case it is agreed by the parties to have recourse to another mode of settlement", at the end of the sentence.

These proposals were accepted by the representative of France.

195. The Committee was divided on the question of the jurisdiction of the International Court of Justice in the case of disputes between the parties concerning interpretation or application of the Convention. The representative of the USSR expressed the view that the Court should have jurisdiction only over

such disputes as were referred to it with the agreement of all the parties to the dispute, and that to subject the parties to compulsory jurisdiction of the Court would violate the principle of State sovereignty. Other delegations expressed the view that only by means of a compulsory jurisdiction clause could assurance be given that every dispute would be decided impartially.

196. The representative of the United Kingdom submitted a revised text of Article 8 (E/AC.43/L.33), based on corresponding provisions in the Convention Relating to the Status of Refugees (Article 38) and the Convention Relating to the Status of Stateless Persons (Article 34), as follows:

"Any dispute between parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute."

197. The representative of France withdrew his amendment to paragraph 1 of the original text of Article 8, in favour of the wording proposed by the representative of the United Kingdom.

198. The representative of the Union of Soviet Socialist Republics proposed that the words "at the request of any one of the parties" in the text submitted by the representative of the United Kingdom be replaced by the words "with the agreement of all the parties to the dispute". This proposal was rejected by the Committee at the 15th meeting, receiving 3 votes in favour and 5 against, with 2 abstentions.

199. There was general agreement that the second paragraph of the original text of Article 8 was unnecessary. The proposal of the representative of France, to delete the paragraph, was adopted unanimously by the Committee at the 14th meeting.

200. The article as a whole, thus revised, was adopted at the 15th meeting by 8 votes in favour and 1 against, with 1 abstention, as follows:

"Any dispute between Parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute."

The text of the article, as thus modified, appears in Annex I as Article 8.

201. The representative of Ecuador, in explanation of his vote, indicated that he had abstained in view of the fact that the Government of Ecuador had not recognized the compulsory jurisdiction of the International Court of Justice.

Article 9

202. Article 9 of the draft convention (E/2540/Add.4) was as follows:

"This Convention shall be open for signature by any State whether or not a member of the United Nations until /date/. It shall be ratified. Ratification shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations who shall inform each signatory and acceding State.

"After /same date/ this Convention shall be open to accession by any State whether or not a Member of the United Nations. Accession shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations, who shall inform each signatory and acceding State."

203. No comments on the article had been submitted.

204. The Committee examined the article at the 5th and 16th meetings.

205. The representative of France proposed (E/AC.43/L.17) that the first paragraph of the article, and the first sentence of the second paragraph, be amended to conform to provisions adopted by the General Assembly on 14 December 1955 in connexion with the Convention relating to the Status of Stateless Persons (resolution 928 (X)), as follows:

"This Convention shall be open until /date/ for signature by Members of the United Nations, States members of a specialized agency and States parties to the Statute of the International Court of Justice, etc...."

"After /same date/ this Convention shall be open to accession by States falling within any of the categories specified in the foregoing paragraph, etc...."

206. The representative of the USSR opposed the French amendment, pointing out that it worsened the convention as it limited the number of States which could become parties to it. This position was supported by certain other

representatives, who felt that the amendment unnecessarily restricted accession to the convention to certain States only. They favoured the original draft of the article. Other members pointed out that the formula proposed in the amendment was the one normally employed in United Nations conventions, and would give the Secretary-General guidance on the question as to what might properly be considered a State for the purpose of signature of or accession to the Convention. A suggestion by the representative of the Netherlands, that the phrase "or any State to which an invitation has been addressed by the General Assembly" be added to the categories of States listed in the amendment, was accepted by the representative of France, who considered that it was not within the scope of the convention to decide indirectly the question of the recognition of States or governments.

207. The Committee considered the amendments proposed by the representative of France at the 16th meeting. These amendments, revised to incorporate the suggestions made by the representative of the Netherlands, were rejected by the Committee, 5 votes being cast in favour and 5 against.

208. The representatives of Australia and Turkey jointly proposed (E/AC.43/L.21) that the last two sentences of the first paragraph of the article be replaced by the following text:

"It shall be subject to ratification by the signatory States, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations who shall inform each signatory and acceding State."

209. The representative of the United Kingdom, who had separately proposed (E/AC.43/L.20) use of the introductory wording "It shall be subject to ratification", withdrew his proposal as it was embodied in the joint amendment.

