

Geneva, September 1st, 1925.

LEAGUE OF NATIONS

TEMPORARY SLAVERY COMMISSION

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MINUTES

OF THE

SECOND SESSION

HELD AT GENEVA

FROM JULY 13<sup>TH</sup> TO 25<sup>TH</sup>, 1925

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## TEMPORARY SLAVERY COMMISSION.

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### MINUTES OF THE SECOND SESSION HELD AT GENEVA FROM JULY 13TH TO 25TH, 1925.

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All the meetings were private.

All the members of the Commission were present at this session, as follows:

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| M. GOHR ( <i>Chairman</i> ),                     | Director-General in the Ministry of the Colonies (Belgium).  |
| M. FREIRE D'ANDRADE<br>( <i>Vice-Chairman</i> ), | Former Minister of Foreign Affairs (Portugal);<br>Member of the Permanent Mandates Commission.                       |
| M. DELAFOSSE<br>( <i>General Rapporteur</i> ),   | Former Colonial Governor;<br>Member of the French Colonial Academy.  |
| M. Louis-Dante BELLEGARDE,                       | Former Minister of Haiti to France;<br>First Delegate of Haiti to the Third Assembly of the League of Nations.       |
| Mr. H. A. GRIMSHAW,                              | Representative of the International Labour Organisation.   |
| Sir Frederick LUGARD,                            | Former Governor of Nigeria;<br>Member of the Permanent Mandates Commission.  |
| Commander RONCAGLI,                              | Secretary-General of the Italian Geographical Society.   |
| M. VAN REES,                                     | Former Vice-Chairman of the Council of the Dutch East Indies;<br>Vice-Chairman of the Permanent Mandates Commission. |
- Secretary:* M. Vito CATASTINI, Chief of Section charged with the direction of the Mandates Section; at certain meetings replaced by Mr. Huntington GILCHRIST, Member of the Mandates Section.
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*Note by the Secretariat:* The paragraph numbers given in the minutes are those of the final text of the Report to the Council (Document A. 19. 1925. VI)



## FIRST MEETING

*Held at Geneva on Monday, July 13th, 1925, at 11 a.m.*

Present: All the members of the Commission.

### 34. Requests from Private Organisations to be Present at Meetings of the Commission.

The CHAIRMAN stated that various organisations, in particular the Catholic Association for International Studies, had requested that their representatives might be allowed to be present during the discussions of the Commission.

*The Commission decided that it was not possible to accede to this request, as its deliberations were not of a public nature.*

### 35. Examination of the Procedure to be adopted as regards Documents not considered by the General Rapporteur in his Report.

M. CATASTINI recalled the fact that among the difficulties encountered by the Temporary Slavery Commission at its first session was that arising from the large number of documents submitted for its examination. In order to overcome this difficulty, it had thought it desirable to draw up certain regulations. It wished, on the one hand, to ensure the complete and careful examination of these documents by submitting them to the study of individual members and then to the study of the General Rapporteur, with the notes of his colleagues at his disposal. On the other hand, it wished to complete and perfect the information received from private sources by submitting it to the Governments of the countries concerned.

This procedure established by the Commission and approved by the Assembly was applied to several documents, but it had happened that considerable information had reached the Secretariat since the General Rapporteur had submitted his report.

Apart from the distribution by subjects, which the Commission might possibly wish to make in accordance with the programme of work to be decided on, these documents might be grouped under two general headings:

The first would include those which — in view of their origin, having emanated directly from Governments or in view of the fact that they had passed through all the stages laid down under the procedure adopted by the Commission — might be considered as complete from the legal point of view and from the standpoint of the procedure adopted by the Commission.

The second contained those documents that had not yet passed through all the various stages of this procedure and which might therefore be considered as incomplete from the legal point of view.

The first category contained:

#### *Communications emanating from Governments:*

(a) A reply dated June 8th from the Portuguese Government regarding questions raised by the Commission, transmitting a memorandum dated June 3rd, drawn up by the Geographical Society, Lisbon. This letter (document C.T.E. 45) was forwarded to the Commission on June 26th.

(b) A letter from the French Government dated July 10th, transmitting texts of laws concerning labour. This letter had been communicated to the members of the Commission, but it had not been possible to reproduce the annexes.

#### *Communications from private sources:*

(c) A communication from Mr. Morton (document C.T.E. 24) having been considered by the Sub-Committee as worthy of consideration, the Secretary-General had asked for the views of the Government of the Irish Free State as to the competence of the author. The reply of this Government (document C.T.E. 24a) was not unfavourable and the communication was transmitted to the Portuguese Government. The reply of this Government (documents C.T.E. 43 and 44) dated June 5th was communicated to the Commission on June 24th.

The second category included:

1. Two communications from the International Bureau for the Protection of Natives (organisation designated by the Swiss Government):

(a) A letter dated May 20th, 1925, communicated to the Portuguese Government on May 30th. No reply had as yet been received.

(b) A letter dated July 9th, which had just been received by the Secretariat. This would have to be submitted to various Governments of South America.

2. A memorandum from the Anti-Slavery and Aborigines Protection Society dated May 20th. This was considered worthy of consideration by the Sub-Committee and communicated on June 20th to the British Government. No reply had as yet been received.

3. A letter from Major Diggle forwarded by the Anti-Slavery and Aborigines Protection Society on May 22nd, 1925. The Sub-Committee having considered that this letter was worthy of consideration, the British Government was asked on June 10th for its opinion as to the competence of the author. A reply was received dated July 6th.

M. Catastini ventured to submit this reply, which was of recent date, to the Commission, and to request it to consider its terms in order to decide whether the letter from Major Diggle should be transmitted to the Sudanese Government.

4. A report from Professor Ross concerning the employment of native labour in Portuguese Colonies in Africa. The Sub-Committee having considered this as worthy of consideration, the Secretary-General, on June 30th, asked the Government of the United States of America for its opinion as to the competence of Professor Ross. No reply had as yet been received from this Government. Should it not be unfavourable, the report of Professor Ross would be submitted to the Portuguese Government.

The CHAIRMAN explained that the Commission had to decide whether to refuse to consider communications received after M. Delafosse's report had been submitted and to which the procedure previously adopted could not be applied. The documents in question were not only documents received after the submission of this report but also included those in regard to which the Governments concerned had not yet given a reply.

Mr. GRIMSHAW thought it would be a mistake to take a decision, at this stage, to disregard entirely these documents. He pointed out that in the first place some replies might be received from the Governments before the present session closed and that, consequently, consideration of the documents thus legitimated might lead to changes in the drafting of the report. This was particularly the case, in all probability, with the communications of Major Diggle in regard to the Sudan and of Professor Ross in regard to the Portuguese Colonies. It did not follow from the Rules of Procedure of the Commission, which fixed no final date for the receipt of communications, that documents such as these should not be taken into consideration.

Sir F. LUGARD thought, as regards Major Diggle's communication, that the British Government had replied on behalf of the Sudan Government, and as no mention was made as to referring the document to the Sudan Government, the Commission might accept this as a definite reply.

M. VAN REES agreed, in part, with Mr. Grimshaw and Sir F. Lugard. He proposed, however, that a decision should not be taken for the moment on the question raised by M. Catastini but that it should be considered when the Commission examined the various documents received by the Commission.

M. FREIRE D'ANDRADE recalled that the Commission at its first session decided that, when information was received from a private source, it would enquire from Governments as to the character of the person or persons supplying this information. If it appeared from this first enquiry that the person or persons in question were reliable, the Commission would submit the communication itself to the Government complained of in the communication. This procedure seemed to him very wise, and there was the more reason not to change it seeing that at the last Assembly the Sixth Committee only adopted the report of the Slavery Commission with great hesitation and that the Assembly itself only approved the programme and the methods of work proposed by the Commission and, for the rest, relied on its wisdom and tact. It would be contrary to all principles of justice for the Commission to decide regarding communications made to it without having brought them to the notice of the Government involved and without having waited for a reasonable time for the reply. The Commission could not definitely disregard these documents since they had been received; but, without having followed the approved procedure, it could not use them in drafting its report.

M. BELLEGARDE thought that the Commission should obtain as much information as possible in order to enable it to submit work of value to the Council. It could therefore not disregard the documents which had arrived late, but should, on the contrary, study them and obtain from them what information it could, with the reservation proposed by M. Freire d'Andrade to communicate them, if necessary, to the Governments concerned which might wish to reply to them.

M. DELAFOSSE supported M. Freire d'Andrade's proposal. Among the documents in question there were several that he had not received. This was probably the case with several of his colleagues. The Commission could obviously, at the moment, not pronounce as to the value of these documents. Nevertheless, they might be of a certain value, and the Commission could not decide then and there not to examine them at the present session.

The Commission might receive the observations of the Governments concerned on these reports before dispersing. In that case it might utilise this documentation as much as possible. He therefore proposed that the Commission should not disregard these documents but should take them into account only in so far as the procedure laid down should have been completed by replies from the Governments concerned. If these replies arrived before the end of the session, the Commission would be in a position to examine the communications and might modify conclusions previously adopted.

M. BELLEGARDE asked what attitude the Commission would take if the Governments did not reply.

M. DELAFOSSE replied that, in this case, the Commission might not consider the communication.

M. BELLEGARDE pointed out that, if a Government refused to reply, it would prevent the Commission taking an important document into consideration.

The CHAIRMAN recognised the justice of this observation. He recalled, however, that the Slavery Commission was only a temporary commission and it should stop at a given moment the examination of communications which had been received.

M. FREIRE D'ANDRADE observed that some of the communications in question had only recently arrived at the Secretariat and that the various steps required by the procedure which had been adopted would take a certain amount of time. It was true that the Slavery Commission was only a temporary commission, but the work of M. Delafosse already enabled it to present a valuable report to the Assembly. In regard to certain other questions which could not be settled during this session, — for example, the question of forced labour — he wished to remind the Commission, without prejudice to future discussions, that it had been suggested that this question be referred to some other organisation in more or less close relation with the International Labour Office.

Sir F. LUGARD said that, in his opinion, the Commission should first discuss slavery proper and postpone consideration of documents submitted to it until later. It would then be in a position to see how much time it had in which to examine these questions. The Commission was a temporary one and it did not know whether it would be asked to meet again. It was, above all, desirable that it should frame its constructive proposals first. He therefore proposed that the present discussion of the question whether this or that document should be accepted be deferred.

Mr. GRIMSHAW said it was of course within the power of the Commission to change its mind as to the procedure to be adopted but he did not suggest that. Under the rules adopted last year, no communication was ruled out entirely. In discussing this procedure, M. Freire d'Andrade had said that these documents should be forwarded to Governments for their opinion as a matter of courtesy, but it was not implied in the rules that the Commission should refuse to examine them before a reply had been received. He thought that the Commission should take all documents at least into consideration; the decision to be adopted in regard to them and the attention paid to them in the report would depend upon the Commission's view as to their merits.

He noted with great interest M. Freire d'Andrade's proposal that that part of the Commission's enquiry which concerned labour should be made over to the International Labour Office, and he considered the proposal logical and likely to lead to the results which all wished to see brought about. It was also in conformity with the provisions of the Treaty of Peace.

But it would be regrettable if this distinguished Commission were to disperse without discussing problems connected with forced labour and servile labour in general, as its opinions would be of the greatest value to the International Labour Organisation if the task of dealing with these matters were confided to it.

