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SEVENTH ORDINARY SESSION

OF THE ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES

OF THE

SIXTH COMMITTEE

(POLITICAL QUESTIONS)

GENEVA, 1926

CONTENTS

	Page
LIST OF MEMBERS	5
AGENDA	7
FIRST MEETING, held on September 7th, 1926, at 4.30 p.m.	
1. Election of the Chairman of the Committee	7
2. Election of the Vice-Chairman	7
3. Publicity of the Meetings of the Committee	7
4. Form of the Record of the Meetings of the Committee	7
5. Conclusion of an International Convention on Slavery and Conditions analogous thereto: Question of Procedure	7
SECOND MEETING, held on September 10th, 1926, at 5 p.m.	
6. Discussion of the Draft Convention on Slavery and Amendments thereto	8
Preamble	8
Article 1	9
Article 2	11
7. Appointment of a Sub-Committee to consider the Draft Convention on Slavery	13
THIRD MEETING, held on September 17th, 1926, at 10 a.m.	
8. Ratification of Agreements and Conventions concluded under the Auspices of the League of Nations: Consideration of a Draft Resolution submitted to the Assembly by Viscount Cecil, Delegate of the British Empire	13
9. Ratification of Agreements and Conventions concluded under the Auspices of the League of Nations: Appointment of a Sub-Committee	14
10. Mandates: Resolution proposed by Dr. Nansen, Delegate of Norway: Adjournment of the discussion	14
11. Progress of the Work of the Committee	14
FOURTH MEETING, held on September 21st, 1926, at 3 p.m.	
12. Question of a Maximum Limit of Expenditure in connection with the Work of the League: Communication from the Fourth Committee	15
13. Progress of the Work of the Committee	15
14. Ratification of Agreements and Conventions concluded under the Auspices of the League: Report of the Sub-Committee	15
15. Mandates	16
16. Mandates: Appointment of a Drafting Committee	26
FIFTH MEETING, held on September 23rd, 1926, at 3.30 p.m.	
17. Consideration of the Draft Convention on Slavery as submitted by the Sub-Committee (Annex)	26
18. Draft Convention on Slavery: Reservations made by the Indian Delegation	31
19. Draft Convention on Slavery: Draft Resolutions submitted by the Sub-Committee	32
20. Forced Labour: Draft Resolution proposed by the Norwegian Delegation	34
SIXTH MEETING, held on September 24th, 1926, at 10 a.m.	
21. Forced Labour: Draft Resolution proposed by the Norwegian Delegation (<i>continuation</i>)	37
22. Draft Convention on Slavery: Draft Report of the Sixth Committee to the Assembly	40
23. Draft Convention on Slavery: Declaration by the Abyssinian Delegation	46
24. Question of the Signature of the Convention on Slavery	46
25. Mandates: Draft Resolution proposed by the Drafting Committee	46
ANNEX	47

LIST OF MEMBERS

Chairman : M. Louis DE BROUCKÈRE (Belgium).

Vice-Chairman : His Excellency M. Alfred NEMOURS (Haiti).

Members :

- Abyssinia* : His Excellency the Dedjazmatch GUETATCHEOU.
Lidj Makonnen ENDELKATCHOU.
Kantiba GABROU (Substitute).
- Albania* :
- Australia* : The Rt. Hon. Sir Joseph COOK, P.C., G.C.M.G.
Sir Arthur RICKARD, K.B.E., F.R.G.S. (Substitute).
- Austria* : His Excellency M. Albert MENSdorFF-POUILLY-DIETRICHSTEIN.
Dr. Marc LEITMAIER (Substitute).
- Belgium* : M. Louis DE BROUCKÈRE
M. O. LOUWERS (Substitute).
- British Empire* : The Rt. Hon. Viscount CECIL OF CHELWOOD, K.C.
- Bulgaria* : His Excellency M. Athanase D. BOUROFF.
- Canada* : The Rt. Hon. Sir George E. FOSTER, G.C.M.G., P.C., LL.D.
Dr. Walter A. RIDDELL, M.A., Ph.D. (Substitute).
- Chile* : His Excellency M. Enrique VILLEGAS.
M. Ernesto BERTRAND-VIDAL (Substitute).
- China* : His Excellency M. WANG KING-KY.
M. LOHOAI (Substitute).
- Colombia* : His Excellency Dr. Francisco José URRUTIA.
- Cuba* : His Excellency M. José M. CORTINA.
M. G. de la CAMPA Y CUFFI (Substitute).
- Czechoslovakia* : His Excellency Dr. Eduard BENEŠ.
His Excellency Dr. Kamil KROFTA.
- Denmark* : M. Laust MOLTESEN.
M. Holger ANDERSEN (Substitute).
- Dominican Republic* : Dr. T. Franco FRANCO.
His Excellency M. PARADAS (Substitute).
- Estonia* : His Excellency Dr. Friedrich AKEL.
M. Auguste J. SCHMIDT (Substitute).
- Finland* : His Excellency M. Carl Johan Alexis ENCKELL.
- France* : M. Henry DE JOUVENEL.
M. SEROT,
M. Louis AUBERT.
- Germany* : His Excellency Dr. STRESEMANN.
His Excellency Dr. VON SCHUBERT.
Dr. GAUS.
Dr. SOEHRING.
- Greece* : His Excellency M. D. CACLAMANOS.
- Guatemala* : M. Rafael Pinéda DE MONT.
- Haiti* : His Excellency M. Alfred NEMOURS.
- Hungary* : M. Georges DE BARCZA.
M. Ervin DE VLADAR.
- India* : Sir William Henry Hoare VINCENT, G.C.I.E., K.C.S.I.
Sir Edward Maynard des CHAMPS CHAMIER, K.C.I.E.
- Irish Free State* : Mr. Joseph P. WALSHE.
Mr. Michael MACWHITE (Substitute).
- Italy* : His Excellency M. Dino GRANDI.
His Excellency Count Lelio BONIN-LONGARE.
His Excellency the Marquis Giuseppe MEDICI DEL VASCHELLO.

- Japan :* His Excellency Viscount K^o ISHII.
M. Isaburo YOSHIDA (Substitute).
- Latvia :* His Excellency M. Wilis SCHUMANS.
- Liberia :* M. Nicolas OOMS.
- Lithuania :* His Excellency M. Venceslas SIDZIKAUSKAS.
M. Bronius K. BALUTIS.
- Luxemburg :* M. Albert WEHRER,
M. Gaston DIDERICH.
- Netherlands :* His Excellency Count F. A. C. VAN LYNDEN VAN SANDENBURG.
- New Zealand :* The Rt. Hon. Sir Francis BELL, G.C.M.G., K.C.
- Nicaragua :* Dr. Antoine SOTTILE.
His Excellency M. Tomas Francisco MEDINA (Substitute).
- Norway :* Dr. Fridtjof NANSEN.
M. C. J. HAMBRO.
- Panama :* His Excellency M. Guillermo ANDREVE.
- Paraguay :* Dr. Ramon V. CABALLERO.
- Persia :* His Highness Prince ARFA.
His Excellency Abolghacem Khan AMID (Substitute).
- Poland :* His Excellency M. Henri STRASBURGER.
M. Stanislas POŚNER.
M. Joseph CHACINSKI.
M. Thadée JACKOWSKI (Substitute).
- Portugal :* His Excellency General Alfredo FREIRE D'ANDRADE.
M. Antonio Augusto Gomes D'ALMENDRA.
- Roumania :* His Excellency M. Nicolas Petresco COMNÈNE.
His Excellency M. Nicolas TITULESCO.
His Excellency M. Constantin CONTZESCO (Substitute).
M. Michel ARION (Substitute).
- Salvador :* His Excellency Dr. T. Gustave GUERRERO.
- Kingdom of the Serbs,
Croats and Slovenes :* His Excellency Dr. Miloutine YOVANOVITCH.
His Excellency Dr. Lazare MARKOVITCH (Substitute).
- Siam :* His Highness Prince VIPULYA SVASTIVONGS.
Khun PRASIRT MAITRI (Substitute).
- South Africa :* Mr. Jacobus Stephanus SMIT.
- Sweden :* His Excellency Baron E. T. Marks VON WURTEMBERG.
His Excellency Dr. T. M. HOËJER (Substitute).
Mme. Anna BUGGE-WICKSELL (Substitute).
- Switzerland :* M. Emile Louis GAUDARD.
Colonel Beat Henri BOLLI (Substitute).
- Uruguay :* His Excellency M. Juan Carlos BLANCO.
His Excellency M. Benjamin FERNANDEZ Y MEDINA.
- Venezuela :* His Excellency M. C. PARRA-PÉREZ.

SIXTH COMMITTEE

(POLITICAL QUESTIONS)

SLAVERY. — MANDATES. — RATIFICATION OF THE AGREEMENTS AND CONVENTIONS CONCLUDED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS.

AGENDA.

1. SLAVERY: DRAFT CONVENTION.
2. MANDATES.
3. RATIFICATION OF THE AGREEMENTS AND CONVENTIONS CONCLUDED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS.

FIRST MEETING

Held on Tuesday, September 7th, 1926, at 4.30 p.m.

Chairman: M. DE BROUCKÈRE (Belgium).

1. Election of the Chairman of the Committee.

M. DE BROUCKÈRE (Belgium) was elected Chairman on Tuesday, September 7th, at a meeting held in the Salle de la Réformation at 11.40 a.m.

2. Election of the Vice-Chairman.

The CHAIRMAN, after having thanked the members of the Committee for having done him the honour of electing him Chairman, asked the Committee to proceed to the nomination of a Vice-Chairman.

M. CORTINA (Cuba) proposed that M. Nemours (Haiti) should be elected Vice-Chairman.

The motion was seconded by the delegations of the Dominican Republic, Nicaragua, Liberia, Chile and Venezuela, and, no other candidate being proposed, M. NEMOURS was *unanimously elected*.

3. Publicity of the Meetings of the Committee.

On the proposal of the CHAIRMAN, *the Committee decided to hold its meetings in public.*

4. Form of the Record of the Meetings of the Committee.

The CHAIRMAN, in accordance with the request made by the General Committee of the Assembly, reminded the members of the Committee of the character of the record of their proceedings. The delegates should not expect to find in the Minutes a verbatim record of their observations but only a summary of the principal points of the discussions. Members would, of course, have every opportunity of making corrections in the provisional Minutes.

5. Conclusion of an International Convention on Slavery and Conditions analogous thereto: Question of Procedure.

The CHAIRMAN recalled that the only question so far referred to the Committee was that of the conclusion of an International Convention on Slavery and Conditions analogous thereto. He asked his colleagues if they had any suggestions as to the procedure to be adopted in dealing with this question.

Viscount CECIL OF CHELWOOD (British Empire) said that the principles of the draft Convention had been discussed at length last year and that the draft had been approved by the Sixth Committee and the Assembly. The draft Convention had been referred to Governments for their observations and submitted to the seventh ordinary session of the Assembly for the consideration of any further amendments, and with a view, if possible, to the signing of the Convention during the progress of the Assembly. He suggested, therefore, that it would not be necessary to have any general discussion again this year, and proposed that at the next meeting the Committee should at once proceed to consider the Convention

article by article. A number of communications had already been made by different Governments as to what ought to be found in the Convention, and no doubt the various delegations would be prepared to move definite amendments in the light of those communications. That was the case at least as regards the British delegation.

Count BONIN-LONGARE (Italy) and M. DE JOUVENEL (France) agreed with Viscount Cecil's proposal, which was adopted by the Committee.

The CHAIRMAN explained that, in accordance with the report by Sir Austen Chamberlain, which was adopted by the Council on June 9th, 1926, the Council: (1) decided to add the following question to the agenda of the seventh ordinary session of the Assembly: "Conclusion of an International Convention on Slavery and Conditions analogous thereto"; (2) suggested to all the States Members of the League that they should give their delegates to the Assembly the necessary powers to sign the Convention. As regards the first point, the Committee had already taken a decision on the procedure to be adopted and had agreed to start the next meeting with the examination of the draft Convention article by article. As to the second point, he doubted whether all delegates had the necessary powers, and the Committee might have to consider whether it would not be necessary for the delegates concerned to take up the matter with their Governments. He thought that this question might be adjourned for the moment.

Viscount CECIL OF CHELWOOD (British Empire) suggested that M. Gohr, Chairman of the Temporary Slavery Commission, who had rendered such great service to the Committee last year, should be asked to attend the meetings of the Sixth Committee this year also.

Dr. NANSEN (Norway) strongly supported the proposal.

The Committee agreed.

The CHAIRMAN said that the Secretariat would be asked to take the necessary steps to secure the attendance of M. Gohr at the meetings of the Committee.

SECOND MEETING

Held on Friday, September 10th, 1926, at 5 p.m.

Chairman: M. DE BROUCKÈRE (Belgium).

6. Discussion of the Draft Convention on Slavery and Amendments thereto.

The CHAIRMAN recalled the decision taken at the last meeting that there would be no general discussion but an examination of the draft Convention article by article, as agreed in 1925 (document A. 19. 1925). He also mentioned that some of the amendments proposed by Governments were reproduced in documents A. 10, A. 10 (a) and A. 10 (b). 1926.

Preamble.

The CHAIRMAN opened the discussion on the Preamble.

M. PARRA-PÉREZ (Venezuela) had not available the Spanish text of the reply of the Venezuelan Government to the Secretary-General concerning the draft Convention on Slavery. His delegation, which knew the views of the State Department concerned and the relevant facts, was nevertheless under the impression that the French text of this reply, published in document A. 10 (b), dated August 31st, should be interpreted to mean that the Government of Venezuela in no way considered the conclusion of an international arrangement on this question to be in a general manner superfluous. It thought only that the provisions of the national legislation now in force provided the Venezuelan Government with sufficient means of fulfilling its duty in this connection in the spirit of the draft Convention. Since the problem did not therefore arise in the case of Venezuela, its signature had not been thought necessary.

M. Parra-Perez would take the opportunity to raise another point which he considered of great interest. According to the decision which had been taken at the first meeting, the Committee was not to enter upon a general discussion of slavery but would discuss article by article the draft Convention drawn up by Lord Cecil. This was a very practical method of procedure, with which he entirely agreed, and would enable the Committee to examine during the course of the discussion the very important amendments or additions proposed to the original text by the various Governments, more especially by the Governments of Belgium, Great Britain and Germany.

Nevertheless, he would draw the attention of his colleagues, even before the discussion began, to an interesting passage on page 9 of document A. 10, dated June 21st, 1926. This passage concerned a letter forwarded by His Excellency Mgr. Maglione to the Secretary-General regarding the question with which the Committee was to deal. The observations of the Apostolic Nuncio should be borne in mind in the sense that they concerned points interesting the cause of civilisation. Thus, for example, it was obvious that missions had always been the most effective method of leading the natives of certain

countries away from a condition of barbarism and incorporating them morally and intellectually in the community of nations. Mgr. Maglione feared, however, that the omissions in the Cecil scheme to which he referred would run counter to a work which he justly considered to be of capital importance.

M. Parra-Pérez would be very happy to know, during the discussion which was about to begin, the views of those of his colleagues who would contribute towards elucidating the question of the extent to which the fears of the Holy See were well founded and the extent to which it would be possible to allay them should the present Committee find it within its power to do so.

Viscount CECIL OF CHELWOOD (British Empire) pointed out that his Government had proposed the following addition to the third paragraph of the Preamble of the draft Convention :

“ . . . and recognising that it is necessary to conclude to that end more detailed arrangements than are contained in that Convention. ”

The provisions as to slavery in the Convention of St. Germain-en-Laye were, in fact, confined to a single very brief clause. He therefore thought that the Preamble would be more complete if it were expressly stated that the purpose of the present Convention was to carry out in a more detailed fashion the principle laid down in that clause.

Count VAN LYNDEN (Netherlands) suggested that the discussion on the Preamble should be deferred until after the articles had been considered. It would be more useful and more practical to adopt the Preamble when the subject-matter of the Convention had been definitely established.

M. HAMBRO (Norway) supported this proposal. He thought that it would be specially convenient to defer the consideration of the second British amendment until a decision had been taken on Article 6 of the draft Convention.

Sir Joseph COOK (Australia) also supported the above proposal and said that it was an invariable practice all over the British Empire not to discuss the title, etc., of a convention until its text had been definitely adopted.

The CHAIRMAN noted, as a result of this exchange of views, that the members of the Committee had no objection to adjourning the discussion of the Preamble until the text of the articles had been examined.

Count BONIN-LONGARE (Italy) said that the Italian delegation willingly agreed to the proposal.

In reply to the question raised by the delegate of Venezuela concerning the apprehensions expressed by the Apostolic Nuncio at Berne, he would point out that the Preamble of the draft Convention showed that it was destined to complete the Convention of St. Germain-en-Laye but not to abrogate all its provisions. Article 11 of the St. Germain Convention contained provisions which should allay all fears. If, however, it appeared that those stipulations needed further confirmation, the Italian delegation would be in favour of any proposal to this effect.

The Committee decided to postpone the consideration of the Preamble.

The CHAIRMAN stated that he was bound to take account of the decision of the Committee that there should be no general discussion. If there were points of a general character which interested any of his colleagues, he hoped they would submit them to him. He would then endeavour to find an article during the discussion of which those points might be raised. The question referred to by the delegates of Venezuela and Italy might thus properly be discussed when Article 8, which spoke of the abrogation of previous conventions, was being examined.

Article 1.

The CHAIRMAN said that, with reference to Article 1, the German Government, in its reply to the Secretary-General (document A. 10 (a), pages 9-10), had proposed that the following paragraph should be substituted for the definition of slavery which was given in the draft Convention :

“ Slavery is the status of a person over whom any or all of the powers attaching to the right of ownership are exercised, under private law, by some other person or group of persons. ”

He would ask the German delegate whether this amendment could be considered formally submitted to the Committee.

Dr. VON SCHUBERT (Germany) replied in the affirmative.

Viscount CECIL OF CHELWOOD (British Empire) said he would be grateful if his German colleague could tell him what was the exact difference between the words which he proposed to insert and the words of the draft Convention. He understood what was meant by the insertion of the words “ some other person or group of persons ”, and, although he should not have thought them necessary, he had no objection to them, as they did not seem to alter the sense in any way. He wished, however, to know the meaning of the words “ under private law ”.

Dr. VON SCHUBERT (Germany) thought that the reasons on which the amendment was based had already been stated in the letter which the German Government had addressed to the League (document A, 10 (a), page 10). It pointed out that it was necessary to consider certain customs which existed in Africa; it was also necessary to add words which would take account not only of persons being purchased or sold as slaves but also of those captured in the course of hostilities.

Viscount CECIL OF CHELWOOD (British Empire) was sure his German colleague would not think him unduly pressing if he pointed out that the letter from the German Government did not fully explain the proposed amendment. The words "under private law" might possibly have a clear meaning in the original German or in the French translation, but to Anglo-Saxon lawyers they would hardly be understandable. On the other hand, he doubted whether it was really desirable to refer expressly to ownership by a person or group of persons, as that would seem to exclude any public authorities. The State could hardly be defined as a group of persons, and it was conceivable that in certain countries there were slaves which did not belong to private individuals but to the State itself. He therefore preferred the definition as it stood.

M. LOUWERS (Belgium) said that this question of definition had been a subject of very long discussion last year. He nevertheless felt obliged to return to it. The Belgian Colonial Authorities had not been very well satisfied with the definition contained in the draft Convention. They had said that, because a person exercised the right of property over another person, the latter person was not necessarily a slave; in other words, the definition was not sufficiently general. In his view, the addition just proposed by Germany was not adequate. He therefore wished to move the following definition:

"Slavery is the state of a person who has not the enjoyment of his full natural rights."

He particularly wished to draw attention to the word "enjoyment" used here in preference to the word "exercised", because a person might exercise natural rights without having the enjoyment of them — for instance, a minor, or a person under restraint by order of court. A definition of "natural rights" was not necessary, because the term was understood in all countries and continents.

