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Twenty-first Session
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CONTENTS

President: Mr. Hans ENGEN (Norway).

Present:

The representatives of the following countries: Argentina, Brazil, Canada, China, Czechoslovakia, Dominican Republic, Ecuador, Egypt, France, Greece, Indonesia, Netherlands, Norway, Pakistan, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Observers from the following countries: Bulgaria, Chile, Hungary, Israel, Mexico, Poland, Portugal, Romania.

The representative of the following specialized agency: International Labour Organisation.

AGENDA ITEM 12

Slavery (E/2824, E/L.710)

GENERAL DEBATE

1. Mr. SCOTT FOX (United Kingdom), opening the general debate, said that the subject of slavery and analogous practices was of special importance to his delegation. He traced the efforts of successive United Kingdom Governments to combat slavery and the slave-trade within British territories and later on an international level. Those efforts had culminated in the adoption in 1926, under League of Nations auspices, of the International Slavery Convention,[1] which was still in force. That Convention was of basic importance, and all countries which had not yet adhered to it should be urged to do so without delay.

2. The time had come for a further step, namely a supplementary convention to cover institutions and practices similar to slavery. His delegation had recently submitted an appropriate draft (E/2540/Add.4) to Governments for comment. The draft had been considered a few months previously by a committee of the Council, whose report (E/2822) was before the Council for consideration.

3. In the Committee, there had been marked differences of opinion on some points of the draft Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery (E/2824, annex I), and he did not think that it would be wise for the Council at the current stage to reopen controversial issues which might lead to a protracted debate. While he had certainly no desire to prevent any member of the Council from expressing its views in regard to so important a question, it would not be appropriate for the Council to attempt a complete redrafting. His delegation thought that the Council's time would be better spent in considering the procedural question, what action should now be taken regarding the draft supplementary convention.

4. It was the considered view of the United Kingdom delegation that the procedure most likely to lead to the swift adoption of the convention was the calling of a plenipotentiary conference. The alternative, namely to send the text to the General Assembly, was unsuitable, since the Assembly was not an appropriate body for the adoption of international conventions dealing with involved technical questions. Furthermore, since a draft convention dealing with an important aspect of human rights would normally go to the Third Committee of the General Assembly, it would become an item on an agenda already overloaded with such time-consuming items as the drafting of the International Covenants on Human Rights, self-determination and the Convention on the Nationality of Married Women, so that the Third Committee would be unlikely to take any action upon it at the next session of the General Assembly.

5. Another suggestion, namely that the convention should be sent to the Sixth Committee of the General Assembly before being sent to a conference of plenipotentiaries, although it appeared logical, would hardly be necessary, since it was to be hoped that the plenipotentiaries of Governments would be fully qualified to deal with all the technical and legal aspects of the question. In view of the probable delay in the opening of the eleventh session of the General Assembly, such a proposal would entail a further delay of two years, since there would be no time to hold a plenipotentiary conference in 1957.

6. The United Kingdom delegation was therefore co-sponsoring the draft resolution (E/L.710) before the Council. The most convenient place in which to hold a conference of plenipotentiaries would appear to be Geneva, as soon as possible after the close of the Council's next session there. The draft resolution was of a purely procedural nature and did not commit any member of the Council to the substance of the supplementary convention as drafted. He hoped that the plenipotentiary conference could reconcile such differences as still existed and adopt a convention to which as many countries as possible could adhere.

7. Mr. ABDEL-GHANI (Egypt) said that it was now the Council's task to supplement the work of the League of Nations, as reflected in the International Slavery Convention of 1926, by preparing a similar instrument to combat certain practices which still existed in the world, such as debt-bondage, serfdom, the purchase of wives, child-marriage and the exploitation of children. He congratulated the United Kingdom Government on its initiative in submitting the draft (E/

[1] The text of the International Slavery Convention of 1926 is contained in League of Nations document C.586.M.223.1926.VI.

2540/Add.4) that had served as the working paper for the Committee, of which Egypt had also been a member. The United Kingdom had acted in accordance with the best traditions of a country with a well-known record in the anti-slavery campaign.

8. Against articles 1, 2 and 4 of the draft supplementary convention (E/2824, annex I), dealing specifically with the subjects he had just mentioned, the Egyptian delegation had no complaint. It had, however, decided objections to article 3. That article was irrelevant to the purposes of the convention. It defined a certain maritime area in the Indian Ocean, including the Red Sea and the Persian Gulf, and went on to state that warships or military aircraft under the control of parties to the convention should have the same right of visit, search and seizure in relation to vessels of parties to the convention suspected on reasonable grounds of being engaged in the act of conveying slaves as they had in relation to vessels so suspected of being engaged in the practice of piracy. Members of the Council were well aware what warships and military aircraft operated in that area. But it had surely been far from the Council's intention, when dealing with the question of slavery, to give certain warships and aircraft the right of search and seizure there. That was a development which went far beyond the provisions of the International Slavery Convention, signed in 1926, when a certain fleet might reasonably have had such rights, in view of the large-scale slave-trading still prevalent at that time.