The CHAIRMAN thought that his colleagues would agree not to reject at once the communications that had been recently received. At the proper time, the Commission would consider each on its merits and decide whether it should go outside the procedure laid down by the Council and the Assembly or whether it was bound by that procedure.

M. FREIRE D'ANDRADE wished to remind Mr. Grimshaw that, as appeared from the Minutes of the preceding session, he had the same idea in mind as M. Bellegarde. He considered that a reasonable period should be allowed, while realising that the delay in replies from Governments might be serious. This did not prevent the Commission informing the Governments, although this might be by way of courtesy only.

Mr. GRIMSHAW thought that his remark had been misunderstood. He did not wish to imply that they should disregard the rules of procedure adopted. These rules did not definitely bar any documents from consideration, although they gave a privileged position to certain of them.

M. DELAFOSSE wished to observe that he held the same opinion as at the last session. If the Commission referred to the Minutes of that session (page 19) it would see that he had considered that the Commission should not wait for the replies of Governments in taking communications into consideration, at least, in so far as concerned their examination. The Commission had since then taken a decision. As far as he remembered, all his colleagues had agreed the previous year that they should not reject, on principle, documentation which for some reason or other had not been fully subjected to the procedure laid down.

The CHAIRMAN closed the discussion and thought that the Commission would be keeping to the spirit of the decision it had adopted the preceding year by considering that, in order to accomplish valuable work, it should only take into account documents which it was possible to check up. It might depart from this decision if, for one reason or another, the information asked for from the Governments was not supplied.

### 36. Work of the Commission: General Discussion.

Sir F. LUGARD said:

Since we last met, we have each of us devoted much time and thought to the examination of a mass of documents and the preparation of the reports which we undertook to submit. We are all much indebted to our Rapporteur, M. Delafosse, for his very able summary, which includes his own views.

He has adopted a very excellent system of reviewing the information received, regarding each branch of the subject by the light of his own views and those of his colleagues, and finally submitting suggestions (either his own or taken from the reports) under each head which may form the basis of our recommendations to the Council. I am glad to say that I find myself to a very large extent in agreement with his views and suggestions, although I naturally have some points of difference, and in some cases I desire to make some additions. I will not refer to these now as they will of course form the subject of our deliberations.

The CHAIRMAN wished to take this opportunity for thanking M. Delafosse in the name of his colleagues for the remarkable work in which he had condensed many fruitful ideas and extremely practical suggestions into a relatively small number of pages, and in a language which was as clear as it was precise.

Sir F. LUGARD continued:

I will only refer now to two matters in regard to which I desire to amend the report I have submitted. I have suggested in my report that the adhesion of all States Members of the League or signatories of the Brussels Act should be sought to the Convention of St. Germain and that the scope of the Convention should be made worldwide. This proposal has been endorsed by the Rapporteur. I desire, however, to modify it and at the same time to withdraw the proposal for a separate slavery bureau at Brussels or Geneva.

My present proposal is that the Temporary Slavery Commission should recommend to the Council that a new Convention regarding slavery should be agreed upon by the Powers with a view to bringing the Brussels Act up to date and carrying its provisions a step further. The moment seems opportune for this, since a separate Convention regarding arms (which formed the subject of many clauses of the Brussels Act) has just been concluded. If the Commission can suggest the main points which such a Convention should embody, it will have accomplished a very useful and constructive piece of work and will give a tangible and concrete form to some of its recommendations. I have discussed this suggestion with one or two competent authorities and find them not averse to it.

M. BELLEGARDE wished to raise a point of order. He thought that the Commission should first decide on the procedure it wished to adopt for the discussion of the general report. The observations of Sir F. Lugard could more suitably be made during the Commission's study of the report.

The CHAIRMAN thought, on the contrary, that it was preferable to let each member of the Commission explain his views in a general manner. This would facilitate further discussions.

Sir F. LUGARD said, in reply to M. Bellegarde, that he had only asked leave to amend his report in two matters. He continued:

The second point on which I desire to correct my report is in regard to the labour question. On further consideration, after I had sent off my report, but before I had seen the report of the Rapporteur, I wrote (but omitted to send) a note in which I expressed the view that the paragraphs of my report which deal with labour conditions — even though confined to the employment of coloured labour by white employers — should be withdrawn. They were introduced in view of the full discussion of labour questions in the Belgian and Portuguese reports, and when discussing the means of facilitating the transition of slave labour to free labour I argued that free labour should be made attractive and that these clauses were illustrative of the conditions which should in my opinion characterise free wage labour, but in my more considered opinion they go beyond the scope of our reference.

I find that the Rapporteur goes further and would exclude any reference to forced labour. I do not share this view, and, with your permission, I will later submit a note giving my reasons why I think that a paragraph of our final report may very usefully be devoted to this subject, however briefly it is put.

I would, in this connection, remind the Commission that at our first session, three members, viz.: M. Delafosse, M. Bellegarde and Mr. Grimshaw, considered that the question of facilitating

the transition from slave labour to free labour was "the most essential" question of all, and M. Freire d'Andrade and M. Van Rees also emphasised its importance. Mr. Grimshaw devotes 44 pages to forced labour and 10 to the transition question. M. Gohr has four pages on the labour question, and I note the following passage in his report:

"While we cannot, of course, afford to neglect any means for hastening the end of such institutions where they still exist, we should direct our particular attention to the procedure adopted by certain colonial peoples in order to obtain (by methods not always in keeping with the ideal of individual liberty) the labour they require to develop the countries which they administer. This question is likely — more perhaps than slavery among primitive peoples — to have an effect on the development of backward races."

I think, therefore, that a brief reference to forced labour is desirable when we have concluded our discussion of slavery proper.

There remains the very difficult and delicate subject of whether this Commission should take cognisance of conditions of slavery or analogous to slavery which exist in individual countries. The easiest course is to ignore them unless thrust upon us by some special accuser or petition. I ask myself whether, by adopting this course, we shall conscientiously discharge the duty that is laid upon us. The reply may, I think, be sought in realising what is the ultimate object of this Commission. I do not think any member of the Commission would dissent from the assertion that the objects of this Commission are:

(a) To suggest practical measures for establishing liberty and freedom throughout the world;

(b) To bring public opinion to bear on those cases in which persons unable to act or to speak for themselves are being deprived of their liberty.

If, for instance, public slave markets are held in the Hedjaz and a toll on the slaves sold is taken by the King, as we are informed, is it outside the sphere of the Commission to bring the matter to the knowledge of the whole Assembly? Or if the system called "peonage" is known on high and credible authority to exist in countries whose Governments would not tolerate slavery under another name, can we refrain from informing public opinion and so ending it?

Finally, let me cite the case of Abyssinia. Of the sincerity and *bona fides* of the Heir-Apparent, Ras Tafari, I have no doubt at all, but he is not the Emperor of Abyssinia. I do not share the opinion that, because printed edicts in approved form have been transmitted to the League, it is a proof that enormous progress has been made. Ras Tafari needs all the support that the League can give him if these edicts are to be made in any degree effective. Does the state of things described in the French report to the League of Nations still exist? If this Commission is to be of any use in promoting liberty, should it not ask for information from unbiased and authentic sources and consider what it could do to strengthen the hands of Ras Tafari?

In conclusion, Mr. Chairman, I propose, for your consideration and that of my colleagues, that we should leave to the very end of our session any debate on this subject. Let us get on with our constructive work and deal with slave-trading and slavery first. This should not take long since we have very clear and definite suggestions before us. Finally, we shall come to the question of "conditions analogous to slavery", and we can then discuss how far the question of forced labour should be dealt with by this Commission.

When we have decided this point and drawn up our report to the Council; we can turn to the final question of the conditions prevailing in different countries and the petitions and memorials presented to us, in so far as the time at our disposal permits.

The CHAIRMAN noted that Sir F. Lugard proposed that the Commission should begin with the discussion of slavery proper and postpone until the end of the session the question of forced labour and the examination of the communications that had reached the Commission late.

M. VAN REES, agreeing with the point of view expressed by Sir F. Lugard, thought that it was indispensable to decide at once as to the method of work in order to avoid loss of time over secondary questions to the detriment of fundamental questions. He thought that the Commission's field of study was divided into two parts:

- (1) The problem of slavery;
- (2) The problem of forced labour.

He proposed that the Commission should provisionally leave aside the second part, to which it might return later, and deal exclusively with slavery proper. On this subject, he wished to submit certain suggestions.

There were two fundamental questions which did not appear in M. Delafosse's report, the details of which would be found in the general dossier of the Commission:

- (1) An international regulation of slavery as proposed by M. Bellegarde in the form of a general convention. He understood that Sir F. Lugard supported this proposal.
- (2) The question of Abyssinia dealt with in Sir F. Lugard's report which proposed the despatch to that country of a special commission of enquiry.

Once these two fundamental questions had been decided one way or another, the ground would be cleared and the Commission could then examine M. Delafosse's report, taking as the basis of the discussion the final chapter summarising the various suggestions.

The CHAIRMAN observed that M. Van Rees agreed with Sir F. Lugard that the Commission should first take up the problem of slavery proper and then consider that of forced labour. He asked, further, whether certain questions which had not been raised in M. Delafosse's report should be discussed, as M. Van Rees had proposed, or not. Personally, he thought that the Commission should first examine the report and then discuss any suggestions that the various members might wish to submit.

M. FREIRE D'ANDRADE thought that the agenda for the present session was already fixed, because, in the report addressed by the Commission to the Council and approved by it, it was stated that the present session "should be wholly devoted to the discussion of this draft report which would be forwarded to the Council in its final form". It was therefore clear that the Commission should begin with the discussion of M. Delafosse's report. Personally, he was disposed to accept the report as it stood. Nevertheless, the Commission might wish to take into account certain other suggestions — for example, those made by Sir F. Lugard in regard to the convocation of a conference.

M. BELLEGARDE urged the importance of M. Van Rees' remarks. The Commission was called upon to carry out constructive work, and he thought that the best method of submitting its suggestions to the Council was to prepare a draft specifying all that should be contained in a convention for the general regulation of slavery throughout the world. There already existed, as regards slavery, the Treaty of Berlin and the Brussels Act. It remained to decide if the new proposal for a general convention should be discussed before or after M. Delafosse's report. He merely wished to point out the great importance of deciding whether the Commission should recommend a general regulation for slavery. Moreover, the discussion on this point might take place after the discussion of the report.

M. RONCAGLI supported the proposal made by M. Van Rees. By taking the Parliamentary methods as a model, however, the Commission might adopt M. Delafosse's report as the basis of the discussion and, after a general debate, consider the individual articles. This would be the best means of giving everyone an opportunity of submitting his observations and of completing, if necessary, M. Delafosse's proposals.

The CHAIRMAN said that M. Roncagli proposed that the Commission should first examine M. Delafosse's report. If this report did not express, as regards certain points, all the ideas of the members of the Commission, they would be able to submit any suggestions they might desire.

M. VAN REES pointed out that the reason why he thought that the question of a Convention or a general Conference was fundamental was because the rest of the discussion would depend entirely on what decision the Commission took on this point. The same applied to the proposal to send a Commission of Enquiry to Abyssinia. If the Commission decided to recommend to the Council a general Convention on Slavery, it should prepare a draft in which should be included a number of the different suggestions submitted in regard to slavery. If, on the other hand, the Commission decided otherwise, there was no longer a question of a general Convention, and the different suggestions to be submitted would take another form. He therefore proposed that the Commission should first decide on the fundamental question regarding the draft Convention, which had been raised by M. Bellegarde. He added, however, that he reserved his opinion entirely as regards this proposal.