Viscount CECIL OF CHELWOOD (British Empire) said that, with the greatest respect to his Belgian colleague, he hoped the Committee would not adopt his amendment, which would really not give a satisfactory definition of slavery in any way. If slavery were the non-enjoyment of natural rights, it would mean that everybody under any restraint or discipline would be within that definition. He instanced the case of forced labour, the case of a soldier under discipline, etc. He hoped that the Committee would adhere to the broad lines of the definition which had been drawn up last year. It had been the subject of very careful consideration by a special Sub-Committee. After a long discussion, in which the Belgian representative took part, and also M. Gohr, who was as great an authority as anybody on slavery, the present wording had been arrived at as the best definition.

M. LOUWERS (Belgium) said that he would not press his motion or reply to Viscount Cecil, as he did not wish to prolong the discussion, but, as a matter of fact, he thought that some of the observations of his British colleague were the result of misunderstandings.

The CHAIRMAN said that only the German amendment and the original text were now before the Committee, but it was still open to any delegate to move other amendments.

Sir Joseph COOK (Australia) asked the German delegate to explain what he meant by the words "under private law". Did he mean, for instance, the case of a man with slaves to sell and another with money to buy slaves? Even that, he thought, would come under some law of contract. "Private law" seemed to him a contradiction of terms.

Dr. VON SCHUBERT (Germany) said that the German Government had only proposed the present wording because, as it explained in its letter, there were certain customs in Africa according to which the word "property" was not understood in the same sense as it was in Europe and America. The natives used the term "property" to describe certain conceptions for which they had no proper expression. He desired, however, to respect the discussions which had taken place in the Committee last year, and his Government had only made the present proposal for the sake of clearness and not with a desire to obtain a contrary effect.

Count BONIN-LONGARE (Italy) supported the motion of Viscount Cecil to maintain the original text. The definition given in the draft was really a very satisfactory one because it was the simplest. The German definition left a doubt as to whether there might not be cases in which slavery could not be recognised, and the definition proposed by the Belgian delegate, as had been pointed out by Viscount Cecil, might apply to all persons under restraint.

M. LOUWERS (Belgium) said that he had not replied to Viscount Cecil because he did not wish to prolong the discussion, but, if these points were going to be referred to, he would have to speak in defence of his proposal.

Count BONIN-LONGARE (Italy) said that, as the delegate for Belgium did not press his motion, he hoped the Committee would accept the existing formula, which was, after all, the simplest.

The CHAIRMAN said he understood that the German delegate was prepared to accept the original text.

Dr. VON SCHUBERT (Germany) replied in the affirmative.

The original draft was adopted.

The CHAIRMAN said that he thought the Committee would agree that the present reading should be considered as a first reading. It might be desirable to have a second reading when the draft had been finally considered by a Sub-Committee.

The Committee agreed.

Article 2.

The CHAIRMAN said that the German Government had moved several amendments to Article 2. The first of these was to the effect that paragraph (b) should read as follows :

“ The High Contracting Parties undertake ”, etc.

“

“ (b) To abolish slavery in all its forms. ”

The German Government had also proposed to add the following paragraph :

“ The High Contracting Parties undertake ”, etc.

“

“ (c) To endeavour, as far as possible, to bring about the disappearance of conditions of servitude resembling slavery, e.g., debt slavery, sham adoption, childhood marriage, traffic in women, etc. ”

Mr. Jacobus SMITH (South Africa) in the first place wished to state that in the Union of South Africa any form of slavery was unknown ; its territory was so highly organised that any practice approaching slavery would immediately be discovered and stopped.

In the article of the draft Convention which was now under discussion, it was proposed to bring about progressively the disappearance of domestic slavery. In certain respects it went further than Article 1 by applying the definition to conditions wherein no property of one person in another was recognised by law. As drafted, it would seem to go beyond the objects of the Convention, or, if it did not go beyond those objects, there seemed no reason why so-called domestic slavery should not be included in the definition of Article 1. It was even uncertain as to what, under the provisions of Article 2, should be suppressed. The draft spoke of domestic slavery or *similar conditions* — an expression which was meant to include debt slavery, slavery disguised as adoption, etc. Persons subjected to a regime of this kind had the enjoyment of their rights or they had not. If *sui juris*, they could only become subject to domestic slavery by voluntary act and would then not be covered by Article 1 ; if not *sui juris*, they could only be subject to domestic slavery or similar conditions by acts of their lawful guardians — that is, they were under a form of paternal power. If the above conditions did not apply, then they could only have become domestic slaves because somebody had acquired a right of property in them, and they would then be slaves as defined in Article 1, and there would be no object in Article 2 (b). If no right of property existed in them, the scope of this draft seemed to compel signatories to interfere with social customs, and this might be highly unsatisfactory and have disastrous results when dealing with peoples who had grown up under a different social and moral code.

The insertion of the word “ progressively ” suggested that the Committee was not quite sure of the objects it had in view, and he considered that, in arranging a charter for these peoples, the language should be very clear.

Viscount CECIL OF CHELWOOD (British Empire) said that he was not quite sure whether the German amendment was really a practical one. The Committee last year took as the basis of its discussions the report of the Temporary Slavery Commission, and it seemed from that report that where slavery was really an institution, fortunately in very few countries now, it was not practicable to abolish it immediately. An attempt to bring about abolition by one stroke of the pen might result in economic difficulties for the whole country and for the slaves themselves. It was for that reason that the Committee had adopted the words “ progressively and as soon as possible ”, which at first sight might seem rather weak. In the German letter it was stated that domestic slavery was clearly

slavery and therefore would fall under the provision requiring its immediate abolition. He thought that there was a certain risk in making it an immediate obligation, and would be very glad to hear from the German representative whether he thought it practicable to ask all the countries represented to agree to a proposition that slavery should be immediately abolished. He would have thought this to be really a counsel of perfection. With regard to paragraph (c) of the German proposal, he saw no great objection to enumerating the different forms of servitude which closely approached to slavery.

Sir William VINCENT (India) said that, as regards certain small unadministered areas on the frontier of India and the Indian States, a declaration would have to be made excluding these areas from Article 2 (b). The constitutional position was that many of these States legislated for themselves, and consequently the Government of India desired to except them from the operation of Article 2 (b) in its present or any similar form. There was a form of slavery in unadministered tracts on the frontier of India, and an attempt was being made, successfully in part, to suppress it, but the Government of India would not undertake the responsibility of enforcing, by military power, the immediate cessation of the present situation in those territories. In the rest of India the position was quite different. Slavery was forbidden by law.

M. HAMBRO (Norway) hesitated to vote for any amendment that seemed to go further than was practicable, and he had also a certain difficulty in following Viscount Cecil in bringing into the definition other forms of servitude which approached slavery. This would be to make the Convention more extensive and was more or less trespassing on the work of the Fifth Committee. The result might be a confusion which would hinder the very work that they intended to help and further.

Dr. VON SCHUBERT (Germany) understood very well that it might not always be possible to take radical measures, which in certain cases might have disastrous results. In principle he thought, however, that if it were proposed to abolish slavery as wide a definition as possible ought to be adopted. In order to attenuate any difficulties which might arise out of the adoption of the proposed amendment, the German Government had also proposed another amendment to the same article expressly providing for certain transitory measures.

M. NEMOURS (Haiti), Vice-Chairman, proposed the following amendment to paragraph (b), which would seem to correspond to the intentions of the British and German proposals :

“ To endeavour to bring about as soon as possible the disappearance of all voluntary or involuntary subjections. ”

He reminded his colleagues that, until the eighteenth century, French law had permitted a person to engage himself to go to the colonies, where he was in fact a kind of slave up to the moment when he had paid his debt to the owner of the ship. The French Revolution of 1789 had abolished these practices. What had been done by the French legislation the League of Nations might do for all peoples. The honourable delegate for India might be assured that this would not lead to any greater troubles than those which had been experienced in the French Mercantile Marine or in the colonies.

But another reason induced him to ask for “ the disappearance of all subjections, even voluntary ”. In law, as it stood at present, the mere conception of subjection, of voluntary slavery could not be permitted. No contract of this kind could be accepted. An individual had no right to renounce in favour of another the rights allowed him by law. A contract of this description was null and void. Agreements freely made were recognised by law only when they were in accordance with the general principles of law.

The delegate of Haiti asked that this sign of progress, which was embodied in the legislation of all nations, should be equally established in the Convention which was being drafted.

Sir William VINCENT (India) said he desired to add in the first paragraph of Article 2 the word “ suzerainty ” between the words “ sovereignty ” and “ jurisdiction ”.

With regard to the new paragraph (c) proposed by the German delegation, he pointed out that another Committee of the League of Nations was dealing with the question of traffic in women, which was an entirely different matter. He also thought that it would be quite unreasonable to ask the Government of India — where a long-standing practice of childhood marriage existed — at the present moment to commit itself “ to endeavour, as far as possible, to bring about the disappearance of . . . childhood marriage ”.

The CHAIRMAN pointed out that most of the speakers had not definitely expressed their preference for one amendment or another. In view of the difficulties which the discussion had made evident, he asked his colleagues whether it would not be preferable to request the Secretariat to draw up a table of the amendments submitted. The Committee might appoint a Sub-Committee, on which those with a special technical knowledge could be fully represented and which would analyse the various amendments.

Viscount CECIL OF CHELWOOD (British Empire) agreed with the proposal of the Chairman.

M. HAMBRO (Norway) asked whether the Sub-Committee would at present only be called upon to examine Article 2 or whether it was the intention that all the material should be sent to the Sub-Committee at once. In the latter case, he doubted whether any saving of time would really take place, as several important questions of principle were involved which would certainly have to be discussed in the full Committee.

Viscount CECIL OF CHELWOOD (British Empire) suggested that, if any member of the Committee who was not a member of the Sub-Committee had any particular amendment to propose, he might be heard by the Sub-Committee.

The CHAIRMAN, in reply to M. Hambro, said it had been his intention to propose that Article 2 should at once be referred to the Sub-Committee, but he would not conceal the fact that he had intended to ask the Committee afterwards if it would not refer the whole Convention to the Sub-Committee. The discussion had shown that the debate would be very technical in character. It was true that there were some large questions of principle at issue, which must be debated in the full Committee, but, even so, it seemed desirable that those questions should first go to the Sub-Committee in order that it might crystallise them — if necessary, in the form of majority and minority texts — so that the Committee could have something definite to discuss. He fully agreed with Viscount Cecil's suggestion.

7. Appointment of a Sub-Committee to consider the Draft Convention on Slavery.

The Committee agreed to the proposal of the Chairman that a Sub-Committee should be appointed, composed of delegates of the following countries: Abyssinia, Australia, Belgium, British Empire, France, Germany, Haiti, India, Italy, Netherlands, Norway, Portugal, South Africa and Uruguay.

The Japanese delegate, who had also been nominated by the Chairman, asked to be omitted from the list.

On the proposal of Viscount CECIL, M. DE BROUCKÈRE was asked to preside over the Sub-Committee.

THIRD MEETING

Held on Friday, September 17th, 1926, at 10 a.m.

Chairman: M. DE BROUCKÈRE (Belgium).

8. Ratification of Agreements and Conventions concluded under the Auspices of the League of Nations: Consideration of a Draft Resolution submitted to the Assembly by Viscount Cecil, Delegate of the British Empire.

The CHAIRMAN informed the Committee that the draft resolution proposed by Viscount Cecil, delegate of the British Empire, concerning the ratification of the agreements and conventions concluded under the auspices of the League of Nations, had been referred to the Sixth Committee for consideration. The resolution read as follows:

“ The Assembly,

“ Observing with regret that many conventions and agreements concluded under the auspices of the League of Nations have remained ineffective or have only come into force after undue delay owing to the difficulty experienced in securing a sufficient number of ratifications by the signatories :

“ Desires to call the attention of the Governments of all States Members of the League to the necessity for taking all measures in their power to facilitate and expedite the ratification in all cases of conventions and agreements signed in their name;

“ And decides to invite the Council of the League to examine the possibility of appointing a committee to consider whether any general understanding could be promoted that would secure rapid and, if possible, simultaneous action by the signatories of such conventions and agreements. ”

He opened the discussion on this question.

Viscount CECIL OF CHELWOOD (British Empire) said that the subject was of considerable importance, particularly with regard to commercial conventions, because their non-ratification produced a condition of uncertainty and unrest in commercial circles which was prejudicial to progress and prosperity. Document A. 6 (a). 1926, Annex, indicated the situation as to the ratification of conventions concluded under the auspices of the League. The report gave information concerning conventions with regard to International Labour, Transit and Communications, Traffic in Women and Children, Obscene Publications, Traffic in Opium and Other Dangerous Drugs, Trade in Arms, Refugee Questions, Arbitration Clauses on Commercial Matters, Customs Formalities, and Amendments to the Covenant.

A number of these conventions, some of them concluded four or five years ago, had not yet been brought into force altogether or in an effective way. The machinery for ratification differed in various countries. In some, the passage of a definite law was necessary; in others, ratification could be ordered by the Administration, even without the approbation of Parliament. It might be valuable to draw up a statement of the formalities required

in various countries. The Council might adopt a standing order that once every six months a special report should be submitted to it as to the position of various outstanding conventions and treaties. That report could be examined by a committee of the Council, and, if the committee found that ratification was proceeding unduly slowly, it might be able to make suggestions resulting in greater rapidity in bringing into operation the conventions that had been signed.

Viscount Cecil suggested the appointment of a small Sub-Committee of the Sixth Committee to collect evidence from members of the Secretariat and of the International Labour Office who had experience in this particular subject, and to make practical proposals subsequently to the Sixth Committee.

M. COMNÈNE (Roumania) agreed with Viscount Cecil but wished to draw attention to the fact that in connection with some conventions drawn up under the auspices of the International Labour Office and which had not been ratified, the International Labour Office had taken measures of a particular nature. He enquired whether Viscount Cecil had all conventions in view, including labour conventions.

Viscount CECIL OF CHELWOOD (British Empire) replied that he was not considering labour conventions, as a special procedure was applicable to them.

M. COMNÈNE (Roumania) thought the Committee might take account of what had been done by the International Labour Office, as its experience might prove to be of use.

Sir George FOSTER (Canada) agreed that it was necessary to speed up ratifications. In so far as his country was behindhand he would do his best to see that arrears were caught up. There was an impression that the methods of carrying out the decisions of the organs of the League were not as businesslike as they should be. He thought the chief sinners against prompt ratification were the Great Powers themselves. He considered that the Members of the Council, now enlarged, might well exert their influence in speeding up ratification. Delay was caused in some countries, in Canada in particular, owing to the Constitution and the fact that the Provincial Assemblies had to be consulted and to give their approval.

Sir Joseph COOK (Australia) could not say if his country also had been tardy in ratifying certain conventions. Perhaps they were all guilty. The federal system was, in Australia as in Canada, partly responsible. It was also to be noted that, in cases where ratification had been delayed, it was sometimes due to the fact that legislation was ahead of the proposals contained in the conventions negotiated under the ægis of the League. He thought it would be of value to get into touch with the International Labour Office and to profit by the experience of that body, which was trying not only to facilitate ratification but also to see to what extent it was being carried out.

M. DE JOUVENEL (France) agreed with Viscount Cecil and suggested the appointment of a Sub-Committee to report to the plenary Committee — on Monday if possible.

9. Ratification of Agreements and Conventions concluded under the Auspices of the League of Nations : Appointment of a Sub-Committee.

The CHAIRMAN suggested that the Sub-Committee should consist of :

Viscount CECIL OF CHELWOOD (British Empire);
M. DE JOUVENEL (France);
COUNT BONIN-LONGARE (Italy).

He said that the Sub-Committee would naturally call upon the competent officials in the Secretariat and in the International Labour Office for information and report to the plenary Committee.

10. Mandates : Resolution proposed by Dr. Nansen, Delegate of Norway : Adjournment of the Discussion.

The CHAIRMAN placed before the Committee a resolution which had been transmitted for its consideration. The resolution had been proposed by Dr. Nansen and referred to Mandates.

Dr. NANSEN (Norway) asked for postponement of the consideration of the question, as he had not had time to prepare his speech.

The CHAIRMAN enquired whether any other member of the Committee was ready to speak on this subject, and, as this was not so, the *matter was postponed until the next meeting*.

11. Progress of the Work of the Committee.

The CHAIRMAN called the attention of the Committee to the fact that, in addition to the two questions discussed that day, there was also the question of Slavery, which was before a Sub-Committee, and that Sub-Committee had instructed a Drafting Committee to prepare a draft of certain articles. It was necessary to hasten business as much as possible, and he called upon the members to limit their speeches to what was absolutely necessary,

otherwise it might be necessary to sit in the evening if the work was to be completed within a week.

Viscount CECIL OF CHELWOOD (British Empire) pointed out that the work before the Committee was of great international importance and should not be unduly rushed, even at the expense of causing the Assembly to sit for a day or two longer than it might otherwise do.

The CHAIRMAN suggested that the Sub-Committee on Slavery should sit at once to consider certain articles of the Slavery Convention which were not under consideration by the Drafting Committee.

This proposal was adopted.

FOURTH MEETING

Held on Tuesday, September 21st, 1926, at 3 p.m.

Chairman: M. DE BROUCKÈRE (Belgium).

12. Question of a Maximum Limit of Expenditure in connection with the Work of the League: Communication from the Fourth Committee.

The CHAIRMAN informed the Committee that he, as well as the other Chairmen of the Committees of the Assembly, had received the text of a resolution adopted by the Fourth Committee taking note of the tendency of the budget of the League to increase, and pointing out the necessity of resisting that tendency, having regard to the economic situation prevailing in the world, and the importance, therefore, of not losing sight of the necessity of fixing a maximum expenditure, in order that the contributions of the various Members should not exceed the present scale.

As a matter of fact, the Sixth Committee seldom took decisions which involved expenditure.

13. Progress of the Work of the Committee.

The CHAIRMAN said that it appeared, as the result of a meeting of the General Committee of the Assembly, that the Assembly would be able to finish its work on Saturday, September 25th. The General Committee, of course, was not issuing instructions to the various Committees of the Assembly, but it hoped that it would be possible for the Sixth Committee, without in any way neglecting its work or doing it in a superficial manner, to conclude its labours in sufficient time to permit the Assembly to rise on Saturday. In these circumstances, it might perhaps be necessary for the Committee to sit concurrently with the plenary Assembly.

14. Ratification of Agreements and Conventions concluded under the Auspices of the League: Report of the Sub-Committee.

The following report of the Sub-Committee appointed at the last meeting of the Committee was read:

"The Sub-Committee met on September 17th at 4 p.m. and, after discussing the draft resolution proposed by Viscount Cecil, delegate of the British Empire, it decided to submit the following draft resolution to the Committee:

"The Assembly,

"Observing with regret that many conventions and agreements concluded under the auspices of the League of Nations have remained ineffective, or have only come into force after undue delay, owing to the difficulty experienced in securing a sufficient number of ratifications by the signatories:

"Desires to call the attention of the Governments of all States Members of the League to the necessity for taking all measures in their power to facilitate and expedite the ratification in all cases of conventions and agreements signed in their name;

"And decides to invite the Council of the League to call for a report every six months on the progress of ratification and to consider methods for securing the more rapid bringing into force of these agreements and conventions."

The CHAIRMAN submitted that, as the question had already been discussed, the Committee might proceed at once to adopt the report.

The report was adopted.

Viscount CECIL OF CHELWOOD (British Empire) was appointed Rapporteur to the Assembly.

The CHAIRMAN thought it unnecessary to ask Viscount Cecil to draw up a new report, as the report of the Sub-Committee would suffice. Viscount Cecil might make any comment upon it that he wished in presenting it to the Assembly.

15. Mandates.

The CHAIRMAN reminded the Committee of the following resolution adopted by the Assembly, on the proposal of Dr. Nansen, on September 15th, 1926 :

" The Assembly,
" Following the precedent already established in previous years:
" Decides to refer to the Sixth Committee the annual reports of the mandatory Powers, the reports of the Permanent Mandates Commission, and all other documents dealing with the mandates question which have been distributed to the Members of the League since the sixth ordinary session of the Assembly. "

Dr. NANSEN (Norway) said that the points requiring discussion were matters of broad general principle and it was desirable that they should be discussed in full Committee before being passed to a Sub-Committee for the preparation of a report to the Assembly. He wished to raise certain points : (a) minor matters arising out of various reports of the Mandates Commission, upon which no formal resolution by the Assembly was necessary but to which reference might be made in the report of the Committee ; and (b) questions of more importance upon which the Assembly might adopt definite resolutions.