210. The Committee adopted the amendment proposed by the representatives of Australia and Turkey unanimously, without a formal vote, at the 16th meeting.

211. The article, thus amended, was adopted by 6 votes in favour and 1 against, with 3 abstentions, as follows:

"This Convention shall be open for signature by any State whether or not a Member of the United Nations until [date]. It shall be subject to ratification by the signatory States, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations who shall inform each signatory and acceding State.

"After [same date] this Convention shall be open to accession by any State whether or not a Member of the United Nations. Accession shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations, who shall inform each signatory and acceding State."

The text of the article, as thus modified, appears in Annex I as Article 9.

Article 10

212. Article 10 of the draft convention (E/2540/Add.4) was as follows:

"Any State may at the time of its ratification or accession or at any time thereafter declare by notification addressed to the Secretary-General of the United Nations that the present Convention shall extend to all or any of the territories for whose international relations it is responsible. The Secretary-General shall inform the other signatory and acceding States."

213. Comments on the article had been submitted by the Government of Pakistan (E/AC.43/L.1/Add.2) and by the Anti-Slavery Society (E/AC.43/L.1, paragraph 92).

214. The Committee examined the article at the 6th, 17th, 18th, 19th and 20th meetings.

215. At the 6th meeting the representatives of Ecuador, Egypt and Yugoslavia jointly submitted an amendment (E/AC.43/L.15) to replace the text of the article by the following:

"The provisions of the present Convention shall extend or be applicable equally to a contracting metropolitan State and to all the territories, be they Non-Self-Governing, Trust or Colonial Territories, which are being administered or governed by such metropolitan State."

216. In introducing the amendment, the representative of Egypt explained that the text corresponded closely to those which appeared in Article 28 of the draft covenant on economic, social and cultural rights and Article 53 of the draft covenant on civil and political rights.

217. The representative of the USSR proposed a similar amendment (E/AC.43/L.13) to the article, also based on Article 28 of the draft covenant on economic, social and cultural rights, to replace the text of the article by the following:

"The provisions of the present convention shall extend or apply equally to the signatory metropolitan State and to all Non-Self-Governing, Trust or colonial territories which the said metropolitan State governs or administers."

Because of the similarity between the amendment proposed by the USSR representative and that jointly submitted by the representatives of Ecuador, Egypt, and Yugoslavia, the USSR representative withdrew his amendment at the 17th meeting in favour of the joint proposal.

218. The Committee was divided on the question whether or not the provisions of the convention should automatically apply to dependent territories administered or governed by States which might become parties to the convention.

219. Some members, including the representative of the USSR, felt that it should not be left to the discretion of the metropolitan country to decide whether or not the convention should apply to its dependent territories. This would only mean that many such territories might be deprived of the possibility of participating in the convention, although they were the very territories in which the institutions and practices covered by the convention were most likely to exist.

220. On the other hand, some members felt that a contracting State should be permitted to determine, upon becoming a party to the convention or at any time thereafter, to which of its territories the provisions of the convention should apply. A clause of this sort would enable metropolitan countries to meet serious constitutional and other difficulties; it was thus designed to facilitate application of the convention to dependent territories, rather than to delay or prevent such application.

221. The representative of Turkey suggested inclusion in the convention of a territorial application clause modelled after Article 20 of the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production, of, International and Wholesale Trade in, and Use of Opium, adopted in New York on 23 June 1953 by the United Nations Opium Conference (E/NT/8).

222. The amendment submitted jointly by the representatives of Ecuador, Egypt and Yugoslavia was not adopted when put to the vote at the 17th meeting, receiving 5 votes in favour and 5 against.

223. Article 10 was not adopted when put to the vote at the same meeting, receiving 5 votes in favour and 5 against.

224. At the 18th meeting the representative of Turkey proposed a new text (E/AC.43/L.38) for the article, based upon Article 20 of the Opium Protocol of 1953, as follows:

"This Convention shall apply to all the non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of a non-metropolitan territory is required by the Constitution of the Party or of the non-metropolitan territory, or required by custom. In such case the Party shall endeavour to secure the needed consent of the non-metropolitan territory within the shortest period possible and when that consent is obtained the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Convention applies."

