



Eighth session
Agenda item 30

TRANSFER TO THE UNITED NATIONS OF FUNCTIONS AND
POWERS EXERCISED BY THE LEAGUE OF NATIONS UNDER
THE SLAVERY CONVENTION OF 25 SEPTEMBER 1926:
DRAFT PROTOCOL PREPARED BY THE SECRETARY-GENERAL

Report of the Sixth Committee

Rapporteur: Mr. Jean SPIROPOULOS (Greece)

1. By resolution 475 (XV) of 27 April 1953, the Economic and Social Council:
(a) recommended that the General Assembly should invite States which were or might become Parties to the International Slavery Convention of 25 September 1926 to agree to the transfer to the United Nations of the functions undertaken by the League of Nations, under that Convention and (b) requested the Secretary-General to prepare a draft protocol to that end.
2. In accordance with this resolution, the Secretary-General prepared a draft protocol which he submitted to the General Assembly in the form of an annex to his Memorandum (A/2435) in which he outlined the background of the question.
3. In his notes (A/2435/Add.1, 2 and 3) the Secretary-General transmitted to the General Assembly the observations he had received from governments on the draft protocol and which he had circulated to States parties to the International Slavery Convention in accordance with the request in Economic and Social Council Resolution 475 (XV).
4. At its 435th plenary meeting on 17 September 1953, the General Assembly decided to include in the agenda of its eighth session the item: "Transfer to the United Nations of functions and powers exercised by the League of Nations

under the International Slavery Convention of 25 September 1926: draft protocol prepared by the Secretary-General," and referred the item to the Sixth Committee for consideration.

5. The Sixth Committee considered the item at its 369th and 370th meetings, held on 12 and 15 October 1953.

6. The Committee had before it a draft resolution submitted by the United Kingdom (A/C.6/L.304). Under the operative part of that draft resolution the General Assembly: (a) would approve the Protocol accompanying the draft resolution; (b) would urge "all States Parties to the Slavery Convention to sign or accept this Protocol"; and (c) would recommend all other States to accede at their earliest opportunity to the Slavery Convention as amended by the Protocol.

7. In submitting the draft resolution the United Kingdom representative stressed the purely formal character of the accompanying protocol; its adoption would cast no doubt whatever on the depositary functions exercised by the Secretary-General under the terms of General Assembly resolution 24 (I) of 12 February 1946. He pointed out that the main difference between that protocol and that annexed to the Secretary-General's Memorandum (A/2435) was in article II, which, in keeping with precedents established in the matter, left it to States to sign the protocol with or without a reservation as to subsequent acceptance. That would enable them, by signing it, immediately to show their approval of the protocol and their continued support of the Slavery Convention. With regard to the text of article III of the protocol, the United Kingdom representative observed that it was the same as that proposed by the Secretary-General, it being understood that, in accordance with the Secretary-General's practice, until such time as the amendments annexed to the protocol came into force, a State not party to the Convention would, in acceding to it, at the same time become party to the protocol. As to the text of the amendments, again they were in no way different from those proposed by the Secretary-General. The United Kingdom representative pointed out in that connexion that the paragraph concerning article II of the Convention originally suggested in his Government's

note (A/2435/Add.3) had contained simpler amendments. He explained that the changes made in that article, as the text now stood, had been introduced for the sake of conformity with the provisions generally adopted in similar cases where the Secretary-General acted as depositary.

8. During the discussions in the Sixth Committee the question was raised, in connexion with the broader problem of the adaptation of League of Nations Conventions to the United Nations, whether a protocol was necessary for the transfer to the Organization of the functions and powers exercised by the League of Nations under the International Slavery Convention. In that connexion, the Committee's attention was drawn to General Assembly resolution 24 (I) on the transfer to the United Nations of certain functions and activities of the League of Nations and to the resolution of the League of Nations Assembly of 18 April 1946. The United Nations General Assembly stated in resolution 24 (I) that the Organization was prepared to accept the custody of international instruments formerly entrusted to the League of Nations and to charge the Secretariat of the United Nations with the task of performing for the parties the functions pertaining to a Secretariat, formerly entrusted to the League of Nations and set forth in part A of that resolution. There was therefore no need for a protocol for the transfer of such functions. An analysis of the International Slavery Convention moreover showed that only article 7, which laid upon parties the obligation to inform the Secretary-General of the League of Nations of, inter alia, the laws and regulations enacted by them for the purpose of applying the Convention, might perhaps require a protocol before it could be sanctioned. But it was pointed out in that connexion that, even if that were the case, some practical remedy for the deficiency might easily be found. Finally, with regard to the invitation addressed to certain States Member or non-member which could not at the present stage accede to the Convention, it would be enough for the General Assembly to adopt a resolution to that effect (A/C.6/SR.370).

9. Some delegations expressed the opinion that a protocol was desirable for the purpose of transferring to the United Nations the functions and powers exercised

by the League of Nations under the International Slavery Convention so that States non-member which were parties to the Convention might give their assent to such a transfer. The same delegations also pointed out that there were several precedents.

10. The Secretary-General's representative said that the Secretary-General considered himself bound by the terms of General Assembly resolution 24 A (I) of 12 February 1946. In accordance with the provisions of that resolution, the Secretary-General had always confined himself to the exercise of purely administrative functions and there had never been any objections. Thus, he had accepted, and notified the States concerned of, the depositing with him of instruments relating to Conventions which entrusted the Secretary-General of the League of Nations with the functions of depositary and which had never been the subject of a protocol of transfer. The adoption of a protocol, which the General Assembly had frequently thought desirable, would nevertheless not reflect upon the status of States which, by depositing an instrument of accession or ratification with the Secretary-General, had become parties to such Conventions.