It was gratifying to note that, for the examination of the reports of most of the mandated territories during the past year, the mandatory Powers had sent a representative with a direct knowledge of the conditions in the territory, in several cases one of the chief administrative officials on the spot. This was practical evidence of a co-operative spirit on the part of such Powers, of which the Assembly should express its appreciation.

The members of the Committee had no doubt learned with satisfaction that definite arrangements were now being made for the sale to the public, through the Secretariat, of the annual reports of the mandatory Powers. The fact that those reports had, up to the present, not been more readily available had been of undoubted inconvenience. Special reference should be made to the generous offer of the Japanese Government to provide copies of their reports free of charge.

A final agreement had just been reached between the Portuguese Government and the Union of South Africa concerning the frontier between Angola and the mandated area of South-West Africa, and regarding the waters of the Kunene River. The text of this agreement would shortly be available for the members of the Assembly, but had not yet been distributed. It was impossible, therefore, to express any opinion on its merits, though it was desirable that the Committee should express its satisfaction that a long-standing dispute had been amicably settled.

The Mandates Commission was satisfied with the explanation of the meaning of the term " in full dominium " given by the Government of South Africa, as applied to the railways and harbours of South-West Africa. The Commission considered, however, that the text of the law providing for their administration should conform to the interpretation given by the Commission, and the Union Government would be able, no doubt, to meet this reasonable request.

Appreciation should be expressed of the fact that the Commission had given a great deal of attention to the fundamental problems arising in connection with the administration of African territories — native labour, education and public health.

Among the less favourable minor points in the reports of the Mandates Commission was the fact that the importation of alcohol into many territories had increased during the past year. The question of the liquor traffic was of the greatest importance, particularly in Africa. Up to the present, the hope expressed by the Assembly during its fifth ordinary session that the definition of technical terms concerning the liquor traffic in mandated territories should be as little delayed as possible had not borne definite results. The matter was again before the Mandates Commission, and he thought the hope might be expressed that there should be no further delay.

The Mandates Commission had expressed regret that the mandatory Powers had not always replied in writing to the observations made by the Commission on the administration of their mandated territories. It would seem useful that this procedure should always be followed in order that a permanent record might be made of the comments of the mandatory Powers — a record which would be of value to the Commission, the mandatory Powers and the other Members of the League.

Although the mandatory arrangements for Iraq had been in force for two years, the Commission had not yet been able to examine the conditions in that territory. This delay was to be regretted, but had no doubt been inevitable because of the political situation concerning the Mosul frontier. That matter was now settled and it was hoped that there would

be no further obstacles to the carrying out by the Mandates Commission of the normal responsibilities of the League with regard to the Government of Iraq. The examinations which were now to begin would, he was convinced, assist in the development of the governmental system now being built up in that territory.

On several occasions the Assembly had adopted general resolutions recording appreciation of the work done by the Mandates Commission and giving strong support to the action it had taken. There was every reason to follow this practice also this year. The Commission had had more important work than ever before in the year just ended, and had dealt with matters of the very gravest political importance which must have taxed to the utmost its wisdom, patience and courage. Several meetings had been held, and its work had occupied a considerable number of weeks, apart from the preparation for the meetings. Anyone looking into the mass of literature which each member had to study would appreciate what self-sacrificing devotion had been shown. He suggested the adoption by the Committee of the following resolution containing expressions based largely upon a speech made by Dr. Beneš at the last meeting of the Council, at which the report of the Commission on the work of the last session was discussed :

“ The Assembly,

“ Recalling the opinion of the Council that full latitude should be left to the Commission as regards reports, and its decision that the Commission should examine the whole administration of the mandatory Powers with a view to determining whether that administration had conformed to the interests of the native population :

• “ Desires to record its high appreciation of the admirable work done by the Permanent Mandates Commission, and of the tact, devotion and complete impartiality which it has shown in carrying out its difficult and delicate task. ”

Dr. Nansen said that there had been so much misunderstanding about the questionnaire prepared and approved by the Mandates Commission in June last that the Sixth Committee might also endeavour to throw light on the matter. The object of the questionnaire was to facilitate the work of the mandatory Powers in drawing up their annual reports and to make it easier for the Mandates Commission to find the necessary information without asking so many supplementary questions. The questionnaire referred only to the B and C mandates, and was not concerned with Syria, Palestine and Iraq.

The Council, however, had up to the present not been able to recommend the adoption of this questionnaire. Some of the statements made during the discussion in the Council appeared to be based on misunderstandings and could perhaps not be considered as representing the mature judgment of the members had they had full opportunity of considering the report of the Commission in all its bearings. One member, for example, had said that the questionnaire pointed to a tendency to extend the authority of the Mandates Commission until “ government would no longer be vested in the mandatory Power but in the Mandates Commission ”. No one who read the published Minutes of the Mandates Commission or its reports could imagine that any such intention existed.

• Again, another member was reported in the Minutes of the Council to have stated that South-West Africa was an “ integral part of the Mandatory’s own territory. ” That was probably a misreport of what the representative of South Africa had said, because Article 22 of the Covenant merely provided that territories under mandate “ can best be administered under the laws of the Mandatory as an integral portion of its territory ”. That was a distinction and a difference of the greatest importance, and it was desirable either that the Minutes of the Council should be corrected or that some statement should be made to clear up the matter.

The real importance of the discussion in the Council lay in the fact that it must leave on the minds of those who read the Minutes the impression that the Council, or those of its Members who were also mandatory Powers, were of opinion that, in drawing up the questionnaire, the Commission had in some way unintentionally exceeded its legitimate rights and powers under the Covenant. He felt sure that a careful examination of the questionnaire would show that this view could not be maintained. The Commission had only completed and amplified its original questionnaire and had given a great deal of time and care to the work. He saw no difference, in principle, between the original questionnaire and the proposed new one ; but if any member of the Sixth Committee had any doubts on the point, he hoped that M. Van Rees and other members of the Mandates Commission who were present would be able to remove those doubts.

Another point that was discussed by the Council resulted from the decision of the Mandates Commission to ask the Council whether it would be desirable to draw up a code of rules for the hearing of petitioners in person ; the Commission expressed at the same time its belief that it would be wise to make use of such a procedure only on very rare occasions.

There was certainly some danger of abuse of the right of petition, which might undermine the authority of a mandatory Power, but, on the other hand, the right of petition might be considered a valuable safety valve ; it was even held by some authorities that in some mandated territories — Palestine, for example — the exercise of the right had actually improved the relations between the different racial and religious elements of the population.

He had no fixed opinion as to the merits of those views, but the matter seemed to him to be of broad general importance and one which the Sixth Committee might consider and upon which they might hear the views of M. Van Rees or any of his colleagues. It was evident that misconceptions prevailed in the minds of members of the Council on the matter. Nothing was further from the minds of the members of the Commission than that it should hear petitioners without having also the comments of the mandatory Powers. The right of petition was obviously one of the important methods by which the Mandates Commission could secure information.

Dr. Nansen then proposed the following draft resolution :

“ The Assembly decides to transmit to the Council the Minutes of the discussions of the Sixth Committee on the question of mandates and to invite the Council to take this record into consideration when the draft list of questions relative to the annual reports on B and C mandates comes up for final discussion. ”

M. VAN REES, Vice-Chairman of the Permanent Mandates Commission, thanked Dr. Nansen for his speech, which would certainly be greatly appreciated by all the members of the Mandates Commission. He only desired to refer briefly to the two points on which he had been asked to give information : the questionnaire and the hearing of petitioners.

At its very first session, the Mandates Commission had endeavoured, in order to proceed in the most methodical way and, at the same time, to facilitate the drafting of the annual reports by the mandatory Powers, to group under certain headings precise questions which it would be likely to discuss when examining the annual reports. This was the historical origin of the original questionnaires for the B and C mandates, which were submitted to the Council, approved by it on October 10th, 1921, and transmitted to the mandatory Powers. It was evident that these questionnaires, drafted during the first year of the Commission's existence, could only be of a provisional character, as it was materially impossible to foresee from the outset all the questions of principle which would be raised by the application of the mandates system. The Commission had accordingly to be content with questionnaires of comparatively restricted scope and had reserved the right to supplement them later in the light of the experience gained during the course of its work. Wishing, however, to avoid the impression of creating difficulties for the mandatory Powers, the Commission had refrained from preparing a final questionnaire until five years after it had adopted the original revised questionnaires. And, even then, so anxious was it to avoid any appearance of exercising its supervisory mission in a spirit of mistrust towards the Mandatories that it did not even give the new document the title of “ questionnaire ” but employed the very neutral and innocent term “ list of questions ”.

What, in fact, was this questionnaire ? It was only a reproduction in concrete form of the various questions discussed with the accredited representatives of the Mandatories, who had never raised any objection in this connection ; it was, so to speak, only a condensation of the previous work, and a faithful reproduction of the questions which had occupied the Commission's attention. The list submitted to the Council contained nothing new and, therefore, could not indicate any intention of adopting a new line of action towards the mandatory Powers more embarrassing for them than that which the Commission had hitherto followed.

As to the hearing of petitioners, he quite saw that the few lines in the report dealing with this important question could have given rise to a misunderstanding with regard to the scope of the opinion the Council was asked to pronounce. The Commission might plead that it had thought that this part of its report would have been read in conjunction with the Minutes and their annexes. If that had been done, there was really no room for misunderstanding, as Annex 3 to the Minutes contained a perfectly clear note which had served as a basis for all the discussions and which clearly showed the spirit in which the hearing of petitioners had been contemplated.

He would like to read this document, which would clearly show how the Commission had conceived this problem :

“ The embarrassing question of procedure in regard to petitions has once again engaged the attention of the Permanent Mandates Commission. While the provisions laying down this procedure, as approved by the Council, do not rule out the possibility of petitioners being heard by the Commission, they do not expressly provide for such a step. Hitherto, the Commission, acting in the spirit of these provisions, has refused to hear petitioners desirous of submitting their grievances orally. It considered that the Council, when it provided that no petition should be examined until the mandatory Power concerned had had an opportunity of appending its observations, seemed to have ruled out by implication the possibility of any direct discussion between the Commission and petitioners.

“ The Commission is in full agreement with the views which dictated the Council's decisions in this matter. The experience of the last few years has, however, shown that, in certain exceptional cases, the procedure laid down might not give full effect to the intentions of the Council, which desires that any complaints made to the Commission should be thoroughly and impartially considered.

“ When a case of this kind is brought before the Commission, the latter, in accordance with the procedure in force, examines it in the light of the observations made by the mandatory Power and sometimes of the declarations of the accredited representative.

Though the members of the Commission have the most absolute confidence in the goodwill of all the mandatory Powers, they are bound at times to feel a certain uneasiness in simply rejecting petitions on the observations of the State against whose action these petitions are directed.

" I feel that, in order to guard the League of Nations against the charge of apparent partiality which might in certain cases be brought on account of this somewhat one-sided procedure, and to dispel genuine misunderstandings which might not be removed by this procedure, it would perhaps be desirable to consider its improvement.

" At the same time, my colleagues are as fully aware as I am of all the drawbacks, and even dangers, involved in the adoption of new rules, which ill-disposed or merely ill-informed persons might regard as an encouragement to recrimination. The chief desire of the Commission is to do nothing which might add unnecessarily to the heavy burden of the mandatory Powers. It is indeed specially well placed to understand the conscientious manner in which these Powers administer, on behalf of the League of Nations, the territories entrusted to their care. At the same time, the Commission will be readily excused if it does not desire to add still further to its own exacting work.

" To allay certain conscientious scruples felt by some of its members, and to reconcile their duty to observe impartiality and their earnest desire to obviate an increase in the number of petitions, the Commission might submit the following suggestion for the consideration of the Council."

M. Van Rees here observed that, as a matter of fact, the Commission had not submitted any recommendation or even suggestion to the Council. It had merely mentioned the existence of a certain difficulty and had asked the opinion of the Council in regard to that difficulty. Otherwise, it would undoubtedly have advocated some such course as that outlined in the following passage of the above-mentioned note :

" The rules now in force would remain untouched. If, however, by the time the procedure had followed its normal course, the Commission were still unable to form a clear, definite and final opinion on the merits of a petition, and if, on being informed of its conclusions, the petitioners should return to the attack and request the privilege of a hearing by the Commission, the latter might take such request into consideration. It would be a condition that the second petition should be transmitted to the Commission through the same channel as the first and should not be considered by the Commission until the mandatory Power had had every opportunity of expressing its views on the request.

" In that case, after further careful examination of that reasoned request, the Commission might consider what action to take upon it. If the Commission considered that an interview with the petitioners would be genuinely likely to clear up a situation which would otherwise remain obscure, it could then decide to give the petitioners a hearing. The mandatory Power would be notified of its decision in time for its accredited representative to attend the hearing of the petitioners if his Government should think his attendance desirable. It would be understood that the Commission would under no circumstances have any official interview with the petitioners in the absence of the accredited representative of the mandatory Power unless it had first received an assurance that the mandatory Power preferred not to be represented at such an interview.

" It would also, of course, be understood that the new procedure could only apply to such petitions as were held to be receivable under the present rules. Any grievances and recriminations in regard to questions not connected with the execution of the mandate, the terms of which have been laid down by the Council itself, would be excluded at the outset.

" Delicate as the subject of this suggestion is, and, although the proposed new procedure would necessarily — and very fortunately — be seldom resorted to, in certain exceptional circumstances its adoption might perhaps dispel regrettable misunderstandings. So far from increasing the difficulty of the work of the mandatory Powers, the suggested procedure might even render it easier."

He thought that this passage justified the following conclusions — first, that there was no ground for exaggerating the scope of the question which the Commission had decided to submit to the Council ; secondly, that, so far from ignoring certain unfortunate consequences which might result from the hearing of petitioners, the Commission was very keenly alive to their existence ; thirdly, that, in view of those consequences, the Commission laid special emphasis on the necessity of limiting such hearing of petitioners to quite exceptional cases when all other means of gaining satisfactory information should have proved ineffective ; and fourthly, that in those exceptional cases the hearing of the petitioners would be attended by every precaution to safeguard the dignity and prestige of the mandatory Powers.

M. Van Rees, concluding, said that it was not for him to enter into the merits of the two questions raised, as he considered that he was only present at the meeting in order to explain the intentions of the Mandates Commission.

Mme. BUGGE-WICKSELL (Sweden) said there was no use denying that a certain controversy had arisen between the Council and the Permanent Mandates Commission which was deeply

felt by all the members of that Commission. As one of those members, she wished to state that that controversy had in no way its origin in the decisions taken by the Council to refer both the matter of the hearing of petitioners and the questionnaire to the mandatory Powers for their observations — a procedure to which the Commission was the last body in the world to object. The controversy originated, in reality, from the spirit in which the report of the Commission had been received by the representatives of the mandatory Powers sitting on the Council. The Commission was accused of exceeding its competence and going beyond its duties. The remarks of the British representative had already been quoted by Dr. Nansen, and the representatives of all the mandatory Powers (except Australia, whose representative was not present) had associated themselves with his opinion.

Mme. Bugge-Wicksell did not wish to add anything to the explanations given by the Vice-Chairman of the Permanent Mandates Commission, but, as regards the question of the hearing of petitioners, she would emphasise what he had said to the effect that all that the Commission had done was to express the wish to know the opinion of the Council concerning the advisability of taking that course in certain exceptional cases. Certainly no attempt to exceed its competence could be found in that desire.

As regards the enlarged questionnaire, she would also point out that it did not contain one question which had not, in the course of the last two or three years, been repeatedly put to the accredited representatives of the mandatory Powers without in one single case, as far as she could remember, meeting with a refusal or even a hesitation on their part.

The Permanent Mandates Commission was composed of ten members. Of those, eight came from countries which possessed large colonies of their own and four of which were mandatory Powers. Four of the members had spent their whole life in the colonial service of their respective countries; they had been Governors-General over territories larger than most European countries and had made their flag honoured in those territories. Did anybody suppose that those men had not as keen a sense of the dignity of their countries as had the representatives of the mandatory Powers on the Council? Did anybody think that they would have suffered for one moment questions being put which showed a tendency, on the part of the Commission, to exceed its competence or unduly to interfere in the governmental rights of the mandatory Powers?

The Vice-Chairman of the Commission had explained before the Council the terms of reference which formed the limits of the competence of the Commission and which were to be found in the Covenant itself, in the report of M. Hymans approved by the Council, and in the constitution of the Commission written and approved by the Council. In those documents the province of the Commission was outlined, and the Commission had never dreamed of going beyond it. But neither could the Commission dream of neglecting its duty of supervising the observance of the mandates.

She was very glad to state that, up to this time, the Commission had found in most of the accredited representatives whom the Mandatories had sent to it not only willing but enthusiastic collaborators, and she fervently hoped that the final decisions of the Council would not hamper the liberty of the Commission to pursue further the method of hearty collaboration which it had followed up to this time. She also hoped that the Assembly would find that the work of the Permanent Mandates Commission, so difficult, arduous and delicate, could be safely continued on the same lines as hitherto.

General FREIRE D'ANDRADE (Portugal) said he had very little to add to the very clear statements of the Vice-Chairman of the Mandates Commission and of Mme. Bugge-Wicksell. He wished, however, to say that there was nothing restrictive in the rôle of the Mandates Commission as laid down by the Covenant: "A Permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates". The Commission had, however, realised that it must do nothing to embarrass the mandatory Powers in the execution of their task, and it had laid stress on the fact that it regarded itself as a Commission whose duty it was to study reports and give opinions, and not to criticise but to co-operate.

On the one hand, there were some who accused the Commission of doing nothing but give bouquets to the mandatory Powers. That was quite unjustified. Others said the Commission was always exceeding its powers. Others, again, thought that it did not go far enough — as, for instance, a representative of the British Empire in the Sixth Committee of the fifth ordinary session of the Assembly, who had suggested that the Commission ought to lay down general principles for colonial administration.

Without any desire to criticise the country to which he was going to refer, for whose administrative system he entertained the greatest admiration — which, indeed, he had already expressed before the Assembly — and in order merely to illustrate how, in his view, facts could sometimes give rise to different interpretations, he would quote the following occurrence: The representative of a mandatory Power which had always been the subject of the highest eulogies from the Mandates Commission had said in the Council that his country was beginning to feel a certain impatience at the minute enquiries made by the Commission into the details of the administration. Perhaps it would interest the members of the Committee to know that the examination of the annual reports on the mandated

territories in question had, as a matter of fact, occupied the Commission as follows : in 1921, 3 hours ; in 1922, 2½ hours ; in 1923, 2 hours ; and in 1924-25, 4½ hours.

The Permanent Mandates Commission had, in the course of its nine sessions, held 203 meetings ; it had submitted to the Council reports on thirty-eight general questions ; the annual reports submitted to it by the various mandatory Powers amounted to a total of 6,510 pages. He therefore considered that the Permanent Mandates Commission was doing its best to fulfil the difficult rôle entrusted to it and that, at the same time, it endeavoured not to put difficulties in the way of the mandatory Powers, for it was in a position to appreciate the importance of the delicate task assigned to them by the League of Nations.

Viscount CECIL OF CHELWOOD (British Empire) wished to say most clearly that he regarded with the greatest admiration the work done by the Permanent Mandates Commission. He recognised the extremely difficult and complex task with which it had been entrusted and hoped that nothing would be said during the present debate which would throw the slightest doubt upon the appreciation and gratitude which was felt for the energy and disinterestedness of its members.

As regards the resolution proposed by Dr. Nansen, he thought it might be desirable to omit some of the adjectives, which added hardly anything to the strength of the statement and had rather an air of challenge and controversy which ought to be absent from anything done by the Sixth Committee. He did not think, however, that it would be difficult to reach an agreement.