225. The Committee examined the new text at the 19th meeting.

226. The representative of Yugoslavia pointed out that some terms used in the proposal, such as the terms "constitution of the party or of the non-metropolitan territory", and "custom", might require clarification. After some discussion of these terms the representative of Turkey, upon the suggestion of the representative of Australia, agreed to delete the words "or required by custom" which appeared at the end of the first sentence, and to replace the word "constitution" by the words "constitutional laws or practices".

227. The representative of Egypt considered the inclusion of such an article unnecessary, and recalled that the Convention on the Political Rights of Women, which had been adopted by the General Assembly and subsequently ratified by a number of States, did not contain such a provision. The representative of the USSR could not accept the proposed text, which in his view did not differ substantially from the original text proposed by the United Kingdom.

228. The proposal of the representative of Turkey, as revised, was adopted by the Committee by 4 votes in favour and 2 against, with 4 abstentions, as follows:

"This Convention shall apply to all the non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of a non-metropolitan territory is required by the constitutional laws or practices of the Party or of the non-metropolitan territory. In such case the Party shall endeavour to secure the needed consent of the non-metropolitan territory within the shortest period possible and when that consent is obtained the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Convention applies."

229. At the 20th meeting the Committee decided to use the term "State Party" instead of the word "Party" where it first occurred in the article. The text of the article, as thus modified, appears in Annex I as Article 10.

Article 11

230. Article 11 of the draft convention (E/2540/Add.4) was as follows:

"(1) Any Contracting State may denounce the present Convention by a written notification addressed by that State to the Secretary-General of the United Nations, who shall notify all other Contracting States of each such notification and the date of the receipt thereof.

"(2) The denunciation shall take effect one year after the receipt of the notification by the Secretary-General of the United Nations, and shall operate only as regards the State effecting the denunciation.

"(3) Any Contracting State which has made a declaration under Article 10 of this Convention may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that, one year after the date of the receipt by the Secretary-General of the aforesaid notification, the Convention shall cease to extend to a territory or territories named in the declaration."

231. A comment on the article had been submitted by the Government of Pakistan (E/AC.43/L.1/Add.2).

232. The Committee examined the article at the 6th, 17th, 19th and 20th meetings.

233. The representative of France proposed (E/AC.43/L.17) that the article be redrafted as follows:

"1. This Convention shall have effect for a period of three years from the date on which it enters into force.

"It shall remain in force thereafter for consecutive periods of three years in respect of Contracting Parties which have not denounced it at least six months prior to the expiration of the current period of three years.

"Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

"2. If, as the result of denunciation, the number of parties to this Convention is reduced to less than (two), the Convention shall cease to apply on the date on which the last such denunciation comes into effect."

234. The representative of France explained that the new text provided for a system similar to the one adopted in the case of the Convention on the Prevention and Punishment of the Crime of Genocide. The convention would be concluded for a period of three years, which could be extended for specified periods. If denounced, denunciation would take effect at the end of a given period. That system would have the advantage of ensuring stability and of maintaining the convention in force over a number of years.

235. The representative of the Netherlands, while favouring the French amendment, proposed (E/AC.43/L.29) several drafting changes, as follows:

(1) In the first sub-paragraph of paragraph 1, after the words "which it" insert the word "first"; and in the third sub-paragraph of the same paragraph, after "United Nations" insert "who shall inform each signatory and acceding State"; (2) after paragraph 2, insert a third paragraph as originally drafted in document E/AC.43/L.1, page 39, Article 11, paragraph (3).

236. The representative of France accepted the sub-amendments proposed by the representative of the Netherlands and incorporated them into his amendment.

237. The representatives of the USSR and Yugoslavia expressed their preference for the first two paragraphs of the original text of Article 11. They felt that the amendment proposed by the representative of France, if adopted, would create the incorrect impression that the convention had been concluded for a limited period of three years only, although in fact this was not the case.

238. The French amendment, as revised, was considered by the Committee at the 17th meeting. It was not adopted, receiving 2 votes in favour and 2 against, with 6 abstentions.

239. The representative of the USSR proposed (E/AC.43/L.13) to delete the third paragraph of the article. At the 17th meeting the Chairman expressed the view that since Article 10 had not been adopted it was unnecessary to vote on the proposal of the representative of the USSR. The Committee accepted this view.

240. Paragraphs 1 and 2 of the article were unanimously adopted by the Committee at the 17th meeting, as follows:

"(1) Any Contracting State may denounce the present Convention by a written notification addressed by that State to the Secretary-General of the United Nations, who shall notify all other Contracting States of each such notification and the date of the receipt thereof.