9. All the countries in the area concerned had adopted national legislation to abolish slavery, which they had also abjured by their acceptance of the United Nations Charter. Any vestige of the slave-trade which persisted there was no more than an illegal traffic, akin to the white slavery and narcotics traffic still rife in many civilized countries of the world, and it was on too small a scale to justify the right of search and seizure by military craft operating in those waters.

10. There was only one earlier convention which contained a provision similar to the proposed article 3, and that was the Brussels Act of 1890, which in any case had stipulated that only vessels of under 500 tons could be subjected to such action, and even with that limitation many States had refused to sign it. Under the new convention, however, there was to be no tonnage restriction at all. The Council's intention had been to deal only with those practices resembling slavery not covered in the International Slavery Convention of 1926; it had said nothing about the conveying of slaves or about military craft in the Indian Ocean. The only reason why article 3 appeared to have been introduced was that an article on the conveying of slaves had been included in the original draft submitted by the United Kingdom; but the Council had never suggested that the Committee should accept that draft in its entirety. It was a significant fact that the Committee had adopted the article by 6 votes to 4. In short, the political implications of the proposed article 3 were such that the United Nations could not possibly leave it as it stood.

11. Further discussion would also be necessary on article 6, which dealt with reporting on the status of slavery and servitude and raised the question of the machinery for supervising the implementation of the convention. The question of territorial application, as envisaged in article 10, would also need to be settled.

12. With regard to further action, he did not agree that the proper course was to send the draft to a plenipotentiary conference. The purpose of General Assembly resolution 366 (IV), which empowered the Council to call such a conference, had been to give non-member States the opportunity of participating in some of the work of the United Nations through attendance at international conferences. Today the position was different: now that the United Nations had admitted sixteen new Members, probably more States would be participating at the coming session of the General Assembly than had ever participated at any conference called by the United Nations. If the object of the United Kingdom delegation was to enable as many countries as possible to take part in the discussion of the draft convention, then that object could surely be achieved by referring the matter to the General Assembly. The Egyptian delegation therefore proposed that the draft convention be referred to the Assembly, and discussed by its Sixth (Legal) Committee. The latter body still had on its agenda the question of the régime of the high seas and the territorial sea, and it was therefore fitting that the new convention, especially its provision on the competence of warships in certain maritime zones, should be discussed against that background.

13. In making its proposal the Egyptian delegation did not wish to exclude the proposed international conference of plenipotentiaries. But it was firmly convinced that no such conference should be called until the General Assembly had had a full opportunity at its next session to debate all aspects of the supplementary convention. The conference could then be called to take action on a convention studied by all Member States of the United Nations and could proceed safely to open it for the signature of the plenipotentiaries. The Egyptian proposal was therefore not an alternative to the United Kingdom proposal, but an addition, which he hoped all members of the Council could accept.

14. In conclusion, he asked the Secretariat whether it was not a fact that the previous United Nations conventions on aspects of human rights had been adopted by the General Assembly.

15. Mr. HUMPHREY (Secretariat), replying to the question just put by the representative of Egypt, said that, of the United Nations conventions on human rights, two—the Convention on Genocide and the Convention on the Political Rights of Women—had been adopted directly by the General Assembly. Of the others, the conventions on freedom of information had emerged from a diplomatic conference without preliminary work by any United Nations organ; the Convention on the Status of Refugees had been drafted by an *ad hoc* committee, the preamble and the first article had been adopted by the General Assembly, and the whole text had then been sent to a conference of plenipotentiaries convened by the General Assembly; the Convention on the Status of Stateless Persons had been drafted by the same committee, considered by the General Assembly and referred to the Council, which had then on its own initiative convened a conference of plenipotentiaries.

16. Mr. CHENG (China) said that slavery in any of its forms had long ceased to exist in his country, which had fully discharged its obligations under the International Slavery Convention of 1926.

17. The draft supplementary convention (E/2824, annex I) was confined to types of slavery which were dying out and affected a very small number of persons. On the other hand, as was evident from the report of the Government of China on forced labour (E/2815, chap.

III A 1), collective forced labour—a practice analogous to slavery—was being applied on a vast scale by totalitarian States. That situation was infinitely graver than any form of servitude known in the past. The United Nations should undertake a comprehensive inquiry into that type of slavery with a view to including it in the draft supplementary convention, which would otherwise be of little use.