Sir F. LUGARD wished to point out that there was a difference between his proposal and that of M. Bellegarde. M. Bellegarde had suggested that the Council should make regulations in regard to slavery and that definite recommendations should be submitted to the Council, whereas he himself had suggested a recommendation to the Council to call an international conference. The Commission could go through M. Delafosse's report and pick out from it the points it considered suitable for inclusion in the Convention. These would be brought to the notice of the Council, but it would be for the Conference itself to draw up the draft of the Convention.

M. FREIRE D'ANDRADE emphasised the fact that the programme of the present session, to which he had alluded, had been approved by the Council and by the Assembly, and the Commission was obliged to discuss first the general report, the preparation of which had been entrusted to M. Delafosse, who had carried out his duty most conscientiously. The different suggestions, including those made by M. Van Rees and those regarding forced labour, would come up during the examination of the report.

M. BELLEGARDE thought that, in view of the explanations given by M. Van Rees, it was indispensable that the Commission should decide as to the principle of general regulations for slavery. On this decision would depend the discussion of the report. Indeed, even if the draft report formed the subject of the agenda of the present session, there were questions of principle to be decided before examining the details of this report.

He wished to explain briefly the object of his proposal, which, as Sir F. Lugard had pointed out, was different from that of his colleague. He thought it necessary to institute a general regulation for slavery applying to all races and all countries. Although the question had arisen as regards one country in Africa, it might also arise as regards any other country, and it was necessary that the new regulations should apply to every case.



The present Commission was composed of experts sitting in an advisory capacity and called upon to propose measures to abolish the scourge of slavery. The two existing Conventions, those of Berlin and Brussels, only applied to certain districts in Africa. In the same way, the Convention of St. Germain did not apply to all countries. He did not propose to ask the Council to summon a conference but to follow the procedure adopted as regards the traffic in women and protection of children — that is to say, the Commission should submit to the Assembly a draft convention which the Assembly could discuss and adopt and which would be open to all countries. The form of the discussion on M. Delafosse's report would depend on the vote of the Commission on the principle of this proposal.

M. DELAFOSSE, at the invitation of the Chairman, gave his opinion. He thought that the Commission was bound by the previous decision to discuss the draft of the general report. Further, he understood that some of his colleagues were anxious to decide the question of principle whether the Commission should propose or not to summon a Conference or recommend an international Convention on Slavery. He thought it would be difficult to come to a decision on this subject before studying the problem of slavery. Such a decision could only result from the discussion of the report, which contained in the first place a statement of the present situation and, in the second place, suggestions to be put before the Council. The Commission should first come to an agreement as to the statement on the present situation, for the decisions to be taken on the various suggestions would depend on this statement. Certain of these suggestions did not appear in the report and might have to be added. He therefore thought that they should begin by discussing the report. The Commission might then take up the various suggestions submitted and decide whether or not to propose a Convention or an international Conference.

Mr. GRIMSHAW said he was inclined to agree with M. Delafosse that the Commission should discuss the report first. It could discuss and amend the report on the understanding that this text would not be the final one, as other considerations might arise later from the discussion of other documents. He therefore proposed that the Commission should begin with M. Delafosse's report and then take the two questions which M. Van Rees considered fundamental, viz: the question as to whether an international Convention was to be recommended or not and, secondly, the Abyssinian question. It might then examine the documents submitted to the Commission and finally reconsider M. Delafosse's report to decide as to whether any amendments were required in view of the above discussions. The final report might then be drawn up.

The CHAIRMAN asked the Commission if it wished to adjourn its decision until the following meeting.

M. BELLEGARDE and M. VAN REES said they did not insist on their proposals.

The CHAIRMAN said that the Commission would first take up the discussion on the draft general report.

*This proposal was adopted.*

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## SECOND MEETING

*Held at Geneva on Monday, July 13th, 1925, at 3.30 p.m.*

Present: All the members of the Commission.

### 37. Slavery in the Sudan : Procedure to be adopted regarding the Statement of Major Diggle.

The CHAIRMAN informed his colleagues that the British Government had not made any objection to direct correspondence between the Commission and the Government of the Sudan in regard to the statement made by Major Diggle. The procedure ordinarily followed in such cases was first to notify the interested Governments of the facts which were alleged in statements of this kind.

Sir F. LUGARD believed that his Government had referred the matter to the Government of the Sudan, which would be able to communicate more complete information. The local authorities in this distant region of the Sudan would be asked to look more closely into the position.

The CHAIRMAN thought that the task of the Commission was not to obtain assurances for the future in such cases but to procure full information in regard to the facts. He accordingly thought it advisable, as in the past, to refer to the country concerned in order to obtain this information.

Sir F. LUGARD agreed. He was surprised that this Government had not already given a full reply to the Commission.

Mr. GRIMSHAW asked whether the British Government had expressly declared that it had no objection to the Commission getting into direct touch with the Government of the Sudan.

M. CATASTINI replied that this was the case.

*The Commission decided to enter into direct correspondence with the Government of the Sudan in regard to the questions raised in the statement of Major Diggle.*

38. **Examination of the Draft General Report of M. Delafosse : Form to be given to the Report to the Council.**

M. VAN REES said he would like to know whether M. Delafosse's report, in the form in which it would be adopted, would be the report to be addressed to the Council.

The CHAIRMAN replied in the affirmative.

M. CATASTINI said that a difficulty would arise from the fact that the report was too extensive. He thought it would be better to present to the Council only the conclusions reached by the Commission, even if the report had to be annexed.

M. DELAFOSSE reminded the Commission that, according to the terms of the report submitted last year, it was understood that the report which was now to be considered should contain a statement of the present position, and should include suggestions which appeared to be necessary for the improvement of this position. If the Commission confined itself to presenting conclusions, it would only be carrying out half of the programme which had been traced.

Mr. Grimshaw had very rightly pointed out at the previous meeting that the final adoption of the report would only take place at the end of the session.

He thought that for the time being the Commission should decide to approve or to reject the various parts of his draft report. It would then be easy to summarise the agreed text in a document of some ten pages. A Sub-Committee of two or three members might be entrusted with this work.

M. FREIRE D'ANDRADE agreed with M. Delafosse. The draft report submitted to the Commission was a remarkable document which might usefully be distributed to the interested States after the Commission had made such amendments as it thought necessary. It could then be printed and submitted to the Council and to the Assembly as a whole.

The CHAIRMAN proposed, in order to reconcile the various views expressed, to submit to the Council a note drawing attention to the conclusions reached by the Commission and attaching to this note an annex explaining the reasons for these conclusions.

M. BELLEGARDE proposed that the report of M. Delafosse, as amended by the Commission, should be forwarded to the Council with a covering letter containing only the conclusions of the Commission. He thought it was indispensable that a certain degree of publicity should be given to this report and to the memoranda on which it was based. It had, moreover, been decided at the last session of the Commission that all these documents should be published.

The CHAIRMAN observed that this point had not yet been decided. The Commission had been entrusted with a certain task by the Assembly, and it was for the Assembly to decide on the advisability of publishing the documents submitted by the Commission.

M. BELLEGARDE said that the decision to which he had referred would be found in the Minutes of the previous session.

M. DELAFOSSE explained that the Minutes and documents communicated to the Council had been printed but that this did not constitute publicity.

Sir F. LUGARD agreed with M. Delafosse. A summary of the report as adopted might be drawn up and, if subsequently it was thought to be necessary, the general report might be printed, with or without the reports which had been submitted to the Commission.

*The Commission decided to adjourn to the end of the present session any decision in regard to the documents which were to be printed. It was provisionally agreed that a covering letter should be sent to the Council embodying the conclusions of the Commission, together with the general report which would contain the reasons which had led the Commission to adopt these conclusions.*

39. **Examination of the Draft General Report of M. Delafosse : Preamble and Chapter I.**

M. DELAFOSSE, before reading the Preamble, said he wished to express his gratitude to the members of the Commission who had so greatly assisted him in drafting his report by forwarding to him their memoranda.

The CHAIRMAN observed that the report was drafted in conformity with a report to the Council submitted by the Commission on July 12th, 1924, outlining the programme and methods of work which were subsequently approved by the fifth Assembly. He would point out that the report to which allusion was made had encountered certain objections and that he had found it necessary to state to the Sixth Committee of the Assembly that the Slavery Commission would confine itself to submitting to the Council a view of the problems relating to the question of slavery, without at any time adopting the attitude of a tribunal called upon to take a decision in regard to the facts.

The report should show clearly that the Commission was not pronouncing judgment but merely putting forward suggestions.

After a discussion in which all the members of the Commission took part, *paragraphs 1 to 10 of the report to be submitted to the Council were adopted.*



### THIRD MEETING

*Held at Geneva on Tuesday, July 14th, 1925, at 10 a.m.*

Present: All the members of the Commission.

#### 40. Examination of the Draft General Report of M. Delafosse (*continued*) : Chapter I.

The following paragraph (16) of M. Delafosse's draft report was discussed:

"In regard to States not members of the League, any measures suggested especially for the Mohammedan States would be bound to lead, when put into force, to grave internal disturbances. Doubtless the League of Nations could admit only such States that had clearly shown a desire to abolish slavery and, as several of these States appear desirous of being admitted into the League of Nations, the imposition of this preliminary condition might perhaps give good results".

With regard to the phrase "the imposition of this preliminary condition might perhaps give good results" M. BELLEGARDE recalled that, in his memorandum, he proposed that an undertaking to suppress slavery should be an essential condition for entry into the League of Nations. He therefore requested that the word "perhaps" should be suppressed. In fact, Article 23 of the Covenant required States Members or States desiring to enter the League of Nations to undertake certain essential obligations. One of these was "to endeavour to secure and maintain fair and humane conditions of labour for men, women and children . . ." It followed from this that a State which tolerated in its territory the inhuman practices of slavery should not be admitted into the League.

Sir F. LUGARD drew attention to the case of Abyssinia.

M. BELLEGARDE replied that this obligation had been imposed on Abyssinia. He explained that this obligation should be applied not only to the States mentioned in the above paragraph but to all States.

M. DELAFOSSE thought that it would be inopportune for the Slavery Commission to appear to dictate to the Assembly the conditions which it thought necessary for the admission of a State into the League of Nations.

M. CATASTINI pointed out that, in his view, the word "perhaps" did not refer to the imposition of obligations of this kind, but to the results that might be expected from it.

M. DELAFOSSE explained that, in his opinion, if this condition were imposed compulsorily, there was no doubt that States would suppress the status of slavery with a view to entering the League of Nations. He did not mean, however, to refer to the results which might be expected from its application. He suggested that the word "perhaps" should be replaced by "doubtless". This word would imply a doubt as well as an affirmation.

M. BELLEGARDE urged that a clearly affirmative formula should be adopted.

*The Commission decided that the sentence in question should read as follows: "The League of Nations might perhaps decide to admit only . . . the imposition of this preliminary condition would without doubt have good results".*

The following paragraph of the draft report was then discussed:

"If the State in question considered that it was not in a position to liberate at once all the slaves in its territory, either because it feared political or economic complications or because its financial position did not permit the necessary compensation being paid to the dispossessed masters, stipulation might be made for some sort of transitional regulation similar to that enacted by the Abyssinian Government or the following general provisions mentioned in the memorandum of Sir Frederick Lugard:

"(a) The Government would enact a decree ordaining that all children born subsequent to the date of the admission of the State into the League of Nations would be free-born and, at the same time, would notify that in the not-distant future the status of slavery would cease to be legally recognised.