"(2) The denunciation shall take effect one year after the receipt of the notification by the Secretary-General of the United Nations, and shall operate only as regards the State effecting the denunciation."

241. At the 19th meeting the Committee decided that in view of the fact that a new text of Article 10 had been adopted, further consideration should be given to paragraph 3 of Article 11.

242. The representative of Yugoslavia orally proposed that the following text be added at the end of the paragraph:

"In the case where the previous consent of a non-metropolitan territory was required for the application of the Convention in respect of this territory, such consent would also be necessary for its denunciation."

243. At the suggestion of the representative of the United Kingdom the Committee requested the representative of the Legal Office to suggest a new text for paragraph 3 which would bring it into conformity with Article 10 and at the same time take into account the proposal of the representative of Yugoslavia.

244. The text submitted in accordance with this request was adopted by the Committee at the 19th meeting by 6 votes in favour and 1 against, with 3 abstentions, as follows:

"In cases where, in accordance with the provisions of Article 10, the Convention has become applicable to a non-metropolitan territory of a Contracting Party, that Contracting Party may, at any time thereafter, with the consent of the territory concerned, give notice to the Secretary-General of the United Nations denouncing the Convention separately in respect of that territory. The denunciation shall take effect one year after the date of the receipt of such notice by the Secretary-General who shall notify all other Contracting Parties of such notice and the date of the receipt thereof."

245. At the 20th meeting the Committee decided to use the term "State Party" instead of "Contracting Party" where the question first arose in the article, and to refer to "Party(ies)" in the remainder of the article.

246. At the same meeting the article as a whole was adopted by 6 votes in favour and none against, with 4 abstentions. The text of the article, as thus modified, appears in Annex I as Article 11.

Article 12

247. Article 12 of the draft convention (E/2540/Add.4) was as follows:

"This Convention shall enter into force on the date on which two States have become Parties thereto and thereafter shall enter into force in respect of each State and territory on the date of deposit of the instrument of ratification or accession of that State or notification of extension to that territory."

248. The Committee examined the article at the 6th and 17th meetings.

249. The representative of the USSR proposed (E/AC.43/L.13) deletion of the words "or notification of extension to that territory".

250. The representative of France proposed (E/AC.43/L.17) that the article should be amended to read: "This Convention shall enter into force on the date on which five States have become parties thereto... etc."

251. The representative of the USSR expressed the view that the amendment submitted by the representative of France weakened the draft convention; he felt that a humanitarian convention such as the Committee was drafting should come into force as soon as possible and that the number of Contracting States required for its entry into force should therefore be set at a minimum. The representative of France, on the other hand, thought that accession by two States was not sufficient to make a general convention come into force, as a general convention, to be effective, should have a certain range. He added that certain provisions of the convention, for example those in Article 2, would be difficult to apply if only a few States were parties to the convention.

252. At the request of the Committee, a representative of the Legal Office stated at the 7th meeting that while there were some international agreements which required only two ratifications or accessions to enter into force, the number of ratifications or accessions required was often larger. There was no fixed rule in this respect, the authors of each agreement taking into consideration the particular character of each agreement and the conditions considered to be desirable for its coming into force.

253. The amendment submitted by the representative of France was not adopted when put to the vote at the 17th meeting, receiving 3 votes in favour and 3 against, with 4 abstentions.

254. At the 17th meeting there was general agreement that, in view of the fact that the Committee had not then adopted Article 10, the words "or notification of extension to that territory" were no longer necessary and should be deleted as suggested by the representative of the USSR.

255. The article, thus revised, was adopted unanimously by the Committee at the 17th meeting, as follows:

"This Convention shall enter into force on the date on which two States have become Parties thereto and thereafter shall enter into force in respect of each State and territory on the date of deposit of the instrument of ratification or accession of that State."

The text of the article, as thus modified, appears in Annex I as Article 12.

Article 13

(Formerly Article 14)

256. Article 14 of the draft convention (E/2540/Add.4) was as follows:

"The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the Archives of the United Nations Secretariat. The Secretary-General shall prepare a certified copy thereof for communication to States Parties to the Convention as well as to all other States Members of the United Nations.

"In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention on the date appearing opposite their respective signatures.

"Done in the Headquarters of the United Nations, New York, this
..... day of..... 19....."