18. It had been argued that the practice of forced labour fell within the terms of the Forced Labour Convention of 1930 and therefore concerned the International Labour Organisation (ILO). The answer to that argument was that the ILO Convention dealt primarily with forced labour in dependent territories, and did not apply to the newer type practised by totalitarian Governments.

19. He had no objection to the United Kingdom proposal that the supplementary convention should be referred to a conference of plenipotentiaries. However, the vestiges of slavery in the modern world were the result of ancient customs and traditions, and could be eliminated only through gradual economic and social progress. His delegation would therefore give sympathetic consideration to any other proposals which might lead to the effective eradication of slavery. In any event, he hoped that the text of the draft supplementary convention would be transmitted to Governments for study as soon as possible.

20. Mr. SCHURMANN (Netherlands) remarked that the draft supplementary convention (E/2824, annex I), applied in conjunction with the 1926 Convention, should prove an effective means of wiping out slavery and practices similar to slavery. It was therefore the Council's duty to expedite the opening for signature of the supplementary convention, and that could best be done by referring it to a conference of plenipotentiaries who would at the same time be experts. The conference should endeavour to prepare a text combining a maximum of effectiveness with a maximum of acceptability. He did not think the text should be sent to the General Assembly, which was not an appropriate body for negotiating such an instrument; moreover, that method would involve unnecessary delay.

21. He agreed with the United Kingdom representative that the Council itself should not discuss the substance of the draft supplementary convention, but should leave the task of preparing a final text to a conference. That task would be considerably lightened by the preliminary work done by the Committee of ten countries, of which the Netherlands had been a member. The Committee's text (E/2824, annex I) was admittedly not perfect; his delegation had voted for it in a spirit of compromise and at the proposed conference it would again try to effect changes which in its view would increase the effectiveness of the convention. Its main effort would be directed towards achieving an instrument acceptable to the largest possible number of States desirous of helping to eliminate practices and institutions contrary to human dignity.

22. While slavery and the slave-trade in their crudest form could not be tolerated, many other reprehensible practices and institutions could be eliminated only gradually, and the convention was designed to help the countries which were trying to effect the necessary social and economic reforms rather than to attack them. It was for that reason that the words "progressively and as soon as possible" had been included in article 1 of the draft.

23. The views of his delegation were reflected in the draft resolution (E/L.710), which it had co-sponsored. He hoped the Council would adopt the draft resolution and thus choose the wisest course open to it.

24. Mr. HAUCK (France) said that it was only proper that France and the United Kingdom, which had been among the first to abolish slavery, should now join forces to deal it its death blow.

25. His delegation had co-sponsored the joint draft resolution (E/L.710) because it felt that the text of the draft supplementary convention, in spite of some imperfections, was ready for final drafting by a conference of plenipotentiaries. To send the text to the General Assembly would merely result in unnecessary delay, as the Assembly would in the end refer it to a conference. The method proposed in the draft resolution met the requirements of urgency and common sense and he urged the Council to follow it.

26. Mr. SOBOLEV (Union of Soviet Socialist Republics) recalled that the draft supplementary convention had been prepared by representatives of only ten countries. Moreover, even those representatives had disagreed on many points of principle, and their votes on important issues had sometimes been evenly divided. The text was not fully acceptable even to the countries which had worked on the Committee. The USSR, for example, was unable to accept several articles in their existing wording. It was quite obvious that a text taking into account the views of the majority of Member States could be prepared only by an organ of the United Nations on which all Member States were represented. That organ was the General Assembly. The final texts of several important conventions on human rights had been prepared and adopted by the General Assembly; the method had been tested and found to be effective.

27. The need for consideration by the General Assembly was stronger than ever, now that sixteen new Members had joined the United Nations. To refer the draft supplementary convention to a conference of plenipotentiaries would mean virtually to deprive the new Member States of an opportunity to take part in the final drafting. They would of course be invited to the conference, but they could hardly fail to see that such an invitation would be merely formal, since they had not taken part in any of the preliminary work which had culminated in the draft convention. Naturally, after it had considered the text, the General Assembly would be perfectly free to convene a conference, if the majority so wished.

28. Furthermore, while the Council was empowered to convene a conference on its own initiative, it could do so only if it was satisfied that the work to be done by the conference could not be done satisfactorily by any organ of the United Nations or by any specialized agency. The Council had not reached any such conclusion; indeed, it had not even discussed the matter.