As regards the relative position of the Council and the Assembly in matters concerning mandates, this question had been discussed a good deal at one of the early Assemblies of the League, and he had always understood that the principles which were then established were sufficiently clear. There was no doubt that it was the duty of the Council, in the first place, to supervise the execution of the mandatory authority under the League. According to Article 22 of the Covenant, the Mandates Commission was to report to the Council, and the Council was the body mentioned throughout that article. On the other hand, it was quite clear that the Assembly was entitled to express its opinions on any points connected with the mandates, and particularly on questions of general principle, because these were evidently the matters with which a body like the Assembly was qualified to deal in its discretion. A certain self-restraint and care should, however, be shown in exercising that discretion. Nothing could be less desirable or more unfortunate than any appearance of an attempt to bring the Council to judgment or even to discuss, except what was absolutely necessary, the debates and discussions which had taken place therein. That would introduce an entirely new element into the discussions of the League, and one regarding the introduction of which great care should be exercised.

True co-operation between the Council and the Assembly was the very essence of the smooth and satisfactory working of the League, and nothing should be done which would in any way cause friction between those two bodies.

As regarded the question at present under discussion, a good deal had been said about some phrases which appeared to have been used in a discussion in the Council. He was of the opinion, however, that the indignation or doubt which had been aroused by certain of those expressions had been, to a very large extent, unjustified. It was unwise to be too sensitive ; it was not always possible to phrase an observation in a way which would at once convey one's own meaning and not be misunderstood by others. He did not think the phrases in question were intended as a criticism of the Mandates Commission but rather in the nature of a caution as to the possible future development of its action, a caution which he was sure was borne in mind by that body during the whole of its transactions and proceedings.

He had been delighted, though not in the least surprised, by the statement made by Mme. Bugge-Wicksell that nothing was further from the minds of the members of the Permanent Mandates Commission than to impinge in any way upon the just responsibilities of the mandatory Powers. Further, he thought the phrase used by the delegate of Portugal that the business of the Commission was to co-operate and not to criticise constituted an admirable definition of the true duties of the Mandates Commission.

As regards the substance of the discussion — the questionnaire and the right of petition — he did not feel in the least qualified to express any opinion on these subjects, and, with the greatest respect for those members of the Committee who had expressed or suggested opinions, he doubted whether they were really qualified to do so. These two matters had been considered by the Council but it had taken no final decision ; all it had done was to request the observations of the mandatory Powers on the points in question, and it was evident that no fair judgment could possibly be given until the observations of the mandatory Powers were known. The matter was, so to speak, still *sub judice*, and until the investigation had taken place the Committee was not in the position to express an opinion.

With regard to the right of petition, it was clear, from the statement of the Vice-Chairman of the Permanent Mandates Commission, that the situation was an exceedingly delicate and complicated one, and until more was known about it he thought it would be unwise to express an opinion. He hoped that the Committee would agree to adopt a general resolution expressing its appreciation of the work of the Mandates Commission and, at the same time, acceptance of the action which the Council had so far taken, namely, to refer these questions to the mandatory Powers for their observations.

M. NEMOURS (Haiti) said that he had not needed to hear M. Van Rees' statement in order to form a just opinion of the report of the Mandates Commission — the report itself was sufficiently clear.

The Mandates Commission had been accused of exceeding its powers, but there could be no doubt that it was acting within them. This would be confirmed by a reference to M. Hyman's statement in an earlier report to the effect that the power of supervision of the Mandates Commission extended to the whole administration of the mandatory Powers and that the Commission might also submit to the Council any question which covered that administration. The Mandates Commission was therefore entitled to raise the questions which it had raised. The fact that the Mandates Commission was in no way acting in a spirit hostile to the mandatory Powers was evidenced by the eulogies pronounced on the administration of the mandatory Powers in various reports of the Commission. The Committee knew the eminent men composing the Mandates Commission, and he did not think it need have any uneasiness on that point.

As regards the questionnaire, the Commission had been accused of adopting an inquisitorial attitude, but it was clearly stated on the front page of the questionnaire that it was not intended that the questions should necessarily be reproduced in the reports, but that the reports should be drawn up in accordance with the general plan of the questionnaire. This ought completely to reassure the mandatory Powers.

As regards the hearing of petitioners, it had been made quite clear that the hearing of all petitioners had never been contemplated. Seditious elements in the mandated territories ought certainly not to be encouraged but, on the other hand, the question of justice ought to be considered; and it would be deplorable if the weak were to gain the impression that justice was not as accessible to them as to others.

In conclusion, he thought that the Committee ought to approve both the list of questions and the suggestion regarding the hearing of petitioners.

M. LOUWERS (Belgium) thought the Committee ought to express its gratitude to Dr. Nansen for giving it an opportunity of engaging in a discussion which gave evidence of the vitality and independence of the League and the ability of Members to tell each other the plain truth. This was a consoling spectacle but, on the other hand, it had a somewhat painful aspect, because it put the Assembly in a difficult situation.

In substance, Dr. Nansen had presented a difference of point of view between the Mandates Commission and the Council, and the Sixth Committee was almost put in the position of being asked to take sides. He was sure that a great number of his colleagues had no desire to do so. How, indeed, could the Committee, in the short time at its disposal and without preliminary study, take a definite stand regarding the very delicate questions which were the subject of discussion between two important organs of the League? He thought it undesirable that such a debate should continue. In his opinion, instead of emphasising the points which might divide the members of the Committee it would be better to emphasise the points upon which they were united. There were many such points, and these should be emphasised in a general resolution which could be unanimously adopted.

The Committee had, in the first place, a feeling of deep gratitude to the Permanent Mandates Commission, which deserved its thanks for the devotion, zeal and ability with which it was fulfilling its delicate and difficult mission. As regards the Council, the Committee ought also to express its confidence. These two organs of the League ought to feel that the Sixth Committee was convinced that they had only one end in view, namely to apply completely the principles of the Covenant in regard to the territories under mandate. The mandates system was a new institution needing delicate handling at the beginning. The Assembly must show clearly to the two essential organs of the mandates system — the Council and the Mandates Commission — that it had full confidence in the political judgment of their members and that it felt sure they would always find the most suitable solutions for the complex problems which they would be called upon to solve.

He therefore moved the following resolution:

“ The Assembly :

“ Having taken note of the report of the Council regarding the mandated territories and of the discussions to which this report has given rise in the Council ;

“ The Vice-Chairman of the Permanent Mandates Commission having been heard :

“ Thanks the Permanent Mandates Commission for the devotion and zeal which it has brought to the accomplishment of its delicate task ;

“ Expresses confidence in the political spirit of the members of the Committee and of the Council for the purpose of assuring, in a cordial spirit of collaboration with the mandatory Powers, the application of the principles of the Covenant. ”

The CHAIRMAN observed that there were really three motions before the Committee which were not absolutely in conflict with each other, and he thought that the authors of the draft resolutions might confer together and produce an agreed text. If they could do this at once it might be possible for the Committee to adopt the agreed proposal and to conclude the debate at the present meeting, which it was most desirable to do.

Dr. NANSEN (Norway) thought it would be very difficult to draw up a resolution before hearing the remainder of the speakers.

Mr. SMIT (South Africa) said he had been present at the meeting of the Council at which the question at issue had been discussed. After listening to the present debate, it seemed to him that many members of the Committee had misread the trend of the discussion in the Council. They seemed to think that the Mandates Commission had been put on its trial and had been accused of lack of tact, lack of devotion, and lack of complete impartiality. This was certainly not the impression which he had gained from the meeting of the Council. Personally, far from criticising the work accomplished up to the present by the Commission, he associated himself entirely with the words of appreciation expressed by several members of the Committee. Certain members of the Council had, however, given expression to fears that the Permanent Mandates Commission might, in certain circumstances, go further than would be taken in a friendly spirit by the Mandatories and forget that they were dealing with sovereign States.

The Mandates Commission wished to put a very wide construction on the powers conferred upon it. The Mandatories, on the other hand, considered justifiably from their point of view, that the Mandates Commission was only called upon to receive and examine the annual reports of the Mandatories and to advise the Council thereon, and that it had practically no right of initiative and no right to direct the future policy or conduct of any Mandatory. The Permanent Mandates Commission had submitted certain suggestions to the Council upon which an opinion had been asked. The Council had been wise enough to refer the matters of the questionnaire and the hearing of petitioners to the Mandatories, and the next step lay with them.

Dr. Nansen had put a question to the speaker referring to the ownership of the railways in South-West Africa, and he wished to explain the position in this connection. In South-West Africa, which had been handed over to a sovereign State — the Union of South Africa — there were railways which had been built by the German Government; during and after the war, however, the Union Government had also built railways. The property had to be vested in someone, and it was not thought advisable to vest it in the Administrator, who was an official of the Government; "full dominium" of the railways was consequently vested in the Government of the Union. If the mandated territory should decide to separate from South Africa when it had a properly developed constitution or if it should later on be handed over to another mandatory Power, it would be a matter of negotiation with the Union Government as to how the property should be vested and what should be paid for it. Another legal term might be adopted, but he did not think it would give any better practical result. Certain people attached tremendous value to the passing of a new Act, but he did not think this would have any effect in South-West Africa.

Dr. Nansen had also referred to a statement made by Mr. Smit at the Council meeting to the effect that South-West Africa was an integral part of the Dominion of South Africa. He pointed out that he had not been alone in making this assertion before the Council — it had also been made by Sir Austen Chamberlain — and it was not his intention to withdraw it. Dr. Nansen had quoted the Covenant, but Article 22 of the Covenant was only the Council's mandate and not that of the Union of South Africa. The mandate of the Union of South Africa was contained in a separate document, Article 2 of which read as follows:

"The Mandatory shall have full power of administration and legislation over the territory, subject to the present mandate, as an integral portion of the Union of South Africa, and may apply the laws of the Union of South Africa to the territory, subject to such local modifications as circumstances may require."

He admitted that he might have said that the territory should be administered as an integral part of the Dominion of South Africa, but he thought that his statement conveyed the intention of the paragraph above quoted.

M. YOSHIDA (Japan) joined the other members of the Committee in their high appreciation of the admirable work of the Mandates Commission and expressed the willingness of his Government to co-operate in every possible way. It was most difficult, however, to collect information from the 1,400 islands mandated to Japan. Their total area was only a little over 2,000 square kilometers and they were scattered over an expanse of sea 1,200 miles from north to south and 2,500 miles from east to west. It was almost a physical impossibility to collect that information, at any rate, in the time fixed for the despatch of the annual report.

Dr. NANSEN (Norway) thought that, as regarded the legal status of the railways of South-West Africa, there was no difference of opinion between the delegate for South Africa and himself; at any rate, they agreed in substance on the point. He understood also that the honourable delegate withdrew his remark regarding Article 22 of the Covenant made at the Council meeting. It would be well, therefore, if the words in the Council Minute were altered to read "as if they were an integral part" and not "they are an integral part".

Viscount Cecil had said that restraint and care must be shown in discussing this question. He believed he had shown much restraint in what he had said and he had tried to be as careful as he possibly could. Many members of the Council were also representatives of mandatory Powers, and he thought that the question whether they spoke in the Council as representatives of mandatory Powers or of Members of the Council ought to be cleared up.

Sir Joseph Cook (Australia) pointed out that this remark applied also to the Sixth Committee.

Dr. NANSEN (Norway) agreed.

Mr. SMIT (South Africa) said that he did not speak here as representing a mandatory Power.

Dr. NANSEN (Norway) said that Viscount Cecil had stated that the function of the members of the Mandates Commission was to co-operate and not to criticise. The Covenant provided, however, that the Commission should receive and examine the reports of the mandatory Powers. In those circumstances, it would seem difficult for them to confine themselves to co-operation; if they were not allowed to make remarks on those reports, their whole work was worth nothing.

Viscount CECIL OF CHELWOOD (British Empire) admitted the possibility of understanding the words he had used (which were not his but the words of the Portuguese representative) in the sense mentioned by Dr. Nansen. But criticism was of two kinds — that intended to bring somebody to hatred, ridicule and contempt, and that which helped others to do right. The latter kind was right and proper and was essentially co-operation, while no one present would defend the use of the first kind of criticism in such a case as the present.

Dr. NANSEN (Norway) entirely agreed. Viscount Cecil had also said that the members of the Sixth Committee were not qualified to discuss the questionnaire. He thought, however, that, at any rate, the three members of the Mandates Commission who had already spoken might be regarded as qualified to do so.

Viscount CECIL OF CHELWOOD (British Empire) explained that, as far as he himself was concerned, he did not think he was qualified.

M. DE JOUVENEL (France) thought that Dr. Nansen, in the most innocent way, was asking the Committee to upset the constitution of the League of Nations. The Mandates Commission, an advisory organ of the Council, had submitted a questionnaire and proposals concerning the hearing of petitioners. The Council, before taking any final decision, had decided to obtain the views of the Governments. Dr. Nansen now asked the Committee to intervene in that discussion between the Mandates Commission and the Council and to act as a judge on a small difficulty which had arisen between the two latter bodies. He thought that this was not at all a satisfactory method of procedure and that it might tend to create disorder within the League.

If the discussion went further, he must associate himself not only with the words of eulogy addressed to the Mandates Commission but with the reservations made by various speakers on this question. From his recent experience as High Commissioner in Syria, M. de Jouvenel had learned certain things both about petitioners and the value of petitions. As an instance, he quoted a police director who was not satisfactory to the population, but who, in his own defence, presented a petition signed by all his subordinates. He had also noted that in certain cases the same persons had signed petitions for and against in the same matter. He had recognised the necessity of making all possible efforts to substitute a method of election for that of petitions. He thought that a petition was too often a weapon used against the mandate and the mandatory Power. To be perfectly frank, he thought that the Mandates Commission had somewhat contributed to the prolongation of the revolt in Syria.

The task of the members of the Mandates Commission was extremely difficult. They must know everything, have a knowledge of countries in different continents, and every word pronounced by a member of the Commission had its echo far away, with results which were difficult to estimate.

Fully conscious of the difficulties with which the Commission was confronted and the real collaboration it was able to give to the mandatory Powers, but at the same time asking the Commission to recognise the difficulties of the mandatory Powers, the speaker thought that the discussion ought to be put in its right place, namely, between the Mandates Commission and the Council of the League, of which it was an advisory commission. He hoped that the Sixth Committee would limit itself, as proposed by the delegate of Belgium, to expressing its confidence in the Council and in the Mandates Commission.

The Hon. J. G. LATHAM (Australia) joined with all those who had spoken in appreciation of the work done by the Permanent Mandates Commission. Australia had always given the fullest information to that Commission and had no complaint whatever concerning the manner in which it had dealt with matters relating to Australian mandates.

The questionnaire and the proposed procedure in relation to the hearing of petitioners were, in due course, to be dealt with by the Council and the Governments directly concerned, and it would be of little service for the Sixth Committee to discuss them. The value and relevance of the questions naturally depended upon the local conditions, which the members of the Committee were hardly in a position to appreciate.

It was the duty and function of the Mandates Commission to advise the Council; but it was for the Council to say whether it accepted that advice or not and whether enquiries should be made before accepting or rejecting it. It was not, with all respect, the function

of a Committee of the Assembly even to appear to adopt an attitude of interfering in a partly heard matter or to express criticism of the action of the Council in reference to a suggestion made by the Permanent Mandates Commission.

It was important from every point of view to avoid divided responsibility. The mandatory Powers were, under the obligation to make annual reports, and every mandatory Power recognised and performed that obligation; its representative attended, when its report was examined by the Permanent Mandates Commission, in order to furnish full information regarding the administration of the mandated territory. In those circumstances, it would hardly seem justifiable to lay the further responsibility upon them of giving details of mandatory administration to the Sixth Committee.

The resolutions proposed by Dr. Nansen did not seem quite adequately to meet the circumstances of the case. The longer of those resolutions, beginning "The Assembly, recalling the opinion of the Council that full latitude should be left to the Commission . . .", might be understood as an endeavour to convict the Council of inconsistency. He asked that consideration should be given by Dr. Nansen to the aspect which such a resolution might present when looked at from another point of view from that which had hitherto been in the minds of a number of those present. He also suggested that the transmission to the Council of the Minutes of the present discussion was possibly not going to help the Council very much in the particular problems (the questionnaire and the question of the hearing of petitioners) with which it would have to deal.

The debate had not really centred upon the subject-matter of the questionnaire or upon the real subject of how petitions should be presented. On the other hand, the proposal might quite readily be taken as something in the nature of a rebuke to the Council, and that, he suggested, was not intended, was unnecessary, and was possibly imprudent.

He asked the Committee to consider a resolution on the lines of that proposed by the Belgian delegate, the material points of which he would summarise in some such form as this, which he thought would meet all their views:

"The Committee records its appreciation of the valuable work done by the Permanent Mandates Commission and awaits with interest the consideration by the Council of the subjects of the questionnaire addressed to the mandatory Powers and of the procedure in relation to petitions."

COUNT BONIN-LONGARE (Italy) was able to speak from the impartial point of view of a delegate of a country which was not directly interested. He wished to pay a tribute to the intentions which inspired Dr. Nansen's proposal. Dr. Nansen had always been an advocate of the rights of the League of Nations. After the long discussion, which had at times reminded him of the title of Shakespeare's play "Much Ado about Nothing", he retained in his mind, in particular, the tribute paid to the work of the Permanent Mandates Commission, a tribute which pleased him all the more because the Chairman of that Commission was one of his compatriots. Moreover, he thought no one desired to criticise the attitude of the Council towards the Mandates Commission, and he was of opinion that the Committee might agree to some resolution which made it clear that there was no divergence of view between the different organisations of the League. He had, however, one reservation to make. Something had been said which suggested that the mandated territories formed an integral part of the territory of the mandatory Powers. Article 22 of the Covenant, however, only stated that in certain cases mandated territories could be best administered under the laws of the mandatory Power as integral portions of its territory. Those words indicated that it was merely a similitude, and they could not be construed as meaning that the mandated territory was an integral part of the territory of the mandatory Power.

DR. NANSEN (Norway) thought that the proposals he had made could hardly be regarded as upsetting the constitution of the League, as had been suggested by M. de Jouvenel. As regarded his proposal to transmit the Minutes of the Committee to the Council in order to call its attention to the observations made in the Assembly, numerous precedents existed. As regarded the question of the competence of the Sixth Committee to discuss the questionnaire, this document, together with the other documents of the Mandates Commission, had been referred to the Committee by a unanimous vote of the Assembly.

Dr. Nansen thought that it might be possible at the next meeting to come to some agreement on a resolution on the lines suggested by the delegate of Australia.

M. VAN REES, Vice-Chairman of the Permanent Mandates Commission, while making no comment on the various questions debated in the course of the meeting, felt obliged to reply to one of the statements of M. de Jouvenel, who had inferred that the Mandates Commission, by the attention which it had given to certain petitions, had prolonged the revolt in Syria. M. de Jouvenel had perhaps lost sight of the fact that it was not on its own initiative that the Commission dealt with petitions but that it was one of the duties laid upon it by the Council, and that in performing this duty the Commission was bound by strict regulations confirmed by the Council. Out of the great number of petitions which reached it annually, very few could be recognised as being more or less well founded, but, nevertheless, the Commission had to examine them all conscientiously. It was the misfortune of this kind of work

that it pleased neither the objects of the investigations — as evidenced also by some remarks of M. de Jouvenel — nor those who carried them out. This duty of investigation, as indeed the entire work of supervising the administration of the Mandatories, constituted for the Commission a labour which was both hard and thankless. On the one hand, the Commission was told that it only conducted purely academic investigations and showed the innocence of children and, on the other hand, that it was far exceeding its powers. The speaker could not help hoping that those who closely followed the Commission's work would realise that it had always been governed by the consciousness of its moral responsibility, which had always obliged, and would always oblige, it to observe the strictest impartiality and accuracy.