"(b) The courts would be empowered to set free any slave who had been subjected to ill-treatment and to inflict penalties on a master ill-treating any of his slaves.

"(c) Every slave would be recognised as possessing the ordinary civil rights, viz., the right to sue and to be sued in court, to own and bequeath property and to prosecute his master for ill-treatment.

"(d) Owners of slaves would be deprived of the right to inflict corporal punishment on their slaves or to sell them.

"(e) Every owner would be called upon to register his slaves before a fixed date. Every person not registered by this date to be declared free.

"(f) Every slave would be entitled to redeem himself or to be redeemed at the registered value. This amount would be registered at the same time as the name of the slave and would be subject to periodic revision.

"(g) Every slave illegally held would be set free, *e.g.* slaves not on the register, or enslaved or acquired subsequent to any decree prohibiting slave-dealing, or born after the date fixed in paragraph (a).

"As Sir Frederick Lugard rightly observed, most of these provisions are in conformity with the principles of Mohammedan law."

In regard to the second paragraph, M. DELAFOSSE suggested that the words "stipulation might be made for some sort of transitional regulations" might be replaced by "a recommendation should be made".

M. VAN REES considered that the beginning of this paragraph weakened the scope of the preceding paragraph. It had, in fact, been suggested that only those States should be admitted that gave a real proof of their desire to suppress slavery, but in the second paragraph consideration was given to the case of a country which was unable to suppress slavery.

M. DELAFOSSE explained that, among the real proofs mentioned in the first paragraph, might be included, for example, the edict of Ras Tafari. Attention was drawn to this in the following passage of the second paragraph: "Stipulation might be made for some sort of transitional regulation similar to that enacted by the Abyssinian Government". This paragraph as a whole explained clearly the nature of the real proof that could be demanded.

M. VAN REES suggested that the sentence mentioned by M. Delafosse should end at the words "Abyssinian Government". In fact the measures enumerated under the letters (a) to (g) mostly appeared in the Abyssinian edict. For this reason it would be sufficient to refer to the edict.

Sir F. LUGARD suggested suppressing the phrase "similar to . . . Abyssinian Government or".

M. DELAFOSSE observed that the provisions enumerated under the letters (a) to (g) were in the same spirit as the Abyssinian edict but that they were not exactly the same as those appearing in the edict. He had taken them from Sir F. Lugard's report, where they had been drawn up in a form applicable to all States. Moreover, provisions applicable to Abyssinia might not be suitable for the Hedjaz.

M. RONCAGLI was very doubtful whether recommendations of this nature in regard to the Hedjaz would give any practical results.

M. VAN REES agreed with this opinion and added that the same would apply, for example, to Iraq.

Sir F. LUGARD said that any State that applied for membership in the League of Nations would be asked if it was prepared to accept the conditions imposed by the Covenant, including Article 23 referred to by M. Bellegarde relating to labour conditions. The question whether a State having entered the League properly fulfilled the condition it had accepted was a matter for the Assembly and the Council and not for this Commission.

If a State did not accept these conditions it would not be able to enter the League of Nations, and this applied to the Hedjaz equally.

M. RONCAGLI did not think that the Hedjaz could be placed on the same level as Powers to which such recommendations could be made. In the latter case, they would probably be considered, but in the case of the Hedjaz such an eventuality was very improbable.

M. DELAFOSSE remarked that it was just for this reason that he had not been too positive in the sentence regarding the results to be expected from the imposition of the preliminary conditions.

*The Commission adopted, with certain amendments, paragraphs 11-26 of the report.*

#### FOURTH MEETING

*Held at Geneva on Tuesday, July 14th, 1925, at 3.30 p.m.*

Present: All the members of the Commission.

41. Examination of the Draft General Report of M. Delafosse (*continuation*).

*Chapters II and III.*

*The Commission adopted paragraphs 27 and 28 of the report.*

*Question of the Collaboration of Egypt.*

Sir F. LUGARD and M. DELAFOSSE thought that the collaboration of Egypt constituted a question which it was necessary to deal with separately.

M. RONCAGLI stated that, in view of the present political situation and the degree of civilisation attained by Egypt, there could be no question of merely asking the Government of that country to concede the right of pursuit to the Powers with adjacent frontiers. An appeal must be made for her collaboration.

He personally had dealt with this question in his own report and accordingly desired to submit for the approval of the Commission the following formula:

"The Temporary Slavery Commission had occasion during its work to emphasise the importance of the collaboration of Egypt in the humanitarian work undertaken by the League of Nations for the gradual suppression of any survival of slavery wherever there was reason to believe that it might still exist.

"This collaboration would be all the more useful as Egypt, a Moslem State on the Mediterranean, which has boldly developed in the direction of assimilating, to an increasing extent, the Mediterranean civilisation, might, by its geographical and territorial position, as well as by its special political and social conditions, inevitably be called upon to act in agreement with the European Colonial Powers, which are endeavouring to achieve the same ends to the east and to the west of the Nile Valley.

"In these circumstances, the Commission does not hesitate to formulate the suggestion that the Council of the League might consider some means of conveying to the Egyptian Government a statement of these considerations, the object of which is to encourage Egypt to place herself on the same footing as the European Colonial Powers and to assist their efforts by its collaboration in the humanitarian problem in question."

He had, in the note which he had presented to the Commission, emphasised above all the usefulness of the co-operation of Egypt in regard to the activity as regards slavery of Sennoussyas, the centre of which appeared to be in the remote and most distant part of the Italian Colony of Libya.

France, Great Britain and Italy having now surrounded this territory, it would appear to be quite natural to suppose that any movement of the traffic could not be directed elsewhere than towards the Nile Valley, which was the natural route from Libya to the Red Sea. It accordingly seemed essential that a special effort should be made to suppress this hateful traffic and that the collaboration of Egypt in this work would be most valuable.

The CHAIRMAN observed that this proposal was of a general character and that its scope, far from being restricted to the chapter at present under discussion, embraced the whole of the report. It seemed that it might therefore be appropriately included among the general observations.

M. RONCAGLI agreed willingly that his proposal might be discussed when the Commission dealt with the question of the supervision of the Red Sea. It would be better to state then that it was precisely the Red Sea which was the centre of all survival of the traffic in Africa.

M. DELAFOSSE thought that the formula suggested by M. Roncagli might be inserted in paragraph 51 of the draft report.

M. RONCAGLI agreed.

M. DELAFOSSE observed that, if co-operation between the various countries was dealt with in the chapter of the report on slave-dealing, it became useless to allude to this co-operation in the chapter dealing with slave-raiding. The paragraphs relating to the co-ordination of the efforts of France, Great Britain, Italy and Egypt for the suppression of slavery might therefore be suppressed in this chapter. It would be understood once for all that a recognition of the right of pursuit would be requested from all the countries, including Egypt.

*The Commission, after discussion, adopted paragraph 29 of the report.*

### *Chapter III: Slave Trade.*

*The Commission adopted paragraphs 30 and 31 of the general report.*

#### **42. Documentation of the Commission : Question of Principle.**

Sir F. LUGARD thought that it would be advisable to reserve the paragraph in Chapter III which dealt more particularly with Abyssinia for that portion of the report in which the facts in regard to slavery in each of the States would be considered separately.

The CHAIRMAN observed that, if this suggestion were adopted in regard to the paragraph in question, the whole of Chapter III would have to be suppressed.

Sir Frederick LUGARD said that, if questions relating to Abyssinia, Liberia, etc., were dealt with in Chapter III, the situation in China and elsewhere should also be considered.

M. DELAFOSSE said that the Commission had no official information in regard to China, and he had made it a rule to bring forward only such information in regard to slavery as was communicated by the States themselves.

M. VAN REES said that there was an official document from China, viz., document A. 25. 1924-VI, page 15.

M. DELAFOSSE said it was stated in this document that slavery did not exist in China. This case, therefore, fell under those which were covered by paragraph 31.

Sir F. LUGARD said that, during the recent debates which had taken place in the British House of Lords, the Archbishop of Canterbury had stated that he had been informed by a distinguished Chinaman that slavery still existed in China, and that at Canton, for example, slaves might be purchased with the greatest ease. The official "Hansard" report of this debate had been circulated to members of the Slavery Commission, and consequently he presumed it had come within the cognisance of the Committee. He was strongly of opinion that, if the special conditions of some countries were to be examined, it would be necessary in Chapter III to examine the situation of several other countries.

M. FREIRE d'ANDRADE said that the slave-dealing which was said to exist in Canton was not, perhaps, slavery in the strict sense of the word. It was possible in Africa to procure young girls by means of purchase, the transaction being concluded under the form of marriage.

Mr. GRIMSHAW recalled that Section A of Chapter III now under consideration was entitled "Summary of the Position". Moreover, it was stated in the Preamble that, among the sources on which this summary of the position was based, was " . . . (c) the personal experience and particular knowledge of the members of the Commission," etc.

If, therefore, certain members of the Commission had reliable information, where would this information be inserted if, as M. Delafosse maintained, only official documents were to be taken into account? The official documents contained very little information, and, if the summary of the position could only be founded upon these documents, no really complete statement would be possible.

M. FREIRE d'ANDRADE thought that the procedure which Mr. Grimshaw desired the Commission to adopt could not fail to be extremely dangerous. If, for example, the facts quoted by the Archbishop of Canterbury were denied by the Chinese Government, the Commission might find itself in an embarrassing position. This did not mean that any doubt was thrown upon the truth of the statements of the Archbishop of Canterbury, but there was less guarantee, it must be confessed, in regard to the distinguished person who had communicated certain information to the Archbishop in the course of a private conversation. It was impossible to check such information.

M. VAN REES explained that, in his view, the Commission should base its general report on two kinds of information: (a) information officially communicated by the Governments and (b) information from private sources admitted in accordance with the procedure contemplated and approved by the Council and the Assembly.

The Commission, outside such information, could not take any other communications into account.

He had drafted his note, taking into account only official documents, seeing that, at the time, he had not received any information from a private source.

He would refer to a passage in the report to the Council on July 12th, 1924, which was to the following effect:

"From this last decision, on which several Governments have taken action, the Commission concluded that the Council did not intend it to forgo the advantage of obtaining information from unofficial sources.

"The Commission fully realised, however, how extremely delicate this side of its work would be. It therefore devoted special attention to determining the method of obtaining such information, which method it proposes to submit for the Council's approval. Its suggestions on this point are as follows: . . ."

The text of the procedure to be adopted in accepting information from private sources followed this passage, and it was this procedure which must necessarily be observed.

The CHAIRMAN quoted a passage from the declarations made by Count Bonin-Longare at the fourth meeting of the Sixth Committee of the fifth Assembly:

"The question whether the Temporary Slavery Commission should only have recourse to official information had been discussed at some length by the Sub-Committee. He considered that the advantages to be gained by using information from private sources would be greater than the disadvantages, provided care were taken to avoid hurting the susceptibilities of Governments and unwittingly accepting information from unreliable sources. The Committee had realised these dangers and had taken adequate precautions. For the rest, the Committee must be trusted and reliance placed on its tact and good sense. In any case, information obtained from private sources ought not to be made public without the interested Governments being consulted."