257. The Committee examined the article at the 17th and 20th meetings. No amendments were proposed. The text of the article did not give rise to any discussion.

258. The article was adopted unanimously by the Committee.

259. At the 20th meeting the Committee decided that the article would appear in the draft supplementary convention as Article 13, in view of its decision to delete former Article 13.

E. Consideration of draft article on registration and publication of the draft convention

260. Article 13 of the draft convention (E/2540/Add.4) was as follows:

"In accordance with paragraph 1 of Article 102 of the Charter of the United Nations and the regulations pursuant thereto adopted by the General Assembly the Secretary-General of the United Nations is authorized to effect registration of the present convention and to publish it as soon as possible after registration."

261. The Committee examined the article at the 17th and 20th meetings. No amendments were proposed. The text of the article did not give rise to any discussion.

262. At the 17th meeting the Committee adopted the article unanimously.

263. At the 20th meeting the Committee considered a suggestion by the Secretary-General (E/AC.43/L.41, para. 11) that since the inclusion of the article in the convention was not necessary in view of the existing regulations governing registration and publication of treaties under which the Secretary-General registers and publishes all conventions of which he is the depository, the Committee might wish to delete the article.

264. The suggestion to delete the article was adopted.

F. Order of the articles of the draft convention

265. At the 19th and 20th meetings the Committee considered the order of the articles of the draft convention.

266. At the 19th meeting the Committee examined proposals submitted by the representatives of France (E/AC.43/L.14) and the United Kingdom (E/AC.43/L.23) relating to the order of the articles.

267. The French proposal was as follows:

"Change the order of Articles 1, 2, 3, 4 and 5 as follows: place first the article concerning slavery proper; next the articles concerning institutions and practices analogous to slavery; and last the articles concerning both slavery proper and institutions and practices analogous to slavery.

"Divide the part of the convention consisting of Articles 1 to 5 into three sections, to be entitled:

"Section I - Slavery proper;

"Section II - Institutions and practices analogous to slavery;

"Section III - Slavery and analogous practices.

"Section I would contain the existing Article 2, which would become Article 1.

"Section II would contain the existing Articles 1 and 5, which would become Articles 2 and 3 respectively.

"Section III would contain the existing Articles 3 and 4, which would become Articles 4 and 5 respectively."

268. The United Kingdom proposal was that Article 5 should follow Article 1.

269. The Committee agreed that Article 1 should remain is the first article in the convention, and that Article 5 should follow Article 1.

270. The French proposal was revised by its author in the light of the discussion in the Committee. As amended, it was adopted by 5 votes in favour, none against, and 4 abstentions. Accordingly, the articles which had been adopted by the Committee were placed in the following order:

Preamble

Section I, Institutions and Practices Similar to Slavery

Article 1

Article 2 (formerly Article 5)

Section II, The Slave Trade

Article 3 (formerly Article 2)

Section III, Slavery and Institutions and Practices Similar to Slavery

Article 4 (formerly Article 3)

Article 5 (formerly Article 4)

Section IV

Article 6

Section V, Final Clauses

Articles 7 to 14.

271. At the 20th meeting the Committee decided that Section IV should be entitled "Co-operation between States Parties and Communication of Information", as suggested by the Secretariat (E/AC 43/L.42, p. 2); and that Section V would include Articles 7 to 13, in view of the deletion of former Article 13.

G. Improvements in the drafting and style of articles of the draft convention

272. At the 19th meeting the Chairman invited the representatives of Ecuador, France, the United Kingdom and the USSR to submit drafting proposals and suggestions for improvement of style of the Spanish, French, English and Russian texts respectively.

273. At the 20th meeting the Committee considered the proposals made by these representatives, as well as certain suggestions submitted by the Secretary-General (E/AC.43/L.41). The resulting changes in drafting and style were incorporated in the final text of the draft supplementary convention (see Annex I).

H. Adoption of the Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

274. At the 20th meeting the Committee unanimously adopted the Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Annex I), for submission to the Economic and Social Council.

IV. ADOPTION OF THE REPORT OF THE COMMITTEE
TO THE ECONOMIC AND SOCIAL COUNCIL

Item 4 of the agenda

275. At the 19th and 20th meetings the Committee considered the draft of the report to the Economic and Social Council (E/AC.43/L.36 and Adds. 1-6), and adopted it unanimously.