The CHAIRMAN said that this very interesting discussion ought not to end with any impression that there had been a kind of conflict between the Mandates Commission and certain delegates. The Sixth Committee should not give the appearance of wishing to settle the controversy between the Council and the Mandates Commission. Nothing could be more incompatible with the spirit of the League of Nations. Several draft resolutions had been presented. He hoped that it would be possible to agree unanimously on a single text, and proposed that a small drafting committee should be appointed to consider the matter.

If M. Van Rees was right in saying that the task of the Mandates Commission was an ungrateful one, he thought they could all bear witness that, if accusations had been made against the Commission, they had not been made by the Sixth Committee. There had been the greatest unanimity in paying homage to the zeal and ability which that Commission had displayed in its task.

16. Mandates : Appointment of a Drafting Committee. . . .

The Committee agreed to the proposal of the Chairman, and the Drafting Committee was composed as follows : Viscount CECIL OF CHELWOOD (British Empire), M. DE JOUVENEL (France), Count BONIN-LONGARE (Italy), Dr. NANSEN (Norway), M. LOUWERS (Belgium) and Mr. LATHAM (Australia).

M. DE JOUVENEL (France) was happy to note that the meeting ended in a spirit of unanimous agreement. In these circumstances, he could also join in the congratulations addressed to Dr. Nansen for having opened this discussion, especially because it had given M. Van Rees, Vice-Chairman of the Mandates Commission, an opportunity of proving both the great conscientiousness which always inspired the members of the Commission and their impartiality, to which the delegate of France wished to pay tribute.

FIFTH MEETING

Held on Thursday, September 23rd, 1926, at 3.30 p.m.

Chairman : M. DE BROUCKÈRE (Belgium).

17. Consideration of the Draft Convention on Slavery as submitted by the Sub-Committee (Annex).

Viscount CECIL OF CHELWOOD (British Empire), Rapporteur, read the sections of his report which dealt with contentious questions, namely, those concerning Articles 2 and 3, 5 and 7. He pointed out that Article 3 was the only point on which the Sub-Committee had not arrived at a final decision, and the draft before the Committee therefore provided an alternative. The first paragraph was agreed and had never been doubted. The alternative for the section which followed was :

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

II. — " The High Contracting Parties undertake to negotiate as soon as possible a general Convention with regard to the slave trade which will give them rights and impose upon them duties of the same nature as those provided for in the Arms Traffic Convention (Articles 12, 20, 21, 22, 23, 24 and paragraphs 3, 4 and 5 of Section II of Annex II) with the necessary adaptations.

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

The majority of the members of the Sub-Committee were in favour of the second text, but, since some of them greatly preferred the first, the Sub-Committee desired to leave it to the Sixth Committee to decide between them. The draft report, however, proceeded on the theory that the solution accepted by the majority of the Sub-Committee would ultimately be adopted.

Two very trifling alterations would have to be made in the wording of the draft Convention as presented by the Sub-Committee, but they did not affect the sense in any way. The first alteration was the addition of the words "appointed by the Council of the League of Nations on June 12th, 1924", to the third paragraph of the Preamble, and the second was to substitute in Article 3 the words "the Convention of June 17th, 1925, on the International Trade in Arms" for the "Arms Traffic Convention".

Finally, Viscount Cecil submitted to the Committee the three resolutions which would be transmitted to the Assembly (see page 32).

The CHAIRMAN thanked Viscount Cecil for his report. He reminded the Committee of the decision taken not to open a general debate on the subject and suggested that the draft Convention be discussed article by article, after which the resolutions would be voted upon. Finally, the report would be considered, this report becoming that of the Sixth Committee to the Assembly.

Preamble.

It was decided to adopt the Preamble as it stood in the draft, with the following modification:

- "Considering, moreover, that it is necessary to prevent forced labour from developing into conditions analogous to slavery."

Article 1.

M. GOHR, Chairman of the Temporary Slavery Commission, said he had intended to present a small amendment to this article in order to fix exactly its scope, but perhaps it would be sufficient to do this in the report itself.

• The CHAIRMAN replied that it would perhaps be better to defer this point until the discussion of the report.

This article was adopted.

Article 2.

This article was adopted without modification.

Article 3.

• Sir William VINCENT (India) wished to make it clear that, pending further instructions from his Government, it was necessary for him to make a reservation in respect of this article as worded in the second alternative. The Arms Traffic Convention made a distinction between "native" vessels and other vessels, defining the term "native vessel" as follows:

"A vessel shall be deemed to be a native vessel if she is either owned, fitted out or commanded by a native of any country bordering on the Indian Ocean west of the meridian of 95° east of Greenwich and north of the parallel of 11° south latitude, the Red Sea, the Persian Gulf or the Gulf of Oman, or if at least one-half of the crew are natives of such countries."

The area referred to in this definition included the coast of India; therefore, all vessels owned by Indians or manned by Indian crews, of whatever class or tonnage, came within the definition of the term "native vessels". Further, under the Arms Traffic Convention, native vessels under 500 tons were subject to a right of search, to which other vessels were not subject. The reason for this distinction in the Arms Traffic Convention was, he understood, that the high contracting parties decided not to give permits or licences to native vessels under 500 tons in any circumstances to carry arms, whereas other vessels were, subject to certain restrictions, allowed to take on this traffic. The Arms Traffic Convention had not been ratified by India. There were additional reasons why the terms of that Convention should not be accepted in relation to slavery. In the first place, the slave trade stood on an entirely different footing from the arms traffic; whereas in certain circumstances the latter was legitimate, in no case was the slave trade anything but criminal, and there was no reason to give any class of vessel any special privilege or exemption. In the second place, it would not be consonant with the dignity of India to accept a Convention which suggested that Indian ships were not entitled to be treated in exactly the same manner and with the same consideration as the ships of other Powers. There was no slave trade off the coast of India, and Indian ships were not employed for this traffic. India was a civilised country with an efficient administration, and could not with justice be treated with less consideration than any other State Member of the League.

It was true that the article stipulated that necessary adaptations might be made in the Convention, but he understood that this referred only to adaptations necessary to convert an agreement made for one purpose into one now intended for another.

Anxious as he was to do everything possible to facilitate effective action against the slave trade, he regretted that, in the absence of instructions, he would be obliged to make the following reservation in respect of this article :

“ I also declare that my signature is not binding in respect of Article 3, in so far as that article may require India to enter into an agreement which would place her vessels in a position different from that of other States Signatories of the Convention. ”

Owing to the sincere desire of his country not only not to be obstructive but to render every assistance in the suppression of slavery and the slave trade, he had not pressed his objection to the whole article but had reduced his reservation to a minimum necessary, in his judgment, in the interests of self-respect and dignity of the great country which he had the honour of representing.

Prince ARFA (Persia) observed that the text of this article, as adopted at the sixth session of the Assembly, was clear and precise, whereas the new text was less clear and contained references to a whole series of articles belonging to another Convention — articles which had given rise to fierce controversies and had prevented Persia from adhering to the Convention on the Traffic in Arms. It was the term “ native vessels”, above all, which Persia could not accept, as it placed her ships of small tonnage in the same rank as pirate ships carrying on the slave trade between Africa and Arabia. Everyone knew that Persian ships had nothing to do with this shameful trade, and there had been no slavery in Persia for a long time. In these circumstances, it was inadmissible to impose on a Member of the League of Nations a humiliating system which would make it possible for other Powers to visit its ships without its consent and without reciprocity. Persia was ready to agree to reciprocal arrangements, but not to submit to arbitrary measures. She proclaimed absolute equality between all Members of the League, and Prince Arfa saw a grave injury to this principle in the new version of Article 3.

It had been suggested that Persia might sign the Convention with reservations as to Article 3, but this could not satisfy his country. It was the principle involved in the new article to which his country objected as being contrary to the principle of equality between the Members of the League. He would therefore propose either that the original draft of the second section of Article 3 be adhered to or that the following amendment be added to the first paragraph of the second alternative :

“ . . . It being understood that this general Convention will not place the ships (even of small tonnage) of any signatory State in a position different from that of the other signatory States. ”

The CHAIRMAN pointed out that Article 3 consisted of two sections, to the first of which there seemed to be no objection. He would therefore consider the first section as adopted.

For the second section there were two alternative texts, together with the amendment proposed by the Persian delegation.

Viscount CECIL OF CHELWOOD (British Empire) hoped the Committee would adopt the second version of this paragraph.

The Indian delegation had declared that it could only accept it with a reservation which he thought was reasonable. He hoped, however, that this reservation would be found to be unnecessary when they came to draft the general Convention.

With reference to the Persian amendment, he had considered this very carefully, and was prepared to accept it.

Dr. NANSEN (Norway) asked whether the adoption of the Persian amendment would not reassure the Indian delegation.

The CHAIRMAN said that this was a matter for the Indian delegate to appreciate, but he was sure that his colleagues agreed with him in the hope that India would find no difficulty in signing the Convention.

Count BONIN-LONGARE (Italy) pointed out that, by introducing the Persian amendment, another slight change of drafting was required in what would become the third paragraph. It would be necessary to say, “ It is *also* understood ”.

M. GOHR, Chairman of the Temporary Slavery Commission, thought that perhaps it might be useful to add in the first paragraph after the words “ slave trade ” the words “ by sea ”.

M. AUBERT (France) said that he preferred the words “ on the high sea ”, because the territorial waters were not included.

Viscount CECIL OF CHELWOOD (British Empire) thought that it was better to retain the original text,

The CHAIRMAN was of opinion that the reference to the Convention of June 17th, 1925, on the International Trade in Arms covered the observation made. It did not seem necessary to discuss this point.

The Chairman added that Article 3 had given rise to lengthy discussions and conversations in the Sub-Committee; he hoped that it would now be possible for the whole Committee to accept the second version unanimously.

*The second alternative of Article 3 was adopted with the Persian amendment.
Articles 4, 5, 6 and 7 were adopted without debate.*

Article 8.

General FREIRE D'ANDRADE (Portugal) said that the Portuguese delegation had received full powers for signing the Convention in the form in which it had previously been drawn up, although its Government thought that, in view of the future application of the Convention, it would have been preferable to have obtained a clearer definition of some of its provisions. The draft adopted last year had now, however, been very considerably remodelled, and the Portuguese delegation had asked its Government for full powers to sign it in the form adopted by the Sub-Committee. He hoped it would receive authority to do this before leaving Geneva.

At the Sub-Committee, the Portuguese delegation had again proposed various amendments with a view to making more easy the application of the provisions which were now to be submitted for the approval of the Assembly.

Since the last ordinary session of the Assembly, a new event had taken place. The International Labour Office had begun to deal with the question of native labour and intended to undertake a thorough study of this question. The Portuguese delegate was therefore of the opinion that it would be sufficient in the Convention to lay down the general principles already agreed upon, namely, that forced labour for private purposes should be entirely abolished, and only that for public purposes admitted, under the necessary safeguards to avoid its giving rise to abuses which would make it a form of slavery. In view of the fact that the Labour Office was studying the question, it would have been preferable, he thought, to await the results of its enquiry before going into details, but, as the Sub-Committee had decided otherwise, he was ready to agree to the decision taken by the majority. In accordance with the intentions often expressed by the speaker, Portugal wished to associate itself with the humanitarian initiative taken by Great Britain and so well defended by Viscount Cecil. His country would always agree to all measures of a nature to bring about the complete and rapid suppression of slavery in all its forms.

Last year, three proposals had been introduced by Dr. Nansen, the first of which was practically embodied in Article 8. Another amounted practically to placing the colonies of the signatory States under a mandate regime as far as matters dealt with in the Convention were concerned. The third was a proposal requesting the International Labour Office to take up the question of forced labour. His Government had sent in lengthy observations on Dr. Nansen's amendments, to which, however, no reference was made in the report.

As regarded Article 8, he wished to make certain reservations. This article at first sight seemed acceptable, because his Government was already a signatory of the Protocol of the Permanent Court of International Justice as well as of its Article 36 concerning obligatory jurisdiction; but his Government had expressed certain misgivings as regards the text of the article, which might seem to make it possible for an appeal to be made to the Court in the event of certain action being taken by a signatory State. No reply had been made to the fears expressed. He therefore felt obliged to maintain the reservation, which seemed so much the more justified as the article itself did not seem to have much to do with the suppression of slavery, and as his Government was already bound by the Protocol of the Court.

Article 8 was adopted, note being taken of the reservation made by the delegate of Portugal.

Additional Article (8a)¹ proposed by the French Delegation.

The CHAIRMAN said that the French delegation had proposed an additional article, which was as follows:

"In the event of a High Contracting Party wishing to denounce the present Convention, the denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will at once communicate a certified true copy of the notification to all the other High Contracting Parties informing them of the date on which it was received.

"The denunciation shall only have effect in regard to the notifying State, and one year after the notification has reached the Secretary-General of the League of Nations.

"Denunciation may also be made separately in respect of any territory placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage."

M. AUBERT (France) said that all Conventions contained an article providing for their possible denunciation. His amendment was intended for the purpose of filling in a gap in the present Convention.

Viscount CECIL OF CHELWOOD (British Empire) did not think it was necessary in the case of a Slavery Convention to have the power of denunciation, but he saw no objection to the amendment if the French Government thought it desirable.

The French proposal was adopted and numbered Article 10.

¹ Later numbered 10.

Article 9.

Viscount CECIL OF CHELWOOD (British Empire) said that in the English text, in the second line, the word "State" should be "High Contracting Party". The word "tutelage" ought to be inserted after the word "suzerainty".

Count BONIN-LONGARÉ (Italy) said that in Article 9 the terms "colonies, possessions, protectorates or overseas territories" were used, whereas in Article 2 the expression was "territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage." It seemed desirable to maintain the same phraseology as in Article 2.

Viscount CECIL OF CHELWOOD (British Empire), after consulting his legal adviser, said that he accepted the proposal of Count Bonin-Longare.

Article 9 was adopted, with the amendment proposed by Count Bonin-Longare.

Article 11 (formerly 10).

The CHAIRMAN said that the word "States" would be replaced in that article also by "High Contracting Parties". He suggested that it should be left to the Secretariat to replace the word "States" in all parts of the Convention by the words "High Contracting Parties".

Article 11 was adopted.

Article 12 was adopted without discussion.

Additional Article proposed by the Norwegian Delegation.

Dr. NANSEN (Norway) said that, in order to reach a unanimous agreement, it was possible that certain provisions had been adopted in a form which it might be advisable to revise in a few years. In these circumstances, he thought that it might be useful to add to the Convention an article corresponding to those which were inserted in the Opium Convention and the Convention on Obscene Publications and drafted in the following terms :

"The High Contracting Parties agree that the Assembly of the League of Nations shall review the terms of the present Convention from time to time and in any case not later than 1932."

Count BONIN-LONGARÉ (Italy) said that the proposed Convention would be one between Governments; therefore the rôle of the Assembly would be limited to asking the Governments concerned to undertake the revision.

Dr. NANSEN (Norway) said that, in effect, that was his intention.

M. LOUWERS (Belgium) asked Dr. Nansen to state the reasons for his proposal.

Dr. NANSEN (Norway) said the conditions might change rather rapidly, and it was with this possibility in view that he had made his proposal.

Viscount CECIL OF CHELWOOD (British Empire) said he saw no objection to the proposal, but it did not appear to him to add anything to the right which any Member of the Assembly already had to ask the Assembly to make a recommendation of that kind.

The CHAIRMAN thought Dr. Nansen's intention might be better met if his text were replaced by an article in conformity with Article 39 of the Convention on the Trade in Arms.

Viscount CECIL OF CHELWOOD (British Empire) said he felt that the Convention would be stronger without such an article, because at present anyone could move that the Assembly should propose a revision of the Convention if it were desired, whereas, under Article 39, it could only be done upon the request of one-third of the high contracting parties.

Dr. NANSEN thought his own suggestion simpler.

The CHAIRMAN said that, to meet Viscount Cecil's views, the proposal might read :

"The High Contracting Parties agree that the Assembly of the League of Nations is empowered to invite them to revise from time to time the terms of the present Convention and in any case not later than 1932."

Count BONIN-LONGARÉ (Italy) said that, after all, the suggestion added nothing to the present legal position as regards the possibility of asking for such a revision. By fixing the date at 1932, the duration of the Convention would be limited to six years. He asked whether, in these circumstances, Dr. Nansen would not agree to withdraw his amendment.

M. FERNANDEZ Y MEDINA (Uruguay) agreed with the Italian and British delegates. A further objection to the proposal was that the Convention might also be signed by States which were not members of the League, and that therefore it would not be desirable to make the working of the Convention depend on the Assembly of the League.

M. AUBERT (France) thought that the proposed article added nothing to the Convention; on the contrary, it enfeebled it and gave it a temporary character.

Dr. NANSEN (Norway) said it was not intended to limit the duration of the Convention to six years but to provide that the question should be discussed after six years. If that was not clear, he would propose the following text:

“ The High Contracting Powers agree that the Council of the League of Nations shall take into consideration from time to time, and not later than December 1932, the question of the duration of the present Convention. ”

Sir Joseph COOK (Australia) thought that to accept such a text was like sending forth a convention with an intimation that it was a very imperfect instrument, and that at some later time its errors would be corrected. He doubted the wisdom of this procedure.

Viscount CECIL OF CHELWOOD (British Empire) reminded Dr. Nansen that, by a resolution which was about to be discussed, provision was being made for the subject of slavery to be considered by the League every year. If the Convention was found wanting in any respect, the question might be dealt with in this connection. In his judgment, the matter had better be left as it was.

Dr. NANSEN (Norway) said that he would not press his proposal.

18. Draft Convention on Slavery: Reservations made by the Indian Delegation.

Sir William VINCENT (India) stated that he desired to notify the Committee of the following excluding declaration which he would make at the moment of signature, in addition to the reservation already made:

“ Under the terms of Article 9 of this Convention, I declare that my signature is not binding, as regards the enforcement of the provisions of Article 2, sub-section (b), Articles 5, 6 and 7 of this Convention, upon the following territories; namely, in Burma: the Naga tracts lying west and south of the Hukawng Valley, bounded on the north and west by the Assam boundary, on the east by the Nanphuk River and on the south by the Singaling Hkamti and the Somra tracts; in Assam: the Sadiya and Balipara frontier tracts, the tribal area to the east of the Naga Hills district, up to the Burma boundary, and a small tract in the south of the Lushai Hills district; also on the territories in India of any prince or chief under the suzerainty of His Majesty.

“ A. The exclusion of the unadministered tracts from certain articles is necessary on the following grounds:

“ 1. The position in certain unadministered or partially administered frontier tracts in Northern Burma and Assam was explained to the League in a memorandum communicated to the fourth Assembly (document A. 18. 1923. VI) and referred to in paragraph 90 of the report of the Temporary Slavery Commission (A. 19. 1925. VI) communicated to the sixth Assembly. The population of these tracts cannot be stated, as they have not been fully explored, but on a rough estimate the population of those in Assam is not more than 100,000.

“ 2. Generally speaking, the Government of India cannot undertake obligations to embark on the conquest of unexplored or partly explored regions inhabited by primitive aboriginals amongst whom slavery or practices akin to slavery are believed to exist, but are prepared to accept the obligation to exercise all peaceful influence to suppress them as opportunity occurs.

“ 3. A proof of the desire of the Government of India to suppress remaining traces of slavery was given by the action of the Government of Burma in the Hukawng Valley, of which an account was given to the sixth Assembly in a memorandum (document A. 50. 1925. VI). Further action has since been taken in this direction by the Government of Burma. Steps are also being taken to bring about the disappearance of practices savouring of slavery in the Lushai Hills of Assam in which they still exist.

“ 4. The Government of India cannot, however, accept the definite obligations imposed by Articles 2 (b), 5, 6 and 7 in respect of these unadministered areas. The Indian delegation, therefore, has instructions, on signing the Convention, to specify in an excluding declaration under Article 9 of the Convention the geographical areas to which the obligations of these articles will not apply.

“ 5. The declaration of exclusion is so worded as to admit of separate accession on account of these territories when the circumstances are such as to enable the Government of India to fulfil the obligations of the Convention in respect to them.