It was accordingly for the Committee, when dealing with information from private sources, to surround itself with all the necessary guarantees contemplated in the report submitted to the Sixth Committee.

M. DELAFOSSE said that, in drafting his report, he had not made use of any information from a private source, which had not been subjected to the procedure adopted by the Commission.

The preamble of the general report, which had already been adopted, enumerated restrictively the sources to be used in order to draw up the summary of the position.

Sir F. LUGARD said he would like to know quite definitely whether the Commission would or would not take into account information from private sources, for whose credibility he could vouch, which was in his possession.

The CHAIRMAN thought that, in view of the programme which the Commission had submitted to the Council and to the Assembly, it was difficult to take information of this character into consideration. The Slavery Commission had formally promised the Sixth Committee that, in collecting its information, it would surround itself with certain guarantees and that information from a private source would only be accepted after having been subjected to a special procedure which was very clearly defined.

M. FREIRE D'ANDRADE observed that, if the Commission had not given the Sixth Committee of the Assembly the formal promise to which the Chairman had just alluded, the Sixth Committee probably would not have approved its report.

The CHAIRMAN added that in the Sixth Committee the opinion had been expressed that the danger of relying upon uncontrolled information was very serious.

Sir F. LUGARD observed that, in the case of the Hedjaz, account had been taken of certain allegations which had not been previously communicated to the Government of that country.

M. DELAFOSSE replied that the Commission had, in regard to the Hedjaz, official information furnished by Members of the League.

The CHAIRMAN explained that last year it had been assumed that private organisations or competent persons would forward to the Commission information which the Commission would subsequently check. In cases where this question had not been definitely settled, it was the duty of the Commission not to depart from the prudent methods which had been adopted.

Mr. GRIMSHAW, while realising the difficulties explained by the previous speakers, wished to know whether the Commission proposed to put aside the information which he had intended to communicate to it with regard to Liberia. This information was based on the handbook published by the British Government. Sir F. Lugard also had similar information. Would any account be taken of this information?

The CHAIRMAN replied that, no doubt, the assertions contained in the British Handbook, as well as the information furnished by the Rapporteur, might be taken as serious evidence in establishing the report and that the Commission could not neglect such information, which should, however, be subjected to the procedure proposed by the Council.

M. DELAFOSSE thought that it was necessary to distinguish between the information which Mr. Grimshaw and Sir F. Lugard stated to be in their possession — information from an official British source and information which the Archbishop of Canterbury had obtained in conversation with a distinguished Chinaman. When information was forwarded to the Commission by Governments, or communicated to it by one of its members who had obtained it from official sources, account must be taken of it. He was, however, opposed to giving the same consideration to information coming from a private source. To put such information on the same basis as the other would be, in his opinion, to go beyond the rights of the Commission, and would be contrary both to the programme accepted by the Council and the task with which the Council had entrusted the Commission.

Mr. GRIMSHAW asked whether all publications of Governments should be regarded as official and accepted as such.

M. VAN REES replied that the information given in such publications might be accepted provided it was contained in official declarations of the Government.

Mr. GRIMSHAW took as an example of a further class of valuable information the notes which he had on Liberia. They were drawn from a book written by a highly-placed English official and, so far as he was aware, the statements contained in them had not been denied. Would the Commission consider such information as acceptable or determine to put it on one side?

Sir F. LUGARD instanced a somewhat parallel case in regard to the Philippine Islands. Would information derived from a work by Judge Elliott, formerly a member of the Philippine Commission, be regarded as acceptable evidence of the conditions there at the time it was written?

The CHAIRMAN replied that, as regards the information possessed by Mr. Grimshaw, the procedure to be followed in accepting it would have to be the following: the Commission would request the British Government for this information, which, after having been received, would be communicated to the Government of Liberia. A similar procedure would have to be applied if use were made of the information possessed by Sir F. Lugard.

M. RONCAGLI agreed with the view expressed by the Chairman.

M. BELLEGARDE thought that the Commission could not take into account information from private sources unless the agreed procedure had been applied to it.

Sir F. LUGARD said that obviously the question was of the very greatest importance. Clearly, if the Commission deliberately put aside all information from private sources, it would be saved considerable difficulty and embarrassment and be relieved of the necessity of dealing with cases of slavery which there might be good grounds for believing to be true in fact though perhaps unknown to the Government concerned. On the other hand, if the Commission wished to do useful work in the interest of persons unable to speak for themselves it would be necessary to take into

consideration such information as seemed to the Commission to be well authenticated. It was, in any case, essential that a decision should be clearly drawn up as to the class of information which the Commission would accept and the class of information which it believed should be set aside. He wished to know the extent to which he might draw upon the sources of information which he had at his disposal.

The decision to be taken by the Commission in this matter appeared to him to be of the highest importance and to require careful reflection. He accordingly proposed to adjourn a decision until the following day.

M. BELLEGARDE reminded the Commission that last year he had, with Mr. Grimshaw, put forward a suggestion to the effect that the Commission should not confine itself to documents furnished by Governments.

If the Commission only considered the legislation in force against slavery, there would be a risk of a misconception of the facts of the situation, which did not always correspond with the situation in law. He had thought that a large quantity of trustworthy information would be communicated in time to the Commission by persons particularly competent, but such had not been the case. The question accordingly arose whether it was possible to use information obtained by individual members of the Commission. In the event, for example, of Sir F. Lugard declaring that he accepted full responsibility for the information he had brought to the Commission, would it not be possible to take this information into account?

The CHAIRMAN thought that each member should be allowed to use information on his own responsibility. The Commission, however, could not make itself responsible for this information.

M. VAN REES wished to explain his point of view. It was clear that any member had the right to use documents from private sources which he had collected and which he believed to be trustworthy and to use them either in the preparation of a personal memorandum or during his oral statements, which would then appear in the Minutes. When, however, it came to drawing up a report to the Council, it was the Commission which assumed responsibility for assertions contained in this report. This made it necessary for the Commission only to use information which it had been able to check by applying the adopted procedure and the character of which was defined in the preamble of the general report. Information from private sources which was unchecked and which had been obtained by members of the Commission could not in any case be so included. The information furnished by M. Delafosse on Liberia was covered by sub-paragraph (c) of paragraph 4 of the Preamble ("the personal experience and knowledge of members of the Temporary Slavery Commission, etc."), and in this case mention should be made of the name of the person submitting such information. He was categorically opposed to including in the report a document from a private source without applying to it the agreed procedure.

Mr. GRIMSHAW thought that this position involved an absurdity. Individual members had, in their private reports, made use of information drawn from certain publications, but this information must not apparently, in any case, be used in the report of the Commission. It was surely for the Commission to decide whether such information was trustworthy or not and to omit it or include it in the report as it thought fit.

M. VAN REES replied that a report from the Commission was one thing and a report from a member of the Commission was something quite different.

M. FREIRE D'ANDRADE thought that no member of the Commission had any right to act upon or to receive information except on his own responsibility. He could not do so on behalf of the Commission. Personally, whenever persons brought him information, he asked them to approach the Commission direct, where he would support them, if necessary. The information which the Commission should accept was information officially communicated by the responsible Governments or private information the truth of which had been checked by the Commission. Information from a private source should be communicated to the interested Government, and the Commission could not take it into account until a reasonable time had been allowed in which that Government could, if it so desired, give its opinion.

Mr. GRIMSHAW asked what was the meaning of the expression "personal experience" used in the Preamble in regard to the members of the Commission. The acceptance or rejection of certain information must necessarily depend upon the interpretation of this expression.

M. VAN REES said that he understood by this expression the personal experience acquired by one of the members of the Commission, during a stay, in a colonial country, of sufficiently long duration to enable him to become intimately acquainted with the most important colonial problems and native thought in the country.

Mr. GRIMSHAW replied that in this case the Commission was not competent to deal with questions relating to Abyssinia, China or the Republics of South America, etc.

The CHAIRMAN said that personal experience might include experience acquired from a long study of the problems of slavery.

M. BELLEGARDE observed that, if M. Van Rees were right in thinking that the Commission could not take into account information obtained by one of its members from a private source,



it was nevertheless open to the member in question to make a declaration in regard to the information he possessed, which would be included in the Minutes and printed and attached to the report.

The CHAIRMAN proposed to adjourn to the following day the conclusion of the discussion. At the next meeting a vote would be taken upon a precise motion on the subject.

*The Commission agreed.*

## FIFTH MEETING

*Held at Geneva on Wednesday, July 15th, 1925, at 10 a.m.*

*Present:* All the members of the Commission.

### 43. Documentation of the Commission : Question of Principle (*continuation of the discussion*).

Sir F. LUGARD spoke as follows:

The question which was discussed last evening is without doubt of fundamental importance, and, if I am right in thinking that the two opposing points of view can be stated briefly and with precision, it will remain to ascertain which is the view of the majority of the members. These may, I think, be stated as follows:

(a) Ought the Commission to decide to take cognisance only of statements made by Governments and officially communicated to us, whether of their own initiative or in reply to documents sent to them; and of statements made on their behalf by a member who is authorised to communicate the views of his Government to the Commission?

(b) Or, on the other hand, should the Commission take notice of statements made in books by reputable authors or by persons speaking in national assemblies as private members and not on behalf of their Governments; or of information given by any member of the Commission which, in his judgment, is from sources absolutely credible but which he has not been authorised by his Government to communicate on its behalf to the Commission?

By the adoption of the first alternative, the Commission would be relieved of a very difficult and delicate task, and its work would be greatly shortened. It would apparently be acting as certain members of the Sixth Committee desired that it should act, though for my part I see no reason why this Commission should regulate its action by the view of an individual member of that Committee. It is, however, necessary to realise exactly what this decision will entail:

- (a) If it is intended to print the report of each member as an annex, all references to allegations which are not official should be excluded.
- (b) All memorials and petitions should be outside our cognisance unless they have been referred to the Government concerned or have been made on the authority of another Government.
- (c) Any action on behalf of people who are unable to speak for themselves is practically impossible.
- (d) We must review the work already done by the light of this decision. We have, for instance, stated that the Spanish Possession of Rio de Oro forms a refuge for slave-raiders. This statement must now be made either on the personal knowledge of a member or on behalf of his Government. The Spanish Government should, if possible, be invited to reply.

On the other hand, I confess (looking to the rate of progress made so far) that it seems to me impossible to review the conditions in each country in addition to our general report, and to make suggestions for a Convention or Protocol within any possible period to which the Committee can extend its present session. It is also a matter of extreme difficulty to discriminate as to the credibility of different authors and of different speakers, even in national assemblies. Finally, it is natural that the Commission as a whole should hesitate to endorse by its corporate verdict a charge made by an individual member, even on the highest possible authority, unless that authority is disclosed, especially if it is in flat contradiction to the assertion of the Government concerned.

The CHAIRMAN wished to explain to Sir F. Lugard why, in his opinion, the Commission should, in drawing up its programme of work, take into account the opinions expressed by the Sixth Committee of the last Assembly. The Sixth Committee was an organ of the Assembly and was entitled to express its approval or disapproval of the proposals of this Commission, at the same time being subject to the decision of the plenary Assembly. As the Assembly had not rejected the decisions of the Sixth Committee, it followed, in his opinion, that the Slavery Commission was bound to follow the procedure which had been discussed by the Sixth Committee.