ANNEX I

DRAFT SUPPLEMENTARY CONVENTION ON THE ABOLITION OF
SLAVERY, THE SLAVE TRADE AND INSTITUTIONS AND
PRACTICES SIMILAR TO SLAVERY

PREAMBLE

The States Parties to the present Convention,

Mindful that the peoples of the United Nations reaffirmed in the Charter their faith in the dignity and worth of the human person;

Considering that the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations as a common standard of achievement for all peoples and all nations, states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms;

Recognizing that, since the conclusion of the Slavery Convention signed at Geneva on 25 September 1926, which was designed to secure the abolition of slavery and of the slave trade, further progress has been made towards this end;

Being aware, however, that slavery, the slave trade and institutions and practices similar to slavery have not yet been eliminated in all parts of the world;

Having decided, therefore, that the Convention of 1926, which remains operative, should now be augmented by the conclusion of a supplementary convention designed to intensify national as well as international efforts towards the abolition of slavery, the slave trade and institutions and practices similar to slavery;

Have agreed as follows:

SECTION I

INSTITUTIONS AND PRACTICES SIMILAR TO SLAVERY

ARTICLE 1

Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices; where they still exist and whether or not they are covered by the definition of slavery contained in Article 1 of the Slavery Convention signed at Geneva on 25 September 1926:

- (a) Debt bondage, i.e. the status or condition arising from a pledge by a debtor of his personal services or those of a third person under his control as a security for a debt, where the value reasonably assessed of those services rendered 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, i.e., the tenure of land whereby the tenant is by law, custom or agreement bound to live and labour on land belonging to another person and render some determinate service to his landlord, whether for reward or not, and is not free to change his status;
- (c) Any institutions 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 to any other person or group;
 - (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) The 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 his natural parents or his guardian to another person, whether for reward or not, for the purpose of exploiting the child or young person, or his or her labour.

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.

SECTION II

THE SLAVE TRADE

ARTICLE 3

- (a) The act of conveying or of attempting to convey slaves on the high seas, or 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 penalties as severe as those generally applied to acts of piracy.
- (b) While on the high seas in the area of the Indian Ocean, including the Red Sea and the Persian Gulf, bounded on the south by the twenty-sixth degree south latitude and on the east by the sixty-second degree east longitude, warships or military aircraft under the control of Parties to this Convention shall have the same right of visit, search and seizure in relation to vessels of Parties to this Convention suspected on reasonable grounds of being engaged in the act of conveying slaves as they have in relation to vessels so suspected of being engaged in acts of piracy.

- (c) (i) Any vessel seized in accordance with this article shall be brought in for adjudication by a court of the State which has made the seizure. This State, may, however, request any other State Party to this Convention, or to the Slavery Convention of 1926, to refer the case to one of its courts if, in its view, practical or other reasons make this advisable.
- (ii) Any slave who is found on board a vessel shall be immediately set at liberty.
- (iii) Any person found on board any vessel searched in accordance with this article who is reasonably suspected of having committed any of the offences specified in paragraph (a) of this article shall be handed over for trial to the authorities of the State of which he is a national or, if practical or other reasons make this advisable, he may be brought to trial by the authorities of the capturing State, or, subject to the consent of the State of which he is a national, by the authorities of any other State Party to this Convention or to the Slavery Convention of 1926.
- (d) In this article "slave" means any person over whom any or all powers attaching to the right of ownership are exercised and includes any person intended to be dealt with as a slave.

SECTION III

SLAVERY AND INSTITUTIONS AND PRACTICES SIMILAR TO SLAVERY

ARTICLE 4

(a) 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 another person of servile status in order to indicate that 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.

(b) In this article "person of servile status" means any slave or any person who has a servile status resulting from any of the institutions or practices mentioned in Article 1 of this Convention.

ARTICLE 5

The act of enslaving another person or of inducing another person to give himself or a person dependent upon such other person into slavery or any other form of servitude, 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.

SECTION IV

CO-OPERATION BETWEEN STATES PARTIES AND COMMUNICATION OF INFORMATION

ARTICLE 6

1. The States Parties to this Convention undertake to co-operate with each other 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 this information 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.

SECTION V

FINAL CLAUSES

ARTICLE 7

No reservations may be made to this Convention.

ARTICLE 8

Any dispute between States Parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

ARTICLE 9

1. This Convention shall be open for signature by any State whether or not a member of the United Nations until [date]. It shall be subject to ratification by the signatory States, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations who shall inform each signatory and acceding State.