11. Some delegations emphasized that in their opinion the International Slavery Convention of 25 September 1926 appeared inadequate at the present time, particularly in the light of the report of the Special Committee on Slavery (E/1988). They indicated that they had nonetheless supported the transfer to the United Nations of the functions exercised by the League of Nations under that Convention in the hope that the whole problem would shortly be re-examined and a fresh Convention adopted so as to place the campaign against slavery on a broader footing.

12. With reference to the provisions of the Protocol accompanying the United Kingdom draft resolution (A/C.6/L.304), several delegations indicated that they were in favour of the provisions of its article II, particularly in the matter of the method of acceptance by successive stages, as in other international instruments concluded under the auspices of the United Nations or the specialized agencies, which enabled States to become parties without having to go through the more complicated procedure of ratification or accession.

13. The representative of El Salvador submitted an oral amendment proposing that the provisions of article I of the protocol accompanying the draft resolution should be replaced by the provisions of article I of the protocol annexed to the Secretary-General's memorandum (A/2435).
14. The oral amendment proposed by El Salvador was rejected by 13 votes to 7, with 24 abstentions.
15. The United Kingdom draft resolution was adopted by 38 votes to none, with 9 abstentions.
16. The Sixth Committee accordingly recommends that the General Assembly should adopt the following resolution:

**TRANSFER TO THE UNITED NATIONS OF THE FUNCTIONS
EXERCISED BY THE LEAGUE OF NATIONS UNDER THE
SLAVERY CONVENTION OF 25 SEPTEMBER 1926**

The General Assembly,

Considering Economic and Social Council resolution 475 (XV) adopted on 27 April 1953, concerning the transfer to the United Nations of the functions exercised by the League of Nations under the Slavery Convention of 1926,

Desirous of continuing international co-operation relating to the elimination of slavery,

1. Approves the Protocol which accompanies the present resolution;
2. Urges all States Parties to the Slavery Convention to sign or accept this Protocol;
3. Recommends all other States to accede at their earliest opportunity to the Slavery Convention as amended by the present Protocol.

**PROTOCOL AMENDING THE SLAVERY CONVENTION
SIGNED AT GENEVA ON 25 SEPTEMBER 1926**

The Parties to the present Protocol, considering that under the Slavery Convention signed at Geneva on 25 September 1926 (hereinafter called "the Convention") the League of Nations was invested with certain duties and functions, and

Considering that it is expedient that these duties and functions should be continued by the United Nations,

Have agreed as follows:

Article I

The Parties to the present Protocol undertake that as between themselves they will, in accordance with the provisions of the Protocol, attribute full legal force and effect to and duly apply the amendments to the Convention set forth in the Annex to the Protocol.

Article II

1. The present Protocol shall be open for signature or acceptance by any of the Parties to the Convention to which the Secretary-General has communicated for this purpose a copy of the Protocol.
2. States may become Parties to the present Protocol by:
 - (a) Signature without reservation as to acceptance;
 - (b) Signature with reservation as to acceptance, followed by acceptance;
 - (c) Acceptance.
3. Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article III

1. The present Protocol shall come into force on the date on which two States shall have become Parties thereto, and shall thereafter come into force in respect of each State upon the date on which it becomes a Party to the Protocol.
2. The amendments set forth in the Annex to the present Protocol shall come into force when twenty-three States shall have become Parties to the Protocol, and consequently any State becoming a Party to the Convention, after the amendments thereto have come into force, shall become a Party to the Convention as so amended.

Article IV

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 Protocol and of the amendments made in the Convention by the Protocol on the respective dates of their entry into force and to publish the Protocol and the amended text of the Convention as soon as possible after registration.

Article V

The present Protocol, 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 Convention to be amended in accordance with the Annex being in the English and French languages only, the English and French texts of the Annex shall be equally authentic and the Chinese, Russian and Spanish texts shall be translations. The Secretary-General shall prepare a certified copy of the Protocol, including the Annex, for communication to States Parties to the Convention, as well as to all other States Members of the United Nations. He shall likewise prepare for communication to States, including States not Members of the United Nations, upon the entry into force of the amendments as provided in article III, a certified copy of the Convention as so amended.

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

Done at the Headquarters of the United Nations, New York,
this..... day of..... 1953.

ANNEX

TO THE PROTOCOL AMENDING THE SLAVERY CONVENTION SIGNED
AT GENEVA ON 25 SEPTEMBER 1926

In Article 7 "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

In Article 8 "the International Court of Justice" shall be substituted for "the Permanent Court of International Justice", and "the Statute of the International Court of Justice" shall be substituted for "the Protocol of December 16th, 1920, relating to the Permanent Court of International Justice".

In the first and second paragraphs of Article 10 "the United Nations" shall be substituted for "the League of Nations".

The last three paragraphs of Article 11 shall be deleted and the following substituted:

"The present Convention shall be open to accession by all States, including States which are not Members of the United Nations, to which the Secretary-General of the United Nations shall have communicated a certified copy of the Convention.

"Accession shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations, who shall give notice thereof to all States Parties to the Convention and to all other States contemplated in this Article, informing them of the date on which each such instrument of accession was received in deposit."

In Article 12 "the United Nations" shall be substituted for "the League of Nations".