M. CATASTINI explained as follows the legal position of the Temporary Slavery Commission. It was true that it was responsible finally to the Assembly, but it was legally responsible to the Council, which had nominated it, as were all the other Committees of the League of Nations. The programme of work, as well as the procedure of the Commission, had been discussed and approved by the Assembly at its meeting held on September 22nd, 1924. If the Commission wished to modify its procedure, it should first refer the matter to the Council in order to obtain later the approval of the Assembly. According to the discussions which had taken place in the Assembly in 1924, the interpretation given by the Assembly to the rules regulating the procedure to be followed as regards information received from private sources was, in M. Catastini's view, rather restrictive than extensive.

Sir F. LUGARD said he did not question the Council's authority, but he referred only to the opinion of individual members of the Sixth Committee.

M. DELAFOSSE said that he maintained the same point of view as that which he had explained on the previous day, namely, that the Commission should keep strictly to the procedure as approved by the Council. Nevertheless, he thought that the difference between the two opposing points of view was more apparent than real. According to Sir F. Lugard's note it was more a question of taking cognisance or not of information received from unofficial sources, but there was a great difference between taking cognisance of this information and taking it into account. If the Commission decided not to take cognisance of information from unofficial sources, it would encounter almost insurmountable difficulties.

It was, in fact, very difficult for the various members of the Commission, either in their individual memoranda or in the discussions, to set aside completely all the information or opinions that had come to their knowledge through other than official sources, and to make a distinction, for example, as regards personal experience and indirect information. The Commission could not therefore refuse to take cognisance of unofficial information, seeing that if it acted otherwise it would reject an abundant and very interesting documentation, brought together in particular by Sir F. Lugard and by Mr. Grimshaw. What the Commission had to decide was whether it should take this information into account or not. If it decided in the affirmative, under what heading would that information be placed? In any case, the Commission would have to establish an essential difference between these two kinds of documents. Information from official sources would be used as the basis of the documentation proper of the Commission. The information from unofficial sources would be used, to a certain extent, in enlightening it. The Commission could not take into account in its conclusions the information from unofficial sources, but it might use it as a means of understanding the situation.

To take a concrete case — for example, China: if the Commission founded its opinion on the official documents, it might say in its report that "there was no trace of slavery in China", but a member of the Commission had pointed out that, from information received from reliable persons, there existed cases of slavery in China. This information could not be ignored by the Commission. It would not take it into account in its report but would modify the first text in the following manner: "The Chinese Government states that no trace of slavery exists in China". In this way the Commission would not endorse the declaration of the Chinese Government, which appeared subject to revision, or give information which it was not in a position to check.

To close the discussion, M. Delafosse proposed the following draft resolution:

"Taking into consideration the observations submitted by Sir F. Lugard and Mr. Grimshaw, the Commission decides to remain strictly within the procedure adopted the previous year regarding information received from non-official sources, and not to take into account for its conclusions information which has not been submitted to the examination of the Governments concerned. It considers, however, that members should be permitted to enlighten the discussion, if necessary, by means of information received by them through channels other than as provided in this procedure, with the reservation that this information should not be utilised as the basis of the documentation of the Commission, and it should be taken into account as constituting only elements of secondary importance to an understanding of the situation."

M. BELLEGARDE said that he belonged to a people which had emerged with violence from a most inhuman servitude and that he was therefore at least as much interested as his colleagues in shedding the utmost possible light on the question of slavery throughout the world. He recalled that, in the Sixth Committee, Count Bonin-Longare had considered that it would be difficult to base an enquiry only on official information. M. Bonamy, the delegate of Haiti, had said at the Assembly that it was not possible to depend on official information only. He therefore thought that it was necessary to take into account to a certain extent information from private sources. It must be admitted, however, that this was a delicate matter.

Among the information from official sources, some came directly from Governments interested in the question. This was the case as regards Abyssinia. A questionnaire had been sent to it to which it had replied more or less satisfactorily. Further, there were documents which might be received from Governments or officials acting in their official capacity regarding facts occurring in other countries.

As regards the first category of documents, it was evident that the Commission, while giving them the consideration they deserved, could not trust them absolutely. It was not a question of doubting the sincerity of a Government which, basing itself on its legislation, declared that slavery did not exist in its country. In spite of this legislation, cases of slavery and slave-dealing



might in fact exist. It resulted in practice that the replies received might be rectified by means of information either from officials belonging to other Governments or from private sources. If information were received from Governments not directly interested in the question and concerning facts which had not occurred in their territory, it was necessary nevertheless, even in that case, to be extremely cautious.

He wished to mention in this connection a case concerning Haiti. An American admiral entrusted with a mission by the Government of the United States had stated in an official report that cannibalism existed in Haiti. If a Commission were to enquire into cannibalism it would, without doubt, be justified in taking account of this information. What, then, would be the situation of the Government of Haiti if it were not in a position to defend itself?

It was necessary to enquire closely into the spirit in which a report, even an official one, had been drawn up. Documents of this kind were sometimes tendentious; facts might be exaggerated or interpreted in those reports in a manner to justify a certain situation. Official documents consisted very often of the reports of consuls or diplomatic agents. M. Bellegarde knew that consuls, and particularly British consuls, were very conscientious in keeping their Government informed of all facts that might interest it, but they were only men and might make mistakes. They could not always congratulate themselves on having a perfect knowledge of the country where they often obtained their information at second or third hand.

Had it really been proved that slave-dealing existed in Liberia, as Mr. Grimshaw had stated, basing his statement on documents from the Foreign Office which emanated probably from British agents in that country? What would have been the situation of Liberia if, by good fortune, the General Rapporteur of the Commission had not been able to ascertain the exact position of the "Black Republic" and put forward personal information in opposition to these official documents?

It was evidently of value to the Commission to receive information from private sources, but in that respect it should be especially cautious. In his interesting report, Mr. Grimshaw cited a passage from a book written about Haiti by Mr. Kuser, who mentioned that children were sold. Now in that country such transactions were not only unknown but impossible. The facts of the case were that peasants placed their children in families living in the towns. This was a means for them to obtain education for their children which it was not always easy to obtain in the country. The children thus "placed" were employed on light domestic work adapted to their age. In accordance, however, with the law on obligatory education, they were sent to school and some of them had become lawyers, doctors, engineers, etc. No Haitian woman would ever agree to sell her child. It might be that Mr. Kuser, while travelling in the interior and not fully understanding the Haitian patois, had misunderstood the intention of some Haitian woman that he had seen coming towards his car. Why had he supposed that this woman wished to sell her child to him? The author of this information might have given it in good faith, but it might equally be supposed that he had had some interest, in view of his family attachments (M. Kuser was the son-in-law of the American High Commissioner in Haiti), in justifying the political situation in Haiti. Hence arose the necessity, before taking account of his information, of making enquiries as to the author.

It was necessary to take cognisance of all the information received from private associations, from private persons or writers, but, especially as regards the latter, it was necessary to be very circumspect. Some authors, after spending a few hours in a country, considered themselves able to pass judgment on a people, its social life, its institutions, its morals, in a volume of 300 pages. Sir Spencer St. John, in writing "The Black Republic", had done a wrong to Haiti which had not yet been repaired.

As the General Rapporteur had said, the Commission should take into account information supplied by Governments, but this did not dispense with the necessity of checking it, for some might be influenced, by their *amour-propre*, to hide the truth. Documents from other official sources should also be checked, and the Commission should not take the responsibility but simply state that such and such information had been received. Finally, if a member of the Commission communicated information from a private source and was not in a position to state its source, he should assume responsibility for this information and submit it in his own name and this would be recorded in the Minutes.

In conclusion, he supported M. Delafosse's draft resolution.

M. VAN REES thought that it would be easy for each member of the Commission to point out, as M. Bellegarde had done, certain so-called facts, which, after enquiry, would be recognised as improbable or inexact. He would merely state the impression that he had obtained more or less clearly from the present discussion.

He thought that the Commission should first clear up a certain confusion. The question under discussion was a question of competence, but it should distinguish between the competence of members of the Commission as individuals and that of the Commission as a whole. The competence of each member was unlimited in the sense that he was entirely free to utilise all the information that he had received for the preparation of his personal report or in the discussion, with the reservation that the necessary references should be included in the Minutes. But the sum of the competence of each individual did not represent the competence of the Commission as such. This competence was clearly defined and limited by the programme approved by the Council and the Assembly. In this sense, he supported entirely the draft proposal of M. Delafosse.

M. FREIRE D'ANDRADE also supported this draft resolution.

Mr. GRIMSHAW said he could not accept M. Delafosse's text, the first line of which seemed to imply that he and Sir F. Lugard wished to depart from the procedure laid down in the last session.

The contrary was the case; he wished to adhere strictly to that procedure which, in his view, did not preclude the possibility of the examination by the Commission of information obtained from all sources whatever. He considered that the Commission was now discussing the very essence of the Commission's business and he thought there was a danger of the Commission making a mistake.

The work of this Commission was not of a diplomatic nature but scientific. The Committee was to make enquiries and must therefore take into consideration — though, of course, not necessarily make use of in drafting its report — all sources of information and retain whatever the Commission considered worthy of retention. The effect of the resolution would be to rule out the greater part of the available information on slavery. It would rule out all scientific works on slavery, for example, and all personal observation on the part of competent observers, except such as happened to be members of the Commission.

The Sixth Committee had expressed its confidence in the wisdom and tact of the Commission, and in doing so it had, in his opinion, meant to imply precisely that it had complete confidence in the capacity of the Commission to weigh, judge and choose information from all sources worthy of being brought to the notice of the Council and the public. If the Commission accepted M. Delafosse's text, it must refuse to take into consideration all information other than that referred to in the resolution. This would limit its powers even more strictly than had been implied in the speeches of certain individual members of the Sixth Committee.

M. Delafosse had said that the members of the Commission could refer to statements in their reports and so have them incorporated in the Minutes. He had so far refrained from doing this as he thought it would give rise to undesirable consequences.

If these statements appeared in the Minutes and not in the report, a student of the proceedings would see that a member had made statements regarding alleged conditions in a certain country, but as no mention was made of them in the report he would naturally conclude that they were unworthy of acceptance and had been rejected as evidence.

If a rigid differentiation was to be made between official and non-official information, it would be necessary, in order to give the Assembly and the public a correct impression of the position, to submit two reports, one based on official information and the other on unofficial. The differences between these reports would not redound to the credit of official reports in general. M. Delafosse had mentioned the case of China as an example. The Commission had information regarding this country both from official and non-official sources. The official report said that no slavery existed. The non-official sources alleged that traces of slavery did exist. M. Delafosse suggested that the Commission should get over this by changing the formula to be adopted in its report. Instead of saying that "no slavery exists in China" it would say "the Chinese Government reports that no slavery exists". But he thought that, in any case, the Commission could not do more than this; it was impossible for it to make any statement in an absolute form, so that M. Delafosse's proposal did not overcome the difficulty.

He agreed with all the other members of the Commission that nothing should be put in the report regarding which the members did not consider that there existed a *prima facie* case for bringing it to the attention of the Government concerned. Further, no statement or allegation should be put in the report without citing the authority for it. The responsibility of the Commission consisted solely in this: that the matters contained in its report were, in its opinion, such as appeared to be well founded and to call for attention.