“ B. That part of the declaration which excludes the Indian States is necessary on the following grounds:

" 1. The internal administration of these States is in the hands of their own rulers, but the exact relations in which each State stands to the Government of the King-Emperor are dependent on individual circumstances and cannot be briefly explained. The Indian Legislature cannot legislate for these States.

" 2. Recent enquiries have satisfied the Government of India that slavery in the ordinary sense is not now practised in any Indian State and that, where conditions are present which may be held to amount to forced labour of the kind against which the draft Convention is directed, no serious abuses exist, and progress is in fact being made in removing or mitigating such conditions.

" 3. The draft Convention, however, imposes obligations upon the Signatory States which would involve in the case of India direct interference with the domestic administration of the Indian States. The Government of India would be prepared to urge the rulers of those States to initiate measures of reform if they had reason to believe that gross abuses existed in any of them. But they do not consider that the conditions revealed by their recent enquiries would justify interference to secure full enforcement of the provisions of the Slavery Convention as regards forced labour.

" 4. On the other hand, it is to be clearly understood that in many States the standard aimed at by the Convention has already been attained and that in all others steady progress is being effected both by public opinion and by the spontaneous action of the rulers.

" 5. The Government of India will not fail to bring to the notice of the rulers of Indian States the provisions accepted for India (other than the Indian States) under the Convention, together with suitable recommendations."

He requested that this declaration should be inserted in full in the Minutes.

19. Draft Convention on Slavery: Draft Resolutions submitted by the Sub-Committee.

The Committee began its examination of the draft resolutions submitted by the Sub-Committee:

I. — "The Assembly:

" Approves the Convention on Slavery drafted by its Sixth Committee and earnestly trusts that it will be signed and ratified as soon as possible by all the Members of the League of Nations;

" Instructs the Secretary-General to take the necessary steps to bring the Convention officially to the knowledge of all States Members or non-Members of the League of Nations which may not have signed it before the end of the present Assembly, to the end that they may sign or adhere to it in accordance with the provisions of Article 10 of the Convention."

This draft resolution was adopted, with an alteration in the last line: the words "Article 10" should be altered to "Article 11".

The CHAIRMAN opened the discussion on the second draft resolution:

II. — "The Assembly,

" While recognising that forced labour for public purposes is sometimes necessary,
" Is of opinion that, as a general rule, it should not be resorted to unless it is impossible to obtain voluntary labour and should receive adequate remuneration."

COUNT VAN LYNDEN (Netherlands) said that in the Sub-Committee he had objected to the draft report and the resolution now under discussion on the ground that he had not had an opportunity of studying them.

He wished to state that, as regards the question in which he was particularly interested, namely, the forced labour required of the population in the Dutch East Indies for administrative purposes in villages or for Government works of public utility, this labour was so general and indispensable that it was not sufficient to recognise it as "sometimes necessary", that is to say, as an exception to the general rule. Those services were, however, duly regulated and controlled and imposed no heavy burden on the population. Similar conditions might exist in other countries and, as the resolution was applicable to all countries and all parts of the territories of the Members of the League, it ought — as it appeared from the report — to be interpreted in such a way as to leave a country free not to change its policy in certain parts of its territory to the detriment of the economic life and development of the interested populations.

As the report mentioned explicitly the possibility of exceptions to the general rule about adequate remuneration, the speaker thought that it was necessary that the same statement should be made as regards the second condition — the impossibility of obtaining

voluntary labour — and he therefore proposed that the words “ although exceptions to this general rule may also be necessary ” should be inserted after the words “ voluntary labour ” in the report.

Considered in that light, he had no objection to the resolution.

Of the proposal of M. GOHR, Chairman of the Temporary Slavery Commission, a *drafting amendment*, intended to make it clear that the words “ as a general rule ”, in the French text of the resolution, applied to both conditions, *was adopted*.

M. LOUWERS (Belgium) said that, in spite of the lengthy debates to which this question had given rise, it seemed that the decision was still a rather hasty one and had not taken into consideration the full needs of the case. It was also drawn up in terms which were perhaps too imperative, and might give rise to certain difficulties when applied. It was usual in most colonies with primitive and backward populations to call on the natives to perform such work as the upkeep of roads, and even the making of roads connecting their villages with main roads, railways, etc. That was work in the general interest, and was not, as a rule, compensated by any form of payment, although in fact it was obligatory labour. How was the resolution to be understood? Would it henceforth be necessary to pay for such work? If so, many colonial budgets would no longer balance, such services would no longer be performed, and the real sufferers would be the primitive populations themselves. Some commentary upon or explanation of the resolution seemed necessary, therefore, to show that the general rule was not applicable to cases of this kind.

VISCOUNT CECIL OF CHELWOOD (British Empire) said that the question had been discussed at considerable length, though he did not remember the Belgian delegate putting this objection forward in the Sub-Committee. He doubted whether the danger was serious. The resolution simply said that, as a general rule, forced labour should be paid for, and he did not think the Belgian delegate doubted that, as a general rule, forced labour, even for public purposes, ought to be paid for. There were, however, recognised exceptions, and that could probably be made clearer in the body of the report, by adding after the words “ exceptional cases ” the example of “ road-making and the like ”, which were in the interests of all the inhabitants.

M. GOHR, Chairman of the Temporary Slavery Commission, pointed out that the addition of such general terms as “ road-making ”, without any distinction between the various categories of road-making, might defeat the purpose of the Convention and lead to many abuses. He thought that work done for the general benefit of the community ought to be remunerated.

Sir Joseph Cook (Australia) agreed that the term “ road-making ” was too general and wide.

VISCOUNT CECIL OF CHELWOOD (British Empire) agreed.

Sir Joseph Cook (Australia), continuing, said that the insertion of such words would enable the driving of great roads through whole territories where there were none before, and surely such work ought to be paid for. Community arrangements already existed enabling each man to keep in repair his own section of a road. It would be better to leave the resolution as it stood and not open the door to grave abuses.

M. NEMOURS (Haiti) said there was nothing in the resolution which excluded the possibility regarded as necessary by the Belgian delegate.

M. LOUWERS (Belgium) thought the discussion was valuable, because, if it was properly reported in the Minutes, it would help to interpret the resolutions in the sense in which they were intended to be interpreted. The cases of work required of natives he had in mind were not precisely such cases as those mentioned by M. Gohr and Sir Joseph Cook. But other cases might arise. In some colonies natives were expected to assist in building schools or hospitals or other things of the kind which were for their benefit or that of the villages in which they lived, and it ought to be made clear that a certain amount of latitude must be allowed in interpreting this article so as to make it applicable to exceptions of that nature.

M. NEMOURS (Haiti) said that the works mentioned by M. Louwers were always carried out for the benefit of the natives themselves, and he thought they came within the exceptions contemplated by the resolution.

VISCOUNT CECIL OF CHELWOOD (British Empire) would not like to say that in no case should forced labour for building a school or a hospital not be paid. He thought, however, that, in principle, it ought to be paid for. It would startle many of their populace very much to be asked to build a village school or a hospital without being paid for it on the ground that they would benefit by the building. He hoped the exceptions would not be carried so far as to destroy the rule.

Count BONIN-LONGARE (Italy) was afraid that the discussion might lead to the introduction of too many exceptions, both in the resolution and in the report. Personally, he would have preferred an article simply stating that forced labour was not allowed, but he realised the arguments which showed that, in view of the present conditions, this was not possible. In any case, he could not agree to too many exceptions which would seem to make forced labour legitimate.

Dr. VON SCHUBERT (Germany) supported the views of the speakers who had pointed out the dangers of modifying the resolution.

M. LOUWERS (Belgium) said that he had not proposed any modification but only wished to draw the attention of the Committee to certain exceptional cases. He would like to see mention of his remarks in the report to the Assembly and added that, when he spoke of schools and hospitals for the natives, it was, of course, not a question of large buildings but of thatched huts, small light buildings which were the first manifestation of civilisation in backward colonies.

Resolution II was adopted.

The following resolution was adopted without debate :

III. — “ The Assembly :

“ Desires that the League of Nations should continue to interest itself in securing the progressive abolition of slavery and conditions analogous thereto and therefore begs that the Council will prepare and communicate to the Assembly every year a document mentioning the laws and regulations which parties to the Convention on Slavery, in accordance with Article 7, will have communicated to the Secretary-General, and that the Council will include therein any supplementary information which the Members of the League may be disposed spontaneously to furnish with regard to the measures taken by them to this end. ”

20. **Forced Labour: Draft Resolution proposed by the Norwegian Delegation.**

The CHAIRMAN opened the discussion on the following resolution, submitted by the Norwegian delegation :

“ The Assembly :

“ Requests the Council to communicate to the Governing Body of the International Labour Office its sense of the importance of the question of forced labour, and of the urgency of its study with a view to international action, in connection with the examination of the conditions of native labour which the Governing Body has already instructed the International Labour Office to undertake. ”

Sir Joseph COOK (Australia) said he could not see the necessity of this resolution. If Dr. Nansen had ever had to submit to an examination of the Permanent Mandates Commission, he would know how keen the officials from the Labour Office were on that very question of forced labour. The last thing needed was to stir them up any further.

Viscount CECIL OF CHELWOOD (British Empire) said he was sure that in most cases the International Labour Office required no stimulus except that of its admirable and energetic Director, but in the present case the position was rather different. It had been suggested at the sixth session of the Assembly — informally, it was true — that the Labour Office should undertake a study of the question of forced labour ; such a study was begun and was proceeding. If a convention were now passed in which some principles with regard to forced native labour were laid down, it might be argued that the Labour Office was almost precluded from going on with its study of the question, because it would be said : “ A convention has been already agreed to laying down the principles on which forced native labour should be employed, and therefore it is not really necessary to go any further into the matter ”. That was felt very seriously in very authoritative quarters. He was sure that that was not the wish of the Committee. On the contrary, the Committee had defended itself against accepting some of the propositions of the German delegate, for instance, on the grounds that they went too much into details, which had better be left to the Labour Office, the Members of the Assembly not being really qualified to lay down details with regard to forced native labour. Sir Joseph Cook and he were equally impressed with the great devotion and zeal of the Mandates Commission, but that was not in question at the moment : the question was that of the general functions of the Labour Office. He thought it would be a mistake not to make it clear that it was not intended, by the adoption of the relevant article of the Convention, to hinder the Labour Organisation in its enquiries into the general conditions of forced native labour. The adoption of the resolution therefore seemed desirable and indeed necessary, because otherwise the Committee might well have made an incomplete answer to the problem which had been sent to it to solve.

Dr. NANSEN (Norway) said he had nothing to add to what Viscount Cecil had so ably expressed. The Director of the Labour Office was present and might give the Committee some information ; but if the proposal met with no objection, perhaps that was not necessary.

Sir Joseph COOK (Australia) said he had not the slightest objection to the resolution, but he did not think it was necessary. What he had said was said as a tribute to the indefatigability and zeal of the Labour Office officials with regard to those matters.

M. Albert THOMAS, Director of the International Labour Office, said that the resolution was an excellent one. In the first place, it would make it clear to the outside world that there was no duplication of work. Article 5 of the Convention dealt with the prevention of forced labour as far as that was possible; the work of the Labour Office referred to the regulation and supervision of that labour where it still existed. The Committee was aware of the questionnaires which had been prepared. They dealt with the question of the authorities who had the right to require forced labour, the category of individuals who were subject to it, and exemptions and the means of redemption.

Under the resolution, the Labour Office would be able to go ahead with its work in full security and with the certainty that it would not give rise to any impression of duplication or overlapping of functions. The moral effect was valuable also, because the resolution showed the collaboration which existed between all the organs within the League of Nations.

M. LOUWERS (Belgium) wished to have some explanations as regards the intervention of the International Labour Office in this matter. It had, in fact, already made certain arrangements for which a new credit would probably be voted by the Assembly the following day, so that the Committee really found itself before a *fait accompli*.

It was, however, necessary to know exactly how the Office intended to carry out its new duties as regards colonial labour. Its present organisation had in fact been set up in view of conditions not at all similar to those existing in the colonies. Its principal organs were composed solely of representatives of employers and workers as well as specialists in industrial and economic questions arising in highly civilised countries.

If the idea of the Office was to deal with the question of native labour from a purely theoretical standpoint, it would be sufficient to secure the services of experts. But if it went further and proposed to draft conventions, it seemed doubtful whether the institution as at present organised was quite fitted for that particular work. This was a question to which attention ought to be called before the resolution was voted. He was, however, prepared to vote in favour of the resolution if the phrase "international regulation" were substituted for the very vague phrase "international action" in Dr. Nansen's motion.

General FREIRE D'ANDRADE (Portugal) supported Dr. Nansen's motion: he could indeed hardly do otherwise, because for years he had advocated that this question should be dealt with by the International Labour Office. It was a pity that this question of forced labour had not been dealt with earlier by that organisation, as that would have avoided certain difficulties in the drafting of the Convention. He did not think that the apprehensions expressed by the Belgian delegate were justified. The Office was not directed by idealists but by practical persons who had a knowledge of the conditions in colonial countries as well as in industrial countries.

Count BONIN-LONGARE (Italy) said that he was unable to realise fully the bearing of this resolution, which had only been submitted a moment ago. If it were passed in the sense of expressing gratitude and approval of the work of the International Labour Office and to avoid an interruption in its work, he was entirely in agreement with it. But it seemed to go further, requesting the collaboration of the Office, and he would like to see how this would work out practically and what effects it might have on the various colonial administrations of the different countries. It was necessary to be very careful and prudent in this matter; it would be dangerous for this Committee to give to the world and in the different countries themselves an impression of excessive interference *vis-à-vis* the colonial administrations. He did not like the phrase "international action" used in the resolution, nor the new phrase suggested by M. Louwers, "international regulation", and he would urge that they be omitted.

M. AUBERT (France) asked the Director of the International Labour Office to recall the terms under which its Governing Body gave it instructions to deal with the matter. He thought that they would explain the sense of the words "for international action".

M. Albert THOMAS, Director of the International Labour Office, in reply to Count Bonin-Longare, said that, though the motion had only been presented at that meeting, the question had already been raised by a resolution submitted by Dr. Nansen at the sixth session of the Assembly and had given rise to discussions both within and outside the Assembly. He would particularly refer to a speech made by Viscount Cecil in the House of Lords and which contained the following statement:

" . . . We did feel [at the sixth session of the Assembly] that this was a matter which it was very difficult for the League of Nations to deal with in view of the fact that there was another international institution much better equipped to deal with the details of the employment of labour. When Dr. Nansen moved the additional article, that the International Labour Office be called upon to deal with it, we said that it was difficult for the League to direct the proceedings of the International Labour Office, but we did put it into the report of the Assembly to call the attention of the International Labour Office to the matter."

The question had been raised whether the International Labour Office was really competent in this matter. The Belgian delegate had spoken of a *fait accompli*, but the Director of the International Labour Office did not wish that the competence of his Bureau should appear to have been established in fact but not in law. It must not be imagined that it was by an imperialistic act that the Labour Office had been brought to deal with this question, but because its Governing Body had been of opinion that, on the basis of the provisions of the Treaty, it had the right to deal with it. He pointed out that, in the Preamble to Article 405 of the Versailles Treaty and in Articles 421 and 427, provisions were to be found by which those who drafted the Treaty had shown how special account should be taken of the differences resulting from the special conditions of the various countries and their populations. Those articles foresaw special exceptions and modifications to be made in the case of colonies, protectorates and mandated territories, etc.

The question whether the Labour Organisation was competent to undertake the necessary action had also been raised. A credit had now been granted permitting the Labour Office to set up a small committee of experts on native labour which would provide it with the necessary scientific authority. In case the International Labour Organisation should go further and promote international regulations in the matter, the necessary guarantees would be found in its constitution. It was true that the Governing Body was appointed for three years and consisted of representatives of Governments, of employers and of workers, but when any special question was brought up which required expert knowledge, the rules of procedure of that body permitted its members to bring experts.

It was the Governing Body which had the task of drawing up the agenda for the Conferences. At the Conferences which discussed the matters, each country was represented by four delegates — two Government representatives, one of employers and one of labour. The delegates were often changed according to the questions dealt with. The delegates representing the Governments might thus be nominated on one occasion by the Department of Commerce and at another time by the Colonial Department, etc. This elasticity provided the necessary guarantees that the delegations might always comprise competent persons in the various matters.

The two points which the Governing Body had asked the Committee of Experts to deal with were: (1) the regulation of forced labour, including the details to which he had just referred; (2) the question of long-term contract labour. When the Governing Body received the reports of the Committee, it would consider whether there were any points on which international regulation could be made and whether accordingly such points should be put on the agenda of some future conference.

The Italian delegate had shown certain misgivings as regards the possibility of an international regulation in this new field and had seemed to fear an interference with the sovereign rights of the States.

The Director of the International Labour Office referred to the various decisions of the Permanent Court of International Justice. In one of these decisions, the Court had pointed out that the Governments had several grounds on which to protect their rights. In the first place, eight of the leading industrial Powers had the right of vetoing any point which they considered should not be placed on the agenda of a conference. Secondly, each Government was represented by two delegates, who also had a right to defend their case before the Conference. Finally, should any proposed draft convention go through which any Government believed to be unsuitable or undesirable in the interest of its own sovereign rights, it always had the last resource of refusing to ratify the convention.

After these explanations, M. Albert Thomas hoped that the Commission would be able to agree to the resolution without omitting the sentence which had been discussed. Perhaps, however, it would be useful to introduce the words "international regulation" instead of "international action". He also hoped that the Committee would be able to take a vote on the resolution the same evening. The passing of this resolution would certainly be in the interest of a satisfactory co-ordination between the work of the League of Nations and of its autonomous organisation the International Labour Office.

M. AUBERT (France) said he understood from the remarks that had just been made by the Director of the Labour Office that, as a result of a suggestion mentioned in the report of the Sixth Committee to the sixth session of the Assembly, the Governing Body of the Labour Office had decided that a study should be made of the question of forced labour. He also understood that, on the basis of the results of the enquiries made by the Labour Office, the Governing Body would have to decide whether there was any call for international regulation in this matter. It seemed to him that the resolution before the Committee would go beyond and supersede the rights of the Governing Body in this matter by already proclaiming that there was a call for international action or regulation. He thought that this would be premature and should, in consequence, be avoided. The Committee ought only to note that, as a result of the suggestion made, an enquiry had been undertaken. The Governing Body of the Labour Office should be left entirely free to decide whether, in its opinion, there was any call for international regulation. When the Governing Body had come to a decision, he thought the different Governments should be left free to decide whether they agreed with the opinion of the Governing Body.]

Dr. NANSEN (Norway) said he was afraid that, if the words proposed by the delegate for Italy were suppressed, they would be taking the heart out of the whole resolution. There

had been an abuse of forced labour amongst natives, and they all agreed that something should be done to abolish it. The resolution did not say anything more, and he could not withdraw his proposal. Perhaps, however, the word "possible" might be added before the words "international regulation".

The CHAIRMAN said there were several other delegates who had expressed a wish to speak on this matter and he would therefore adjourn the discussion until 10 o'clock the following morning.

SIXTH MEETING

Held on Friday, September 24th, 1926, at 10 a.m.

Chairman: M. DE BROUCKÈRE (Belgium).

21. Forced Labour: Draft Resolution proposed by the Norwegian Delegation (*continuation*).

M. Albert THOMAS, Director of the International Labour Office, said that, at the previous meeting, he had pointed out that the adoption of a resolution by the Assembly would be of interest to the International Labour Office from the point of view of the co-ordination of the work of the two bodies.

The suggestion which he would ask to be permitted to present might be somewhat unusual but it might be a reply to the objections raised the previous day. It was a new text of a resolution which, if found satisfactory, might be unanimously adopted. It was as follows:

"The Assembly,

"Taking note of the work which has been undertaken by the International Labour Office, in conformity with the mission conferred upon it and within the scope of its constitution, for an international regulation of native labour.

"Considering that these enquiries and studies naturally include the problem of forced or obligatory labour,

"Requests the Council to inform the Governing Body of the International Labour Office of the adoption of the present Convention and to draw attention to the importance of the work undertaken by the International Labour Office to prevent forced or obligatory labour from creating a situation analogous to slavery."