2. After [same date] this Convention shall be open to accession by any State whether or not a member of the United Nations. Accession shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations, who shall inform each signatory and acceding State.

ARTICLE 10

This Convention shall apply to all the non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any State Party is responsible, except where the previous consent of a non-metropolitan territory is required by the constitutional laws or practices of the Party or of the non-metropolitan territory. In such case the Party shall endeavour to secure the needed consent of the non-metropolitan territory within the shortest period possible and when that consent is obtained the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Convention applies.

ARTICLE 11

1. Any State Party may denounce this Convention by a written notification addressed by that State to the Secretary-General of the United Nations, who shall notify all other Parties of each such notification and the date of the receipt thereof.

2. The denunciation shall take effect one year after the receipt of the notification by the Secretary-General of the United Nations, and shall operate only as regards the State effecting the denunciation.

3. In cases where, in accordance with the provisions of Article 10, this Convention has become applicable to a non-metropolitan territory of a Party, that Party may, at any time thereafter, with the consent of the territory concerned, give notice to the Secretary-General of the United Nations denouncing this Convention separately in respect of that territory. The denunciation shall take effect one year after the date of the receipt of such notice by the Secretary-General who shall notify all other Parties of such notice and the date of the receipt thereof.

ARTICLE 12

This Convention shall enter into force on the date on which two States have become Parties thereto and thereafter shall enter into force in respect of each State and territory on the date of deposit of the instrument of ratification or accession of that State.

ARTICLE 13

This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations Secretariat. The Secretary-General shall prepare a certified copy thereof for communication to States Parties to this Convention, as well as to all other States Members of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention on the date appearing opposite their respective signatures.

Done in the Headquarters of the United Nations, New York,
this day of19.....

ANNEX II

LIST OF DOCUMENTS BEFORE THE COMMITTEE

1. Documents issued in the general series:

E/AC.43/1 - Provisional agenda

2. Documents issued in the limited series:

E/AC.43/L.1 and
Corr.1 and Corr.2
(English only) and
Adds.1-2 - The Draft Supplementary Convention on Slavery and
Servitude submitted by the Government of the
United Kingdom and Comments thereon (Memorandum
by the Secretary-General).

E/AC.43/L.2 - United Kingdom: Amendments to article 1.

E/AC.43/L.3 - Netherlands: Amendment to paragraph 1 of the preamble.

E/AC.43/L.4 - France: Amendment to the second paragraph of the
preamble.

E/AC.43/L.5 - USSR: Amendments to the preamble and article 1.

E/AC.43/L.6 and
Rev.1 - United Kingdom: Amendments to article 2.

E/AC.43/L.7 - France: Amendment to article 1, paragraph (c) (i).

E/AC.43/L.7/Rev.1 - France and the United Kingdom: Amendment to
article 1 (c) (i).

E/AC.43/L.8 - India: Amendment to paragraph (d) of article 1.

E/AC.43/L.9 - Netherlands and the United Kingdom: Amendments to
article 1.

E/AC.43/L.10 - Egypt: Amendments to article 1.

E/AC.43/L.11 - United Kingdom: Amendment to article 5.

E/AC.43/L.12 and
Rev.1 - India: Amendments to article 6.

E/AC.43/L.13 - USSR: Amendments to the draft convention.

- E/AC.43/L.14 - France: Proposal to change the order of certain articles of the draft convention.
- E/AC.43/L.15 - Ecuador, Egypt and Yugoslavia: Amendment to article 10.
- E/AC.43/L.16 - India: Draft text of additional article to follow article 2.
- E/AC.43/L.17 and Corr.1 (French only) - France: Amendments to articles 8, 9, 11 and 12.
- E/AC.43/L.18 - United Kingdom: Proposed title and preamble of the draft convention.
- E/AC.43/L.19 - United Kingdom: Amendments to paragraph (d) of article 1.
- E/AC.43/L.20 - United Kingdom: Amendments to articles 3 and 9.
- E/AC.43/L.21 - Australia and Turkey: Amendment to article 9.
- E/AC.43/L.22 - Ecuador, Egypt and India: Amendment to the title and preamble of the draft convention proposed by the United Kingdom (E/AC.43/L.18).
- E/AC.43/L.23 - United Kingdom: Change in order of articles of the draft convention.
- E/AC.43/L.24 - Turkey: Amendment to article 1.
- E/AC.43/L.25 and Add.1 - References in international conventions and draft conventions to the Universal Declaration of Human Rights (Memorandum by the Secretary-General).
- E/AC.43/L.26 - Netherlands: Amendments to the draft preamble proposed by the United Kingdom (E/AC.43/L.18).
- E/AC.43/L.27 - Netherlands: Sub-amendments to E/AC.43/L.17.
- E/AC.43/L.28 - France: Amendment to article 1.
- E/AC.43/L.29 - Netherlands: Sub-amendment to amendment proposed by France to article 11 (E/AC.43/L.17).
- E/AC.43/L.30 and Corr.1 (Russian only) - Title and Preamble of the Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery as adopted in the ninth meeting of the Committee on 23 January 1956.