29. For all those reasons, he could not accept the joint draft resolution (E/L.710), and strongly supported the Egyptian representative's proposal that the text of the draft supplementary convention should be referred to the General Assembly at its eleventh session.

30. Mr. KOTSCHNIG (United States of America), after referring to his country's record in abolishing

slavery, recalled that it had adhered to the International Slavery Convention of 1926, with the reservation that in its view forced labour should not be permitted except as punishment for a crime of which a person had been duly convicted and that it should explicitly exclude forced labour for public purposes. Even at that time, it had taken an absolutist position on slavery—a position which it had since maintained.

31. The Council was also aware that the United States did not intend to sign or ratify the supplementary convention. There were two reasons for that. The United States did not feel that the convention would serve any useful purpose in its own territory, in which no vestiges of slavery remained; and it did not expect countries which had not adhered to the 1926 Convention to sign the new instrument. In the circumstances, the only way to eradicate slavery would be through education—and in such efforts his country would be happy to co-operate. His delegation did not, however, wish to stand in the way of those who hoped the new convention would prove effective, and he would therefore abstain in the vote on the joint draft resolution (E/L.710).

32. Mr. MUNANDAR (Indonesia) said that, in his delegation's view, the draft supplementary convention constituted a step forward in furthering the common efforts of nations to eliminate certain practices and institutions not covered by any previous international instrument. The problem of slavery and servitude did not exist in Indonesia since slavery, servitude and other similar practices were prohibited under the Indonesian Constitution. The Indonesian Government therefore viewed with sympathy any effort made to eradicate all forms of slavery and related practices.

33. The draft convention before the Council, although not without its shortcomings, could serve as a useful basic working document. The Indonesian delegation regretted the insertion of provisions which might considerably restrict the scope of the convention, particularly the so-called territorial clause in article 10. Moreover, the provision on the right of search and seizure in article 3 appeared unnecessary, limited as it was to one area of the Indian Ocean.

34. With respect to the procedure to be followed, the Indonesian delegation felt that, at the current stage, the General Assembly should be given an opportunity to express its views on so important and serious a subject as the draft convention. The Indonesian delegation felt that that procedure did not preclude the possibility of holding a conference of plenipotentiaries, which could then take place after debate in the General Assembly.

35. For the reasons given, the Indonesian delegation was unable to support the joint draft resolution (E/L.710) and associated itself with the views expressed by the Egyptian representative.

36. Mr. APUNTE (Ecuador) said that his delegation, which represented a country where slavery in all its forms had been prohibited since the middle of the nineteenth century, had appreciated the opportunity to participate in the work of the Committee on the Drafting of a Supplementary Convention on Slavery and Servitude.

37. The draft convention which that Committee had produced was, of course, a compromise aimed at making it acceptable to a large majority of States. While not perfect, it was certainly a useful starting-point for further studies.

38. The attitude taken by Ecuador in the Committee had been guided by four main considerations. First, an essentially humanitarian instrument aimed at the abolition of certain institutions and practices which existed in the world should, for humanitarian reasons alone, cover all areas where such institutions and practices were prevalent. Secondly, slavery and servitude were mainly the result of a defective economic, social and cultural structure and therefore could not be abolished by the mere adoption of international instruments. Thirdly, international co-operation was required if a country which desired to abolish slavery but did not have the means to do so was to succeed in its efforts. Fourthly, the Economic and Social Council was in a position to adopt further measures for the abolition of the institutions and practices covered by the draft convention.

39. The Ecuadorian delegation on the Committee had attached particular importance to the question of international co-operation and had co-sponsored an amendment providing for the insertion in the preamble of the draft convention of a paragraph which read:

> "*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".

The amendment had not been adopted, but the Ecuadorian delegation was prepared to submit it again during the final debate on the draft convention.

40. The scope of the application of the convention was another point which had engaged that delegation's attention. It had found it necessary, together with the delegations of Egypt and Yugoslavia, to propose an amendment to article 10, the so-called territorial clause, based on article 28 of the draft Covenant on Economic, Social and Cultural Rights and article 53 of the draft Covenant on Civil and Political Rights,[2] both of which extended the scope of the respective instruments not only to the metropolitan territory of the contracting States but also to the Non-Self-Governing Territories or colonial territories under their administration or which they governed. Article 10 as it stood still fell short of the Ecuadorian delegation's expectations but represented a compromise.

41. On the question of procedure, discussion of the draft convention by the General Assembly would necessarily delay its adoption. It should therefore be referred direct to a conference of plenipotentiaries. Ecuador had therefore joined France, the Netherlands, Pakistan and the United Kingdom in sponsoring the draft resolution (E/L.710) before the Council.