That resolution first took note of the work which the International Labour Office was doing for the regulation of forced labour. That work already existed, was referred to last year by Viscount Cecil, and was within the constitution of the International Labour Office. His resolution then pointed out that those studies and researches naturally included the problems of forced and obligatory labour and showed the connection between the work of the International Labour Office and the new Convention.

It finally requested the Council to inform the Governing Body of the International Labour Office of the adoption of the Convention and to draw its attention to the importance of the work undertaken specially in order to prevent conditions analogous to slavery from arising. To indicate clearly the point of view from which the Assembly had approached the matter, he had taken the exact words of Article 5 of the draft Convention which was before them.

Dr. NANSEN (Norway), replying to the Chairman, said that he accepted the text proposed by M. Thomas.

Viscount CECL OF CHELWOOD (British Empire) thought that some of his colleagues had been afraid, on the previous day, of what looked like a dictation of policy to the International Labour Organisation, that the words "with a view to international action" might be, as it were, a direction from the League of Nations as to what the Labour Organisation ought to do. He did not see any objection to the form of words discussed on the previous day, but there was a possible danger, though it was not very likely to arise. With two slight alterations, he thought that M. Thomas's new version entirely met the difficulty.

He had no doubt that the statement in the Preamble was correct, because M. Thomas was a great authority on the mission and constitution of the Labour Office, but it was not quite the business of the Committee to tell the Office what was in accordance with its mission and constitution. He suggested, therefore, that the resolution should begin in this way:

"The Assembly, taking note of the work undertaken by the International Labour Office for the international regulation of the conditions of native labour"

No objection could be taken to the request that the Council should inform the Governing Body of the International Labour Office of the adoption of the present Convention. It was a matter of courtesy from one great international body to another. But the exact turn

of the phrases that followed seemed to be attempting a little too much to take out of the hands of the International Labour Office the direction of its work, and he would prefer the following form: "and to draw its attention to the importance of the work undertaken by the International Labour Office, in view of the present Convention, in seeking to prevent conditions analogous to those of slavery resulting from compulsory or forced labour".

He hoped that the alterations would be acceptable to M. Thomas and would meet the preoccupations of some of his own colleagues. He thought that the resolution adopted in this form would be a valuable addition to the important work the Committee had already accomplished.

Sir Joseph Cook (Australia) understood that it was intended that the Sixth Committee should formally ask that this matter should be dealt with by the Labour Office. M. Thomas had already said that all the necessary machinery existed for carrying out the work.

The amount of money available for the current year's expenditure of the League had already been allocated. Whatever the Committee might do would involve a good sum in the way of a fresh credit, and if two organisations were to carry out the work, it would mean a good deal more.

Viscount CECIL OF CHELWOOD (British Empire) pointed out that M. Thomas had reassured them on that point yesterday.

Sir Joseph Cook (Australia) would like to have the assurance from M. Thomas now that it would not involve any fresh credit — at any rate, for the current year. The Committee should carefully consider which side of the League would administer this very important matter and prevent unnecessary duplication.

Count VAN LYNDEN (Netherlands) said that the resolution submitted by M. Albert Thomas, though he had not the text of it in front of him, appeared to be open to the same criticisms as those which he had intended to make in regard to the proposal of Dr. Nansen. Since, so far as he knew, the competence of the International Labour Office to take up the question of forced labour had never been questioned, this reason for voting the resolution did not seem to him to be conclusive.

Secondly, in view of the fact that the International Office was already dealing with the question, it did not seem necessary to draw its attention to it. Everyone who was familiar either with the International Labour Office or its Director would be unable to accuse it of any lack of zeal. The observation contained in the Minutes of the session of the Governing Body of January last, according to which the sixth session of the Assembly had invited the International Labour Office to frame a charter for native labour, seemed to rest upon a misunderstanding. The Assembly had not addressed any such invitation to the International Labour Office, although perhaps an isolated Member might have expressed a desire in this sense. The draft resolution of Dr. Nansen to this effect had, on the contrary, been referred to the Governments. In any event, this organisation on its own initiative was now dealing with the question. He did not wish to make any criticism in regard to the matter, but he thought that it was useless for the Sixth Committee to direct the attention of the International Labour Office to the subject. As, therefore, he did not see any valid reasons for voting the resolution, he thought that it would be better not to accept it.

The CHAIRMAN said that the resolution, embodying the various amendments proposed, now ran as follows:

" The Assembly,

" Taking note of the work undertaken by the International Labour Office for the international regulation of the conditions of native labour;

" Considering that these studies naturally include the problem of forced labour;

" Instructs the Secretary-General to inform the Governing Body of the International Labour Office of the adoption of the present Convention and to draw its attention to the importance of the work undertaken by the Office in view of the provisions of the Convention seeking to prevent forced labour from developing into conditions analogous to slavery. "

Viscount CECIL OF CHELWOOD (British Empire) intimated his agreement with this form of words.

Count BONIN-LONGARE (Italy) regretted that he was not in a position to accept this resolution. He recognised all the merit of the International Labour Office in concerning itself with such humanitarian questions, but here the Committee was asking it to deal with an international regulation of forced labour, which was an entirely new matter.

The Assembly would seem to be acting rather rashly if it tried to decide on this very delicate question, which was really very far as yet from solution, and which raised a question of principle and of competence. He wished to emphasise that his country had always, in the colonies under its authority, taken the strictest measures not only against slavery but also against forced labour in all its forms. Nevertheless, he felt obliged to make all possible reservations as to the question of principle now raised — reservations which might also affect the attitude of the representative of Italy on the Council when the matter came to be discussed by that body.

Viscount CECIL OF CHELWOOD (British Empire) thought that the fears of his Italian colleague were perhaps a little exaggerated. Sir Joseph Cook had been very much afraid that this would involve fresh expenditure, but Viscount Cecil understood from M. Thomas that it would not, as a matter of fact, require any supplementary credit for this Office.

Any further expense so far as the Secretariat was concerned would only arise next year when they came to consider, from the budgetary point of view, the returns on the documents relating to slavery. His Australian colleague had also suggested that, in approving the action of the International Labour Office in entering upon a study of the question of the conditions of forced labour, there was a danger of dividing the responsibility between the International Labour Office and the Secretariat. In a sense, this must always be the case when one touched upon conditions affecting labour. When it came to the application of the details, however, the matter must be left to the International Labour Office. That was the procedure contemplated under Article 5.

With regard to forced labour for public purposes, a strong recommendation was put in the report that such labour ought to have adequate remuneration and should only exist where voluntary labour was not obtainable. With regard to forced labour for private purposes, certain conditions were added which the Committee thought absolutely essential in order to prevent forced labour degenerating into slavery.

Beyond these general principles, it would have to be left to the International Labour Office to prosecute its enquiries as to what it would advise with respect to the conditions of forced labour. The information had been brought to the Committee through the Norwegian delegation that it was desirable to adopt a resolution saying that there was no wish to interfere with the International Labour Office, but, on the contrary, a desire to wish it ^o godspeed in its work. It seemed to him that the amended resolution was admirably designed for that purpose and only carried out the general principles laid down in Article 5 of the Convention.

M. LOUWERS (Belgium) supported the resolution as amended.

Dr. VON SCHUBERT (Germany) thought the Committee should do its best to further this work in any direction. He quite understood the apprehensions expressed by Count Bonin-Longare, but he hoped the Italian delegate might find it possible to give his adherence in view of the great aims they were trying to reach.

M. AUBERT (France) said that, as evidenced by Article 5 of the Convention, they were all agreed on the need for suppressing forced labour, and it was very desirable that they should enlist the co-operation of such an important body as the International Labour Office. It was quite right to have an enquiry, but he thought it should be made quite clear that there was nothing in all this discussion, at the very end of the session of the Assembly, which committed them one way or the other to the possibility of a future International Convention on Forced Labour. This matter ought to be left for the decision of the competent body — the International Labour Conference.

General FREIRE D'ANDRADE (Portugal) was perfectly satisfied with the resolution and was in agreement with what had been said by Viscount Cecil.

Sir William VINCENT (India) said that he was anxious not to oppose any measures of this kind, but he was also anxious that the League of Nations should not infringe on what was a national as opposed to an international concern. There were words in the Preamble which seemed to go a little further than anything that had been accepted hitherto, and, under these circumstances, he must reserve his decision.

Sir Joseph COOK (Australia) was quite satisfied with the explanation and the terms of this resolution. This was an instruction practically to hand over to the Labour Office the administration of this question of forced labour. So long as one organisation, and not two, was going to deal with it, he was quite satisfied.

Count BONIN-LONGARE (Italy) thought that a new text would be required in view of the present discussion if unanimity was to be secured.

M. AUBERT (France) had no objection to a new text being prepared. If the present text were preserved, it should be modified in the sense that no international regulation had been decided on in principle, but that the matter would be left for the Labour Conference.

M. Albert THOMAS, Director of the International Labour Office, said he was prepared to accept the compromise, provided it did not challenge the rights and obligations of the International Labour Office under Part XIII of the Treaty of Versailles. He was therefore prepared to omit the words "for the international regulation of the conditions of native labour" and to reinstate the words he had previously proposed, namely, "in conformity with the mission which has been confided to it".

Count BONIN-LONGARE (Italy) said that he was in a difficult position because he had always firmly opposed forced labour and hoped that some day there would be a convention abolishing it. He thanked M. Albert Thomas for his proposal but asked whether he could not also agree to omit the words "in view of the provisions of the Convention".

M. Albert THOMAS, Director of the International Labour Office, said that the wording was that of Viscount Cecil, and made it clear that it was a question which had arisen out of the Convention just approved.

Sir William VINCENT (India) said that he could accept the resolution as now amended without making reservations.

Viscount CECIL OF CHELWOOD (British Empire) said that, so far as he was concerned, he did not really object to the last change proposed by the Italian delegate. The only point was that it was not the business of the Labour Office to put a stop to forced labour of a nature analogous to slavery. This was being done under the Convention. But, granted that they had put a stop to it, it was still the business of the Labour Office to see that the conditions of forced labour were fair. He thought, therefore, that the words he had originally drafted more accurately expressed the functions of the Labour Office. What the Committee wanted to do was to say to the Labour Office: "Go on and prosper". If the Italian delegate was quite sure that the words he had proposed would be preferred by his Government, he would accept them; but his own view would have been exactly the contrary.

Count VAN LYNDEN (Netherlands) said he had no instructions and would therefore abstain, but his abstention did not imply any doubt as to the competence of the Labour Office from a legal point of view to deal with the matter when the Convention should have come into force.

The resolution was adopted in the following form, the Netherlands delegation abstaining:

" The Assembly,

" Taking note of the work undertaken by the International Labour Office in conformity with the mission which has been confided to it, and within the limits of its constitution;

" Considering that these studies naturally include the problem of forced labour;

" Requests the Council to inform the Governing Body of the International Labour Office of the adoption of the present Convention, and to draw its attention to the importance of the work undertaken by the Office with a view to studying how to prevent forced and compulsory labour developing into conditions analogous to slavery."

Viscount CECIL OF CHELWOOD (British Empire) said that he would have to put a paragraph into his report with regard to this resolution and suggested the following:

" Last year, the representative of Norway called attention to the useful work which could be done by the International Labour Office in bringing about better conditions for native labour; and the question was again considered this year. I shall shortly propose a resolution on this subject."

22. Draft Convention on Slavery: Draft Report of the Sixth Committee to the Assembly.

The draft report of the Committee to the Assembly, submitted by Viscount Cecil, was considered section by section:

Introduction.

" The Sixth Committee, with the help of a Sub-Committee and assisted by M. Gohr, Chairman of the Temporary Slavery Commission, considered anew, in the light of the observations which had been made by various Governments and by members of the Committee, the draft Slavery Convention which was prepared by the last Assembly.

" As a result of the careful consideration given to this question during the sixth session of the Assembly, it was unnecessary to go over much of the ground which had been so fully covered on the previous occasion. In order, however, that the present report may be comprehensive, much of the comment contained in the report which I had the honour to submit to the sixth session of the Assembly has been embodied in the present document, which therefore constitutes a full commentary on the final text of the Convention."

Article 1 (Definitions).

The text submitted by Viscount Cecil was as follows:

" No change has been made in this article. The text is primarily the result of the work of legal experts, and is based on the minimum provisions of existing colonial legislation and on previous international conventions."

M. GOHR, Chairman of the Temporary Slavery Commission, thought that this part of the report did not perhaps in every way correspond to the intentions of the Temporary Slavery Commission nor of the Sixth Committee itself. In order not to prolong the discussion, he would limit himself to suggesting a slight modification — that, after the word "experts", the phrasing should run: "and it appeared to the Committee that it was sufficiently in conformity with the chief aims they had in view", omitting the words: "and is based on

the minimum provisions of existing colonial legislation and on previous international conventions”.

VISCOUNT CECIL OF CHELWOOD (British Empire) said that he had no objection to this change.

The section was adopted, with the amendment proposed by M. Gohr.

Article 2. — Abolition of Slavery and the Slave Trade.

A discussion took place on the following paragraph of the draft report :

“ A slight change has been made in the drafting of sub-paragraph (b) of this article, the words ‘ notably in the case of domestic slavery and similar conditions ’ being now omitted. This modification was made because it was believed that such conditions came within the definition of slavery contained in the first article and that no further prohibition of them in express terms was necessary. This applies not only to domestic slavery but to all those conditions mentioned by the Temporary Slavery Commission and to which I referred last year, i.e., ‘ debt slavery ’, the enslaving of persons disguised as the adoption of children and the acquisition of girls by purchase disguised as payment of dowry, etc. ”

M. GOHR, Chairman of the Temporary Slavery Commission, questioned the correctness of the words “ it was believed that such conditions came within the definition of slavery contained in the first article ”. If these words were retained, he would like to add the following words as a corrective at the end of the paragraph :

“ Even if, as is possible, these last practices do not come under the definition of slavery as it is given in Article 1, the Commission is unanimously of the opinion that they must be combated. In a more general way, it interprets Article 2 as tending to bring about the disappearance, from written legislation or from the customs of the country, everything which admits the maintenance by a private individual of rights over another person of the same nature as the rights which an individual can have over things. ”

After an exchange of views, *the addition proposed by M. Gohr was adopted.*

M. OOMS (Liberia), with regard to the reference to “ the acquisition of girls by purchase disguised as payment of dowry ”, said that there existed between Liberia and the British Government an Agreement, ratified in 1921, whereby, on the boundary between Sierra Leone and Liberia, it had been stipulated that any dowry should not exceed £5 sterling.

VISCOUNT CECIL OF CHELWOOD (British Empire) thought that the observations of the Liberian delegate fitted in very closely with the words of the report.

The CHAIRMAN said that the Committee would note with satisfaction the statement made by M. Ooms.

This section of the report was adopted, as amended.

Article 3 — Slave Trade by Sea.

This section of the draft report read as follows :

“ The British Government again supported a suggestion contained in the report of the Temporary Slavery Commission that the transport of slaves by sea be treated in the Convention as piracy. The Sixth Committee took the same attitude toward the question from a moral point of view, but many members of the Committee thought that serious difficulties arose as regards the application in law of this proposal. No attempt has therefore been made to incorporate a clause to this effect in Article 3.

“ The French Government proposes that instead the provisions of the Arms Traffic Convention dealing with maritime rights should be inserted in the Convention, with the necessary adaptations to make them applicable to slaves. Other delegations felt, however, that to make so considerable a change in the Convention would not be in consonance with their instructions. The Committee therefore decided to confine itself to the article in the draft which, though it accepts the principle of the Arms Traffic Convention in this respect, gives greater elasticity as to the ‘ final arrangements to be made ’. ”

COUNT BONIN-LONGARE (Italy) congratulated Viscount Cecil on the excellent way in which he had summarised the views expressed in the Sub-Committee, but he noticed one omission. There was no reference to the amendment adopted in the Sub-Committee with regard to special agreements. He would like some words added recognising the importance of such treaties and conveying something to the effect that the Committee desired to leave the door open to special treaties, it being understood, of course, that these would be within the meaning of the Convention.

VISCOUNT CECIL OF CHELWOOD (British Empire) agreed that a few words to this effect might be added.

With regard to the compliment which M. Bonin-Longare had paid him, he must disclaim it so far as he himself was concerned. If the draft had any merit, the main credit must be assigned to the Secretariat.

After an exchange of views, the following revised draft was adopted :

" In particular, attention may be drawn to the third paragraph of Article 3, which provides for the conclusion of special agreements between the signatory Powers. These agreements will enable the parties concerned to make arrangements of greater stringency and stipulations better suited to local conditions than are possible in a general international Convention."

Prince ARFA (Persia), with regard to the last paragraph in the report on Article 3, pointed out that, as Persia had not accepted the principle of the Arms Traffic Convention, it would be desirable to omit the reference to that Convention, or, alternatively, to have an addition at the end of the paragraph :

" . . . In particular as regards the supervision of native ships — an expression which cannot be applied to vessels belonging to the signatory States."

Count BONIN-LONGARE (Italy) thought that the Persian amendment was going too far. On the previous day, a paragraph had been added to satisfy the objections of the Persian delegation, which showed that all vessels were on the same footing. He hoped the Persian delegate would be content with this; otherwise there would be a contradiction between the text of the Convention and the text of the report.

Viscount CECIL OF CHELWOOD (British Empire) said that he understood that his Persian colleague desired that there should be no inequality between the signatory States. He suggested the following words :

" The Committee therefore decided to confine itself to the article in the draft which, though it accepts the principle of the Arms Traffic Convention, provides for the absolute equality of signatory States and gives greater elasticity as to the final arrangements to be made."

Prince ARFA (Persia) said that he found himself in a difficult position, as he had binding instructions from his Government on this point. Persia had always refused to recognise the Arms Traffic Convention. He asked the Committee therefore not to insert words stating that the signatories accepted the principles of that Convention. If he could not be given satisfaction on this point, he requested that the reservation made by him should be expressly mentioned in the report.

Sir William VINCENT (India) said that he only accepted the paragraph in the report on the understanding that it was subject to the reservation he made at the previous meeting.

Viscount CECIL OF CHELWOOD (British Empire) said that he could see the difficulty his Persian colleague was in and therefore he suggested the following :

" Other delegations felt, however, that to make so considerable a change in the Convention would not be in consonance with their instructions. The Committee therefore decided to confine itself to the article in the draft, which, though it recognises that some of the provisions of the Convention concerning the International Trade in Arms should form the basis of the proposed new agreement, provides for the absolute equality of the signatory States and gives elasticity as to the final arrangements to be made."

Prince ARFA (Persia) asked whether the English amendment used the word " provisions " and not " principles ".

Viscount CECIL OF CHELWOOD (British Empire) said that that was what he had suggested.

M. AUBERT (France) wished to retain the words as they were and to add at the end of the paragraph the words contained in Article 3 of the Convention :

" It is understood that this general Convention will not place the ships (even of small tonnage) of any High Contracting Parties in a position different from that of the other High Contracting Parties."

The CHAIRMAN said he thought it would be dangerous to try and interpret the text in the report. He proposed that the Committee should merely say that it adopted the compromise form of text for Article 3 instead of giving the reasons why they adopted it.

Prince ARFA (Persia) said he was prepared to accept Viscount Cecil's text with the word " stipulation " inserted in the French text instead of the word " principle ".

Viscount CECIL OF CHELWOOD (British Empire) hoped that, if time were given to his French colleague to reflect, he would not have any objection to the text he proposed; it merely stated quite plainly what had been said in the article. As it met the wishes of the Persian delegate, he suggested they should leave it.

After an exchange of views, the following text was adopted :

" The Committee therefore decided to confine itself to the article in the draft which refers to certain provisions of the Arms Traffic Convention, gives greater elasticity as to the final arrangements to be made and provides for the absolute equality of the signatory States."

This section of the report was adopted, as amended.

Article 4 — Mutual Assistance.