Although the Commission might have insufficient evidence on any question on which to base an absolute conclusion, it could state that it had reason to believe that its authority was reliable and that the information should be considered by the Assembly and the Council.

M. Bellegarde had referred to his statements in regard to Haiti. He would see that he had cited the case with care. He had not definitely stated that slave-dealing existed but that an allegation to this effect had been made. His object in including this information in his memorandum was entirely justified by the event. These allegations had been brought before the Commission and had been refuted. There was therefore no reason to include them in the report. This demonstrated the value of the system he was proposing. Finally, he suggested that, if the Commission adopted M. Delafosse's resolution, it must alter the Preamble. It must state clearly what sources were to be accepted and what were to be rejected.

He thought that the Commission should make up its mind as to its object and what was expected of it. He considered that the Commission was intended to carry out a scientific enquiry and not a diplomatic one. It was expected to give an account of what slavery existed and how this slavery could be abolished. He considered that, if it adopted a restrictive attitude with regard to sources of information, it would not be able to perform either of these duties.

M. FREIRE D'ANDRADE asked to be allowed to put two questions to Mr. Grimshaw:

1. Did he think that the members of the Commission might base any conclusions intended for the Council or the Assembly on information from private sources regarding which the Governments concerned had not been given an opportunity of expressing an opinion?

2. Should the Commission consider as absolutely infallible information submitted by one of its members and which did not arise from his own experience?

He observed that, but for the presence of M. Bellegarde, the Commission, if it had followed the method suggested by Mr. Grimshaw, would have treated as correct the information regarding the sale of children in Haiti.

Sir F. LUGARD pointed out that a case of this nature had occurred already. The reply of the Spanish Government stated that no slavery existed in Rio de Oro but it had already been recorded in the revised text of the report that the Spanish territory was the refuge of the slave-traders of the Sahara. This was accepted on the authority of a member of the Commission, and the Spanish Government had had no opportunity to reply. So far as he understood, this was contrary to the formulas proposed. As the Commission proceeded with the report it would be in a position to decide what formula was required.

M. DELAFOSSE wished to point out that, as regards Rio de Oro, there was no question of actual cases of slavery in this territory but it served as a shelter for slave-dealers.

Mr. GRIMSHAW said that M. Freire d'Andrade had asked him whether he considered it was possible for the Commission to take into account unchecked information. He pointed out that it had no means of controlling any information, official or other, and no provision had been made for this at the last session. It had arranged that, if an allegation were made, it should ask Governments whether the author was reliable. It had not suggested that the Government should be asked as to the truth of the allegation. If the Commission judged that information from any book or other work was written by serious people the Commission was entitled to accept it as worthy of consideration and bring it to the attention of the Council.

The report of last year had referred to the expert knowledge of the members of the Commission. He could not agree with the suggestion that this meant merely the actual personal experience of the members and that, therefore, the members were not entitled to express any opinion on information relative to countries which they had never visited. He felt certain that the phrase should be interpreted more widely.

The members of the Commission had spent twelve months in seeking knowledge and had studied the matter with great care. He did not think that so much expert knowledge would be found elsewhere and he did not think that it should be thrown overboard.

M. FREIRE D'ANDRADE said that the question which he had raised brought the Commission back to this: Could it take into account charges arising from private sources without giving the Government concerned the opportunity of being heard in the matter?

Mr. GRIMSHAW repeated that his suggestion meant that the Commission should follow the lines adopted last year in regard to documents addressed directly to the Commission but that, at the same time, it should not refuse to consider the much more complete and valuable information in libraries, etc.

M. VAN REES understood that Mr. Grimshaw wished that the Commission should not only consider unchecked documents but also base on those documents suggestions to be submitted to the Council.

Mr. GRIMSHAW said that if the Commission found in such documents any suggestion for abolishing slavery which it considered valuable, he did not see any reason why it should not use it. With regard to information as to existing facts, he did not say that the Commission should accept either official or non-official information as conclusive. Its duty was to examine the situation in regard to slavery and report to the Assembly. If the League of Nations accepted its findings, they would be brought to the notice of the Governments for the necessary steps to be taken for abolishing slavery. He feared that a rigid adherence to M. Delafosse's proposal would lead to many difficulties in the Commission's further consideration of the draft report. The paragraph in the draft report referring to Liberia, for example, contained an expression of M. Delafosse's personal experience in regard to matters that occurred in 1897 and 1899; his own information referred to 1914 but did not appear in the report. This kind of difficulty would constantly recur.

Sir F. LUGARD said that though this was a question of great importance, it had been debated at inordinate length. He proposed that the Commission should adopt M. Delafosse's formula or any other formula and get on with the work. It could see how the matter worked out in practice. By the time the Commission had reached the end of the task of going through the report of the Rapporteur it would be in a better position to consider the question.

The CHAIRMAN proposed that the Commission should accept Sir F. Lugard's suggestion.

M. DELAFOSSE supported this proposal. He observed that if the Commission continued with the examination of the draft report from the place where the discussion had been interrupted, that was to say, from the paragraph concerning Liberia, the system would not present any difficulties. He himself had submitted certain facts arising from his personal experience. Mr. Grimshaw opposed to those facts information received from one source or another, and the Commission expressed its opinion in the light of the various statements that had been made.

M. VAN REES supported M. Delafosse's suggestion and asked Mr. Grimshaw to explain exactly how he wished to modify the paragraph regarding Liberia.

The CHAIRMAN thought that in giving a trial to the method proposed by M. Delafosse, the Commission would consider in each case if the formula proposed by his colleague was contrary or not to the procedure laid down in the report of the Commission to the Council.

44. Examination of Chapter III of the Draft General Report of M. Delafosse and Question of Principle concerning the Documentation of the Commission (*continuation of the discussion*).

*Slave-Dealing in Liberia.*

M. DELAFOSSE read the paragraph in his draft report dealing with the question, as follows:

"It has been suggested that slave-dealing is still practised in Liberia at the present day, either openly in the interior, which is more or less outside the effective control of the Government at Monrovia, or in a disguised form in the Liberian settlements. The personal experience of the General Rapporteur of the Commission, who lived in Liberia from 1897 to 1899, enables him and makes it his duty to refute this suggestion and to affirm that, when he was in that country, there was no trace of slave-dealing, either open or disguised, in the districts subject to the authority of the Liberian Government. It is true that slave-dealing did actually exist during the first half of the year 1898 in certain parts of the interior which were then closed to the Liberian Administration, but it was practised solely by the agents of Chief Samori, whose bands were being hard pressed by the advances of the French troops on the northern frontier of Liberia and, being in need of food, exchanged the numerous prisoners they brought with them for yams and maize. The capture of Samori in September 1898 by Captain (afterwards General) Gouraud put an end to this state of affairs, for which the Government of Monrovia was in no way responsible. There is absolutely no ground for questioning the truth of the statement made by this Government that slave-dealing has been suppressed in its territory."

Mr. GRIMSHAW said that in his report he had referred to certain statements appearing in a British Foreign Office Handbook of 1914 and to a work by a reputable author in which it was stated that boys were bought and sold in Liberia. Sir F. Lugard had also included in his report a passage concerning "practices which are vouched for on high authority as being common knowledge among those who have visited the country" which he asked permission to read. Sir F. Lugard had added: "it would seem to be desirable that the President should be made aware of these allegations in the confident belief that he will take energetic steps to deal with the matter. It is stated that women are still sold even in the coast area, and the price varies from £3 to £40. A boy may be bought for £5. His recent action in freeing all the women who were held in debt slavery — to which no reference is made in the report — gives confidence that he will deal equally drastically with the abuses referred to, which it is impossible to discredit in face of the consensus of evidence. The sale of children by their parents, locally known as 'adoption', and the traffic in contract labour (regarding which the British Under-Secretary stated in April that representations had been made to the Liberian Government since British subjects had been included in the gangs) are also matters which call for investigation. As Liberia is a signatory to the Brussels Act and a Member of the League of Nations, the President will, no doubt, inform the League of the results of these investigations and the repressive action adopted. The facts quoted from independent testimony are, I believe, corroborated in a recent book, 'The Black Republic', by Fenwick Reeves, C.M.G., a reputable author to whose work Sir Alfred Sharpe, formerly Governor of Nyasaland, who has travelled in the country, adds his testimony in a foreword."

He asked whether these remarks were to be taken into consideration or whether the Commission was to adopt M. Delafosse's formula. He wished to point out that this information was of a recent date whereas M. Delafosse's referred to a period twenty-seven years ago.

M. RONCAGLI stated that Mr. Grimshaw asked the Commission to take into account all information submitted by any of the members. This did not seem to him to be possible for the reasons stated, since the procedure of the Commission had already been laid down. There was no objection, however, in his view, to examining such information.

The question, however, was rather that of the difficulty of deciding what amount of confidence was to be placed in the sources of that information. The Commission would undoubtedly encounter difficult cases, above all, as regards the confidence to be placed in information drawn from publications from whatever sources, even official. Doubtless there would be exceptions; the Commission could, for example, safely obtain details from certain authors such as Stanley, Nachtigall, etc., whose authority was accepted by the whole world. Such persons, however, were rare; their information was out of date, and account must be taken of changes that might have occurred. Seeing that it was almost impossible to calculate the degree of confidence to be put in information of this kind, he asked Mr. Grimshaw not to insist on his point of view and to support M. Delafosse's proposal, taking into account the fact that all the members of the Commission, without exception, were disposed to put confidence in all information that might be submitted to it.

The CHAIRMAN recalled that the Commission considered that it should try the method proposed by M. Delafosse and see what results were obtained as regards the various paragraphs of the report.

M. DELAFOSSE said that the information submitted by Mr. Grimshaw referred to different points.

The case of children sold by their parents belonged to the chapter of the report dealing with parents selling their children to obtain food. These were not cases of slave-dealing proper. He pointed out that he did not wish to deny the truth of the alleged facts. The cases of children bought by private persons or societies belonged to the chapter regarding the purchase of children disguised as adoption.

Certain regrettable conditions of labour, in which the British Government was particularly interested because British subjects were concerned, belonged to the chapter regarding forced labour.

The cases of domestic slavery, the sale of slaves between tribes, also belonged to special chapters. All these various cases were not cases of slave-dealing proper and therefore they should not be examined under Chapter III. Further, Mr. Grimshaw had mentioned occurrences of slave-dealing proper. In refutation of this opinion, he had advanced his personal experiences in Liberia. It was true that these experiences were more than twenty-five years old, whereas Mr. Grimshaw mentioned cases occurring in 1914 or at a later date. He had not wished to state that no cases of slave-dealing had occurred since 1914. He only thought that if such facts had not occurred twenty-five years ago it was astonishing that they had occurred more recently.

He wished to mention a fact which, if it had been related by a person who had only stayed a short time in Liberia, might have been considered as a case of slave-dealing proper,

When he was in Liberia the Government had to suppress a tribal revolt. The Government forces, commanded by the President of the Republic, fought the revolting tribe and made a certain number of prisoners of war. Some of these prisoners were brought back to Monrovia and employed on the construction of a lighthouse. They might have been seen going through the town in chains and carrying stones on their heads. The passengers of a boat sailing to the south might have related that they had seen slaves belonging to the President of the Republic in chains and working on the roads. He personally had made an enquiry, as a result of which he obtained the liberation of these wretches. But he was convinced that they were prisoners of war employed on public or private works, as was the case during the world-war among the most civilised nations. This fact might have been interpreted by very trustworthy persons otherwise than was the case. He did not affirm that since he had left Liberia no case of slave-dealing had occurred, but he concluded from the example he had quoted that the accusations made since then might perhaps be unfounded.