- E/AC.43/L.30/Add.1 - Article 1 as adopted at the thirteenth meeting of the Committee on 25 January 1956 (second reading).
- " Add.2 - Article 2 as adopted at the eighteenth meeting of the Committee on 31 January 1956 (second reading).
- " Add.3 - Article 3 as adopted at the fourteenth meeting of the Committee on 25 January 1956 (second reading).
- " Add.4 - Article 4 as adopted at the twelfth meeting of the Committee on 24 January 1956 (second reading).
- " Add.5 - Article 5 as adopted at the sixteenth meeting of the Committee on 27 January 1956 (second reading).
- " Add.6 - Article 6 as adopted at the fifteenth meeting of the Committee on 26 January 1956 (second reading).
- " Add.7 - Article 13 as adopted at the seventeenth meeting of the Committee on 30 January 1956 (second reading).
- " Add.8 - Article 8 as adopted at the fifteenth meeting of the Committee on 26 January 1956 (second reading).
- " Add.9 - Article 9 as adopted at the sixteenth meeting of the Committee on 27 January 1956 (second reading).
- " Add.10 - Article 14 as adopted at the seventeenth meeting of the Committee on 30 January 1956 (second reading).
- " Add.11 - Article 11 as adopted at the seventeenth meeting of the Committee on 30 January 1956 (second reading).
- " Add.12 - Article 12 as adopted at the seventeenth meeting of the Committee on 30 January 1956 (second reading).
- " Add.13 - Article 7 as adopted at the nineteenth meeting of the Committee on 2 February 1956 (second reading).
- " Add.14 - Article 10 as adopted at the nineteenth meeting of the Committee on 2 February 1956 (second reading).
- " Add.15 - Paragraph 3 of article 11 as adopted at the nineteenth meeting of the Committee on 2 February 1956 (second reading).
- E/AC.43/L.31 - United Kingdom: Proposed new text of article 3.

- E/AC.43/L.31/Rev.1 - United Kingdom: Suggested redraft of article 3.
- E/AC.43/L.32 - India: Amendment to article 5.
- E/AC.43/L.33 - United Kingdom: Amendment to article 8.
- E/AC.43/L.34 - United Kingdom: Sub-amendment to E/AC.43/L.12/Rev.1.
- E/AC.43/L.35 and Rev.1 - Egypt, France, India and the United Kingdom: Amendments to article 5.
- E/AC.43/L.36 and Adds.1-6 and Add.1/Corr.1 (Spanish only) - Draft Report of the Committee
- E/AC.43/L.37 - Report of the Drafting Committee on article 2.
- E/AC.43/L.38 - Turkey: Proposed new article 10.
- E/AC.43/L.39 and Rev.1 and Rev.2 (English only) - France: Proposed new article 7.
- E/AC.43/L.40 - Yugoslavia: Proposed new article 7.
- E/AC.43/L.41 - Suggestions by the Secretariat relating to the Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (third reading).
- E/AC.43/L.42 - Order of articles in the Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (as adopted in second reading).

(b) In this article "person of servile status" means any slave or any person who has a servile status resulting from any of the institutions or practices mentioned in Article 1 of this Convention.

ARTICLE 5

The act of enslaving another person or of inducing another person to give himself or a person dependent upon such other person into slavery or any other form of servitude, 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.

SECTION IV

CO-OPERATION BETWEEN STATES PARTIES AND COMMUNICATION OF INFORMATION

ARTICLE 6

1. The States Parties to this Convention undertake to co-operate with each other 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 this information 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.

SECTION V

FINAL CLAUSES

ARTICLE 7

No reservations may be made to this Convention.