The first paragraph of this article of the draft report was as follows :

“ No change has been made in this article ; but the various suggestions as to its application made on behalf of the Committee last year may be recalled. It was then pointed out that mutual assistance might be given in particular by arrangements for the right of pursuit across inland frontiers, a point treated in the report of the Temporary Slavery Commission. It is to be hoped that such arrangements for the right of pursuit across inland frontiers will be concluded by the States concerned ; particularly those situated in Africa, Arabia or Asia, or those having possessions in these parts of the world. ”

M. AUBERT (France) said that he had not before him the text of last year's report and could not agree to the insertion of the words in the last sentence : “ it is to be hoped that such arrangements for the right of pursuit across inland frontiers will be concluded by the States concerned ”. In view of the fact that no decision had been taken on this point, he did not see how the Committee could make such a recommendation.

VISCOUNT CECIL OF CHELWOOD (British Empire) said that a similar wording was accepted by the French delegation last year. This was a matter which was raised in the Temporary Slavery Commission's report, and it had been decided that it could not be put in the Convention because it was too elaborate, but they hoped that some such provision would be made by special agreement. The only difference between the two forms was that last year he had said : “ I sincerely trust that such arrangements ”, and so on, whilst the words now used were : “ It is to be hoped that such arrangements ”. He had no objection to use the first form of words to meet the wish of M. Aubert.

This section of the report was adopted, as amended.

Article 5 — Forced or Compulsory Labour.

This section of the draft report was as follows :

“ In drafting this article, the Committee confronted perhaps the most difficult of the problems before it. After much consideration, the present drafting was finally agreed. It represents a definite attempt to deal with the question of forced labour in a general international agreement. This alone marks progress of considerable importance.

“ The Committee was very anxious to put into the Convention all the provisions necessary to prevent forced labour giving rise to conditions analogous to slavery. With this object in view, it has agreed that forced labour should only be resorted to for public purposes apart from purely transitory arrangements designed to make the progressive abolition of forced labour for private purposes both just and practicable. In this connection, it will be observed that stringent conditions are imposed on forced labour for private purposes even during the transitory period. Among these conditions is the requirement that adequate remuneration should be paid to those subjected to forced labour. In the case of forced labour for public purposes, this condition is not repeated. This omission has been made because there are cases where forced labour for public purposes is not remunerated in the ordinary sense of that word. For instance, in certain countries labour for public purposes is accepted instead of taxes. It must be remembered that there are also exceptional cases in which it could scarcely be said that compulsory labour for public purposes is, strictly speaking, remunerated. But though the requirement that adequate remuneration should be paid for forced labour for public purposes is not included in the Convention, the Committee is strongly of opinion that such remuneration should as a general rule be paid. It is also of opinion that forced labour even for public purposes should not, as a general rule, be resorted to unless voluntary labour is unobtainable. It therefore suggests that the Assembly should pass a resolution to this effect, which I shall subsequently propose and which is based on a proposal by the German delegation.

“ The Belgian delegation had submitted an amendment to the effect that forced labour might also be exacted in the interests of education and social welfare, provided that it was only imposed upon the natives in those two cases on their own lands and for their own direct profit. In the mind of the authors of the amendment, this provision had no other purpose than to give to the colonial governments the means of protecting the natives against their want of foresight, and to assist them in rising to a more advanced state of civilisation. The Committee, while recognising the disinterested and humanitarian motives for this suggestion, was not able to accept it. It feared that in its application this proposal might lead to grave abuses of exactly the type which the Convention itself was designed to prevent or suppress.

“ In principle, the Committee was most decidedly opposed to the use of forced labour for other than public purposes, but at the same time it recognised that, owing to special conditions in certain colonies, it might be necessary to call upon the population for this kind of labour in exceptional cases. The draft Convention, however, subordinates such recourse to certain conditions that are considered essential in order to guard against the abuses to which this form of labour may give rise. In the first place, it can only be authorised in exceptional cases when there is imperious necessity; secondly, it shall always be adequately remunerated; finally, in no case must it involve the removal of the labourers from their usual place of residence. If these conditions are strictly observed, the evils of forced labour for private enterprises will be enormously diminished.

“ It was also suggested that a clause be added to this article providing for the infliction of due punishment on anyone who exacted or who sought to exact forced labour from natives illegally. The Committee entirely agreed with the intention of the authors of this proposal, but considered that such an addition to Article 5 was unnecessary, as, in its opinion, such punishment would be provided for as the result of stipulations in Article 6.”

M. GOHR, Chairman of the Temporary Slavery Commission, thought that the paragraph commencing “ In principle, the Committee was most decidedly ”, down to the words “ in exceptional cases ”, did not quite show the bearing of Article 5 of the Convention. While the draft Convention in principle excluded the use of forced labour for private purposes in all colonies and in all cases, the draft report seemed to say that in any colony forced labour might be used in exceptional cases.

Viscount CECIL OF CHELWOOD (British Empire) said he was conscious that there was a little difficulty about this wording, which was a reproduction of last year's report, but if M. Gohr would look at the previous paragraphs he would find that the transitory aspect of these provisions was very clearly indicated. Subject to what other members of the Committee might think, he would be content to leave out altogether the paragraph referred to by M. Gohr, the comment on this part of the Convention to be confined to the previous paragraphs.

M. LOUWERS (Belgium) thought that in last year's report some words were inserted to meet the very objection that M. Gohr had just raised.

M. GOHR, Chairman of the Temporary Slavery Commission, said that, if he remembered rightly, the Assembly modified the report at the last moment last year in order to show that private forced labour was not allowed in principle but would be tolerated in some colonies where it existed, provided that progressive measures were taken to abolish it, and subject to certain strict regulations.

Viscount CECIL OF CHELWOOD (British Empire) said that that was almost what was stated in the report—rather shortly perhaps, but he did not think it could be stated more clearly. As he did not think there was any necessity for a detailed reference to the provisions of the Convention, he thought they would meet M. Gohr's objection if they struck out the remarks in the second part, which were perhaps not quite accurate, and left the rather summary but sufficient reference contained in the first part.

Count BONIN-LONGARE (Italy) said that, after reading the whole passage through, he was prepared to accept Viscount Cecil's proposal to omit the paragraph beginning “ In principle ”, which was really a repetition.

M. LOUWERS (Belgium) said that, even with the omission of the paragraph, what remained appeared to convey the impression that forced labour for private purposes was allowed, although it was considered as a transitory measure, whereas the Convention stated the contrary, with the one exception that, in the territories where it already existed according to legislation and custom, it might continue but was to be progressively abolished. The report ought therefore to bring that point out clearly.

Viscount CECIL OF CHELWOOD (British Empire) thought it would be impossible to state in plainer language exactly what M. Louwers had put forward. The report said:

“ With this object in view, it has agreed that forced labour should only be resorted to for public purposes apart from purely transitory arrangements designed to make the progressive abolition of forced labour for private purposes both just and practicable.”

The words of the Convention were:

“ In territories in which compulsory or forced labour for other than public purposes still survives, the High Contracting Parties shall endeavour progressively and as soon as possible to put an end to the practice. So long as such forced or compulsory labour exists, this labour shall invariably be ”, etc. [the conditions being stated].

The report went on :

"In this connection, it will be observed that stringent conditions are imposed on forced labour for private purposes, even during the transitory period."

M. LOUWERS (Belgium) moved an amendment to substitute for the words "apart from purely transitory arrangements", the words "apart from the cases provided for in the second paragraph of Article 5".

VISCOUNT CECIL OF CHELWOOD (British Empire) begged his Belgian colleague not to insist upon his amendment, which he could not possibly accept. It was important to mark in the report itself that it was a transitory provision. That was the effect of a very long discussion in the Committee.

M. LOUWERS (Belgium) said he was anxious that they should emphasise the absolute character of the prohibition in the Convention and should not appear to enlarge its terms.

M. Louwers' amendment was negatived and the suppression proposed by Viscount Cecil accepted.

COUNT VAN LYNDEN (Netherlands) moved the addition, after the words "unless voluntary labour is unobtainable", of the phrase "although exceptions may also be necessary to this rule". He had already made the suggestion at the previous meeting.

COUNT BONIN-LONGARE (Italy) thought the words "as a general rule" would meet the point. It seemed a mistake to go further and say specifically that forced labour might be resorted to even if voluntary labour were obtainable.

COUNT VAN LYNDEN (Netherlands) said that cases might occur in which, even if voluntary labour were obtainable, exceptions must be made to the rule of not using forced labour if the development of the territory was not to be hampered. As they had specifically provided for exceptions to the rule of adequate remuneration, it seemed that, for the sake of consistency, they ought to say that exceptions might be allowed as regards the use of forced labour.

VISCOUNT CECIL OF CHELWOOD (British Empire) said he did not attach any importance to the words if the Committee desired to see them inserted. If the words proposed were added, they would have the appearance of weakening the words "as a general rule", which phrase implied that there were exceptions. He would prefer to leave the sentence as it stood.

COUNT VAN LYNDEN (Netherlands) said he was prepared to withdraw his amendment and he took note of what Viscount Cecil had said to the effect that exceptions would be possible to the rule in question.

The section dealing with Article 5 was adopted, subject to various drafting amendments.

The sections dealing with Articles 6 and 7 were adopted without debate.

Article 8. — Jurisdiction of the Permanent Court.

This section of the draft report read as follows :

"This article is substantially identical with articles of the same nature which have been inserted in several international conventions negotiated during recent years under the auspices of the League of Nations."

General FREIRE D'ANDRADE (Portugal) proposed to add at the end :

"It does not impose any fresh obligations on Members of the League of Nations which have signed the Protocol of the International Court of Justice."

VISCOUNT CECIL OF CHELWOOD (British Empire) said he would be willing to accept the amendment in the following form :

". . . And it imposes no new obligations on the Members of the League of Nations which have signed the Facultative Protocol of the Statute of the Permanent Court of International Justice."

The chapter on Article 8 was adopted, with this amendment.

Article 9. — Partial Accessions.

This section of the draft report reads as follows :

"This article has been inserted primarily for formal reasons in most of the recent international Conventions. The Committee was of the opinion that there would probably be little occasion for the interested States to use it in the case of the present Convention. On the other hand, to avoid possible difficulties, it was considered advisable to follow a practice which has now become usual."

Sir William VINCENT (India) thought that the report should inform the Assembly that particular States had made certain reservations with regard to the Convention, and he suggested that, at the end of the paragraph, the following words should be added :

". . . and certain States have made reservations in respect of particular articles and territories."

General FREIRE D'ANDRADE (Portugal) withdrew the reservation which he had made on the previous day, the chapter of the report dealing with Article 8 having been amended in accordance with his wishes.

Viscount CECIL OF CHELWOOD (British Empire) understood the object of the Indian delegate's suggestion but thought it would be difficult to put it in the paragraph. He still cherished the hope that some at any rate of the Indian reservations would not be made at the time of signature. It would hardly be proper, as a matter of drafting, to state that opportunity had been taken of this provision which could only be taken at the time of signature. But he suggested that it would be better, perhaps, to say: "This article has been inserted primarily for formal reasons in most of the recent international Conventions", and to leave out the sentence about its not being likely that many people would use it, which, he agreed, made it a little difficult for his Indian colleagues.

Sir William VINCENT (India) explained that his idea was that the Assembly should not be misled or that the Committee should not be accused of concealing facts which ought to be brought to the notice of the Assembly. He was not so sure that India would be able to withdraw the reservations she had made, though it was possible that there might be changes in them. In any case, he was prepared to accept Viscount Cecil's suggestion that this was neither the place nor the time to make the amendment.

*The Committee agreed to the suppression suggested by Viscount Cecil.
This section of the report was adopted, as amended.*

23. Draft Convention on Slavery : Declaration by the Abyssinian Delegation.

The Dedjazmatch GUETATCHEOU (Abyssinia) desired to make a declaration on behalf of his Government with regard to Article 4. He would like it to be understood that the very interesting indications in the report with regard to the different articles, and particularly with regard to the right of pursuit across frontiers, referred to in Article 4 — and which the Abyssinian Government was unable to accept — were regarded only as suggestions intended to enlighten the Governments but not to commit them in the same manner as the text of the Convention itself.

The CHAIRMAN said that the Committee would take note of this declaration of the Abyssinian delegation.

24. Question of the Signature of the Convention on Slavery.

The CHAIRMAN said that, as delegate for Belgium, he had full power to sign the Convention and was prepared to append his signature at once. He hoped that a great number of States would similarly be able to sign the Convention without reservations.

Viscount CECIL OF CHELWOOD (British Empire), on behalf of the British Government, said that he hoped to sign the Convention on the morrow without reservation.

Sir George FOSTER (Canada) said that he also was authorised, on behalf of the Canadian Government, to sign the Convention.

Dr. NANSEN (Norway) said that he had received a telegram from the Norwegian Government authorising him to sign the Convention.

Dr. VON SCHUBERT (Germany) said that personally he also was prepared to sign the Convention, but first of all he must ascertain that he had full powers.

General FREIRE D'ANDRADE (Portugal) was expecting a telegram from the Portuguese Government enabling him to sign the Convention.

25. Mandates : Draft Resolution proposed by the Drafting Committee.

The CHAIRMAN read the following resolution proposed by the Drafting Committee :

" The Assembly,

" Having taken cognisance of the report to the Council relating to the mandated territories and of the discussion on the subject which has taken place in the Council ;

" And having heard the Vice-Chairman of the Permanent Mandates Commission :

" Thanks the Permanent Mandates Commission for the devotion and the zeal with which it has carried out its delicate task ;

" Has confidence in the members of this Commission, as well as in the Members of the Council, to ensure the application of the principles of Article 22 of the Covenant in a cordial spirit of co-operation with the mandatory Powers. "

The draft resolution was adopted.

On the proposal of Count BONIN-LONGARE (Italy), the Committee asked the Chairman to act as Rapporteur.

It was agreed that the resolution should be formally read before the Assembly and that the Rapporteur might add the oral explanations he wished.

The agenda of the Committee being exhausted, Count BONIN-LONGARE (Italy), on behalf of his colleagues, thanked the Chairman for the able way in which he had directed the meetings of the Committee.

Annex.

DRAFT CONVENTION RELATING TO SLAVERY PROPOSED BY THE
SUB-COMMITTEE¹.

Preamble.

Whereas the signatories of the General Act of the Brussels Conference of 1889-90 declared that they were equally animated by the firm intention of putting an end to the traffic in African slaves;

Whereas the signatories of the Convention of St. Germain-en-Laye of 1919 to revise the General Act of Berlin of 1885, and the General Act and Declaration of Brussels of 1890 affirmed their intention of securing the complete suppression of slavery in all its forms and of the slave trade by land and sea:

Taking into consideration the report of the Temporary Slavery Commission;

Desiring to complete and extend the work accomplished under the Brussels Act and to find a means of giving practical effect throughout the world to such intentions as were expressed in regard to slave trade and slavery by the signatories of the Convention of St. Germain-en-Laye and recognising that it is necessary to conclude to that end more detailed arrangements than are contained in that Convention;

Considering, moreover, that it is desirable to prevent forced labour from creating conditions analogous to slavery;

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

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

Article 1.

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

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

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

Article 2.

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

(a) To prevent and suppress the slave trade;

(b) To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.

Article 3.

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

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

or the following text:

Article 3.

The High Contracting Parties undertake to negotiate as soon as possible a general Convention with regard to the slave trade which will give them rights and impose upon them duties of the same nature as those provided for in the Arms Traffic Convention (Articles 12, 20, 21, 23, 24 and paragraphs 3, 4 and 5 of Section II of Annex II) with the necessary adaptations.

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

¹ The Report and the Convention, as adopted by the Sixth Committee, presented to the Assembly and adopted at the plenary meeting of September 25th, 1926, are published in the annex to the Minutes of the Plenary Meetings of the Assembly. They are also published separately in document A. 104. 1916. VI.

Article 4.

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

Article 5.

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

It is agreed that :

(1) Subject to the transitional provisions laid down in paragraph (2) below, compulsory or forced labour may only be exacted for public purposes.

(2) In territories in which compulsory or forced labour for other than public purposes still survives, the High Contracting Parties shall endeavour progressively and as soon as possible to put an end to the practice. So long as such forced or compulsory labour exists, this labour shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the labourers from their usual place of residence.

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

Article 6.

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

Article 7.

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

Article 8.

The High Contracting Parties agree that disputes arising between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the States to such a dispute should not be parties to the Protocol of December 16th, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties and in accordance with the constitutional procedure of each State, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Hague Convention of October 18th, 1907, or to some other court of arbitration.

Article 9.

At the time of signature or ratification or of accession a State may declare that its acceptance of the present Convention does not bind some or all of its colonies, possessions, protectorates or overseas territories or any territories under its sovereignty, suzerainty or authority in respect of all or any provisions of the Convention ; it may subsequently accede separately on behalf of any one of them or in respect of any provision to which any one of them is not a party.

Article 10.

The present Convention, which will bear this day's date and of which the French and English texts are both authentic, will remain open for signature by States Members of the League of Nations until April 1st, 1927.

The Secretary-General of the League of Nations will subsequently bring the present Convention to the notice of States which have not signed it, including States which are not Members of the League of Nations, and invite them to accede thereto.

A State desiring to accede to the Convention shall notify its intention in writing to the Secretary-General of the League of Nations and transmit to him the instrument of accession, which shall be deposited in the archives of the League.

The Secretary-General shall immediately transmit to all other States a certified true copy of the notification and the instrument of accession, informing them of the date on which he received them.

Article 11.

The present Convention will be ratified and the instruments of ratification shall be deposited in the Office of the Secretary-General of the League of Nations. The Secretary-General will inform all signatory or acceding States of such deposit.

The Convention will come into operation for each State on the date of the deposit of its ratification or of its accession.

In faith whereof, the Plenipotentiaries have signed the present Convention.

Done at Geneva the _____, 1926, in one copy, which will be deposited in the archives of the League of Nations. A certified copy shall be forwarded to each signatory State.

[Signatures.]

Table of Contents

of Minutes and Annexes of Committee No. 6

	Page		Page
Agenda of Committee	7	Minutes of Committee	
Agreements and Conventions concluded under League Auspices		Nature of	7
Ratification		Progress of Work of Committee	14-15, 15
Draft resolution proposed by Viscount Cecil		Publicity of Meetings of Committee	7
Discussion	13-14	Slavery and Analogous Conditions	
Text	13	Convention	
Rapporteur to Assembly	15	Draft text approved by 6th Assembly	
Sub-Committee		Preamble and Arts. 1 and 2	
Appointment	14	Discussion	8-13
Report of	15	Procedure <i>re</i> examination	7-8
Chairman of Committee		Draft text submitted by Sub-Com.	
Election	7	Discussion and amendments	26-31
Expenditure incurred by Committee, Limitation of		Text	47-8
Communication from Com. No. 4	15	Report of Committee	40-6
Forced Labour		Reservations of:	
<i>See: Slavery and analogous conditions</i>		Abyssinian delegation	46
Mandates		Indian delegation	31-2
Competence of Mandates Commission, 17, 20-1, 21, 21-2, 23, 24, 25, 25-6.		Signature	
Drafting Committee		Declarations of representatives	46
Appointment	26	Draft resolution of Sub-Com.	32
Petitions, Procedure <i>re</i> , an questionnaire concerning annual reports		Forced Labour	
Discussion in Com.	17-18, 20-26	Conditions necessary for employment	32-4
Draft resolutions of delegations		Reference of question to Labour Office	
Australia	25	Draft resolution of Norwegian delegation	
Norway	14, 18	Discussion	34-40
Questions of general administration		Resolution of Committee	40
Statement by Dr. Nansen	16-18	Information <i>re</i> , to be supplied to Assembly by Council	34
Rapporteur to Assembly: Appointment	47	Resolutions (draft) submitted by Sub-Com.	
Resolution of drafting Com. adopted by Com.	46	Discussed and adopted	32-4
South-West Africa		Sub-Committee	
Legal status of railways and relation with Union of South Africa 16, 17, 23, 25		Appointment	13
Members of Committee, List of	5-6	Work	
		<i>See above under Convention: Resolutions (draft) and Draft text submitted by Sub-Com.</i>	
		Vice-Chairman of Committee	
		Election	7