42. The Ecuadorian delegation reserved the right to comment on the wording of the draft resolution at a later stage.

43. Mr. NAIK (Pakistan) said that Pakistan, being eager to support any measure to expedite the abolition of slavery and servitude, which did not exist within its territory, was happy to co-sponsor the draft resolution (E/L.710) before the Council.

44. Pakistan had some reservations with respect to a few of the articles in the draft supplementary convention and shared the misgivings expressed by the Egyp-

[2] *Official Records of the Economic and Social Council, Eighteenth Session, Supplement No. 7*, annex 1.

tian representative. It hoped that it would have an opportunity to discuss the details of the draft convention at a plenipotentiary conference to which, in its view, the draft should be referred.

45. Mr. WELD (Canada) said that Canada, like several other States, would find it difficult to adhere to the supplementary convention as it stood.

46. On the procedural question, the Canadian delegation favoured discussion of the draft by a conference of plenipotentiaries which could devote itself exclusively to the question of slavery and servitude. The time element, among other things, militated against discussion of the draft by a Main Committee of the General Assembly.

47. Canada had adhered to the International Slavery Convention of 1926 and its interest in the draft supplementary convention was motivated purely by moral considerations since slavery had never existed in its territory. However, those States most directly concerned should select a conference as the most appropriate forum in which to discuss the draft. The Canadian delegation would therefore support the joint draft resolution.

48. Mr. ULLRICH (Czechoslovakia) said that his delegation had voted in favour of the establishment of the Committee as a concrete step towards the abolition of the various forms of slavery and servitude. The draft supplementary convention produced by the Committee, while containing some positive features, was weakened by a number of shortcomings. Article 3 as it stood was a case in point. The draft therefore required further careful consideration, which could best be undertaken by the Sixth Committee of the General Assembly, particularly since some of its provisions related to the régime of the high seas, an item already under consideration in that Committee. Moreover, it was open to the General Assembly to convene a conference of plenipotentiaries if it wished. For the reasons given, the Czechoslovak delegation would support the amendment to the joint draft resolution which the Egyptian delegation intended to propose.

49. Mr. BOZOVIC (Yugoslavia) said that his delegation could not accept the territorial limitations provided in article 3 of the draft supplementary convention. Based as that article was on a provision of the Brussels Act of 1890, its adoption would imply the assumption that no changes had occurred in the specific part of the world to which it referred. In point of fact, new independent States had been established there and the feelings of their peoples could not but be taken into account.

50. During the discussions in the Committee the Yugoslav delegation had taken the position that the provisions of the supplementary convention should be made to apply wherever slavery or servitude might exist. In that connexion, a corresponding provision in the draft convention prepared by the International Law Commission with respect to the régime of the high seas[8] would meet the point. The relevant article in the draft supplementary convention should therefore be made to conform to that provision.

51. With respect to the procedural question, it had been argued that the time factor made it necessary to convene a conference of plenipotentiaries to discuss the draft supplementary convention. On the other hand, the effectiveness of any convention depended upon the extent of its acceptability to all or at least an overwhelming majority of States, whether Members of the United Nations or not. The lattter consideration must obviously be allowed to prevail.

52. In view of the fact that at the current stage the point at issue was not the adoption of the convention but the discussion of the provisions of the draft, the logical forum for such debate would be the General Assembly, where a compromise could most readily be reached on the provisions of the draft, many of which had been adopted in the Committee by a small majority. Moreover, discussion in the General Assembly would allow all Member States of the United Nations to express their views and would thus be useful to the conference of plenipotentiaries which might subsequently be convened.

53. With respect to the text of the joint draft resolution (E/L.170), operative paragraph 2 (*b*), which limited invitations to attend the proposed conference to Member States of the United Nations and members of its specialized agencies, was in contradiction with article 9, paragraph 1, of the draft supplementary convention (E/2824, annex I), which specified that the convention would be open for signature by any State whether a Member of the United Nations or not. It should therefore be made to conform to the latter provision.

54. Mr. CARAYANNIS (Greece) said that Greece was prepared to support any measure likely to bring about the abolition of slavery in all its forms. However, it was not convinced that the draft supplementary convention would serve a useful purpose but felt that the best procedure would be to try to persuade every country to adhere to the 1926 Convention. With respect to the provisions of the draft before the Council (E/2824, annex I), the Greek delegation objected specifically to article 3, which appeared to involve political as well as technical considerations. In the circumstances the best course would be to refer the draft to the General Assembly for preliminary consideration. The Greek delegation would therefore support any proposal to that effect.

The meeting rose at 5.25 p.m.

[8] *Official Records of the General Assembly, Tenth Session, Supplement No. 9*, chap. II.

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