As regards the text of the paragraph in question, he was disposed to accept any amendments that might be made. The Commission might wish to add certain considerations from the information supplied by Mr. Grimshaw which had not been taken into account in this paragraph, without, however, adopting them in the conclusions. This was what he intended should be the practice under the method he had suggested.

M. BELLEGARDE thought that the text of the paragraph might be amended. The text of the report referred to the alleged facts as insinuations, but these facts had been drawn from official documents. The Commission should therefore attach a certain importance to them and mention that facts later than 1899 had been brought to its notice and should be examined; for the moment, however, they could not be checked. They should be brought to the notice of the Government of Liberia. This was the difficult point. The Government of Liberia was not in a position to refute these allegations, as M. Bellegarde had been able to do as regards the allegations concerning Haiti.

Sir F. LUGARD said that M. Delafosse had stated that slave-dealing did not exist as a commercial undertaking. He (Sir F. Lugard) knew of no case of general slave-dealing, and no suggestion had been made by him as to its existence. A great many Governments, at the request of the Secretary-General of the League, had submitted reports, and these appeared to call for some action. He suggested that, if any general review of these documents were undertaken, it should be complete and cover all countries, but the task should be deferred until the Commission had completed its present work of revising the Rapporteur's report and making practical suggestions.

M. DELAFOSSE observed that the object of the present Commission was to find out whether cases of slave-dealing existed. If cases were brought to its notice, it should mention them. Otherwise, the general report would be useless. The Commission had agreed to test, in regard to the paragraph concerning Liberia, the system that he had proposed. He was disposed to amend this paragraph in accordance with the discussion which had taken place.

An exchange of views took place regarding the modification to be made in the paragraph in question.

M. DELAFOSSE proposed the following text:

"Allegations which it had not been possible to bring to the notice of the Governments concerned had been made stating that slave-dealing existed at the present day in Liberia and China. This information is contrary to the declarations of the Liberian and Chinese Governments."

He thought it would be a good plan to enumerate the States Members of the League of Nations where, from certain information received, it appeared that the practice was not in conformity with legal provisions. Governments that had not been informed of the allegations in question would be mentioned first. The report would then deal with the very special case of Abyssinia. Finally a paragraph would be devoted to States that were not Members of the League of Nations. In this way, the report would give a summary of the whole question of slave-dealing that had come to the notice of the Commission either officially or unofficially.



Sir F. LUGARD understood that there was an allegation in regard to China but not in regard to Persia or Liberia.

Mr. GRIMSHAW said that the last remarks of M. Delafosse suggested a solution that the Commission might adopt in regard to the report. Under each heading it would give a general statement of the position regarding the legislation and the replies from Governments. This would be followed by a paragraph such as the one suggested by M. Delafosse. This would state that allegations had been made in regard to a particular country but that they had not been communicated to the Government and therefore no reply had been received. Definite allegations need not be made, but references should be given to the source of their information in an appendix, not necessarily for publication. This would ensure that these allegations were brought in a comprehensible form to the notice of the Governments concerned.

The CHAIRMAN stated that if the Commission applied Mr. Grimshaw's suggestion to the paragraph concerning Liberia, the report would contain a footnote: "See Annex No. X". Would the allegation in question appear in the annex?

M. CATASTINI asked if the annexes would contain the allegations or only indicate their source.

Mr. GRIMSHAW considered that the source might be indicated and perhaps a summary given showing the nature of the allegation.

M. VAN REES stated that if this annex were embodied in the report, the Commission would give the impression that it attached importance to all information, without knowing the value of the source.

M. DELAFOSSE observed that the Commission would maintain its procedure in explaining that the Governments in question had not been informed.

M. VAN REES said that he thought that the short time at the disposal of the Committee would not enable it to set forth, in an annex to its report, all the allegations which rebutted the official testimony of the Governments interested in the problem of slavery; for it would not be sufficient to mention any particular allegation without ascertaining beforehand whether the veracity of the allegation had been questioned in any later publication.

Further, he was unable to accept Mr. Grimshaw's conception of the duties entrusted to the Committee. In the memorandum which he had prepared for the use of the Committee he had remarked "that the Council and the Assembly did not expect the Committee to supply them with a complete scientific treatise dealing with the various forms of slavery and the various practices restrictive of personal liberty which exist in different parts of the world. Such a study would have required reliable information from every source, official or otherwise". The memorandum added that, on the contrary, "the Council and Assembly resolutions, however, do not imply that anything is expected other than a report prepared with the assistance of the documents that have been collected and such other information as might still reach us, either from the Governments concerned or from certain organisations or persons officially stated to be competent and trustworthy".

The very fact that the Assembly wished to receive the report of the Commission before its next session clearly excluded the supposition that it had intended the Commission to undertake a so-called scientific enquiry, which would have required not one year but several years of minute and methodical research. It expected from the Commission a work of a practical nature, and this could only be accomplished if the Commission confined itself to the methods which it had itself adopted and submitted for the approval of the Council and the Assembly.

M. FREIRE D'ANDRADE said that if the Commission were to adopt a programme of work which, in his opinion, went further than its terms of reference, it would be impossible for him to support the general report at the next Assembly, in the event of the Chairman of the Commission not being present. Anyone who was called upon to defend a point of view with which he was not in agreement was always in a difficult position.

**45. Slavery in Angola: Request by Mr. James Morris to be heard by the Commission concerning Allegations made by Mr. Ross and Mr. Cramer.**

The CHAIRMAN read a telegram in which Mr. James Morris, a British subject, asked to be heard by the Commission in order to refute the allegations of Mr. Ross and Mr. Cramer regarding slavery in Angola. He considered that in any case it would not be opportune at the moment to give such a hearing as the Commission had decided not to examine any communications until they had been submitted to the adopted procedure. He proposed to reply to Mr. Morris that the Commission thanked him for his offer and that it would be borne in mind in the event of his evidence being considered as of use to the Commission in its work.

*This decision was adopted.*

## SIXTH MEETING.

*Held at Geneva on Wednesday, July 15th, 1925, at 3.30 p.m.*

Present: All the members of the Commission.

**46. Request by Mr. James Morris to be heard by the Commission concerning Allegations made by Mr. Ross and Mr. Cramer.**

The CHAIRMAN read a draft telegraphic reply to Mr. Morris, which was in the following terms:

“In regard to the report of Ross and Cramer, the Slavery Commission thanks you for your offer, which it will bear in mind in the event of your appearance before the Commission being considered necessary.”

M. FREIRE D'ANDRADE proposed to add to the reply to Mr. Morris, the following sentence: “You can, if you think necessary, forward written communications.”

The CHAIRMAN suggested a slight amendment of form to the proposed sentence: “You are in any case at liberty to send us written communications.”

*The Commission adopted the formula proposed by the Chairman.*

**47. Request of the Catholic Union to be represented at the Meetings of the Commission. Approval of the Commission's Reply.**

The CHAIRMAN read a draft reply to the Catholic Union:

“The Slavery Commission has received your communication stating your desire that certain of your members should be present at its meetings. The Commission, in view of the private character of these meetings, regrets that it cannot accede to this request.”

**48. Documentation of the Commission: Question of Principle** (*continuation of the discussion*).

The CHAIRMAN said that, as the result of private conversations which he had had with various members before the meeting, the following proposal appeared to find favour with the majority:

The Commission should first read paragraph by paragraph the report of M. Delafosse, and, when it had occasion to quote any document which did not come from an official source, it would notify the Council that it had not been possible to apply the procedure contemplated for dealing with this kind of information owing to the short time at its disposal. It would be specified, moreover, that the document containing this information was deposited with the Secretariat.

M. VAN REES wished to know if the documents of unofficial origin quoted in the report would be deposited with the Secretariat.

M. DELAFOSSE explained that, in the event of the Secretariat being asked for information in regard to these documents, it would reply, according to the case, either by indicating the page of the book in which this information might be found or by communicating the individual documents.

When allusion would be made in the report to allegations contained in any particular book, this allusion would merely consist in a reference to the work, and there would be no quotation from the text. The Secretariat, however, would be informed of the work and the page and chapter where the text could be found.

M. BELLEGARDE thought that the Commission might confine itself to asking the Secretariat to make a copy of the quotation in question. Anyone desiring to check this quotation only had to procure the work from which it was taken.

M. VAN REES said he was opposed to the method which had just been defined. If the Commission, in a passage of its report, stated that there were allegations contrary to the information communicated to it by a particular State, without assuming any responsibility for these allegations, the effect produced could only be deplorable, the more so as such a procedure might be particularly unjust towards the States in question.

He would take the following example: Suppose it were declared in certain books that slavery existed in the French Cameroons, the Commission would quote the passage in which this allegation was made in the list which it was proposed to establish. Would not the French Government have a right to reply that it had given an assurance that slavery did not exist within its territory? Was the Commission sure that the French Government could not in its turn produce, in support of its statement, other publications of authors whose authority was as great and which would nullify entirely the allegations to which the Commission referred. Its documents were necessarily incomplete, and it had no right to take these documents as a basis in addressing to a Government observations founded upon non-official sources which were not checked.

Did the Commission realise the effect of such a publication on the public? A Government would be called in question without the Commission even having assured itself that there were not other documents in existence in contradiction with those on which its own reasoning was based.

Mr. Grimshaw, at the previous meeting, had spoken of a scientific work which the Commission could accomplish. Anyone undertaking a scientific work must first of all surround himself with all the necessary documents, and only accept information with the greatest caution. If the Commission adopted any other method, the least one could say was that its observations would be liable to error.

He saw no objection to stating in the report in a general way that allegations had been made in regard to which, owing to lack of time, the Commission had been unable to take a decision. But he was opposed to mentioning the States against which these allegations were made.

Sir F. LUGARD again suggested that this debate should terminate and the examination of the report should be continued.

M. VAN REES and M. RONCAGLI observed that it was important to settle once for all this question of the information at the disposal of the Commission, in order that it might not arise repeatedly during the examination of the report.

The CHAIRMAN asked M. Van Rees whether he saw any essential difference between the two following cases. In the first case, information from a private source concerning, for example, the Cameroons, would be communicated to the Council, after having been brought to the knowledge of the French Government, which would have forwarded its observations. In the second case, there would be presented to the Council information of the same character which the Commission had not had time to bring to the attention of the French Government, and the Council would be informed in the report that it had been impossible to check this information.

M. VAN REES replied that he saw an essential difference between these cases.

Suppose a document from a private source were received during a session of the Commission, and suppose this document contained information concerning the position of slavery in the Cameroons — allegations contrary to the statement of the French Government. This document, in his opinion, should not be included among those at the disposal of the Commission, and should continue to be excluded until the Commission had received the reply of the French Government in regard to it. Until then it would be imprudent to take account of it in the report.

Mr. GRIMSHAW, in this connection, reminded the Commission of the declarations which had been made by himself and by M. Bellegarde. According to the method proposed by M. Van Rees, however serious the allegations put forward, and however high the authority on which they were based, it would suffice for the Government to make no reply in regard to them in order to put them entirely out of court.

M. VAN REES did not think it could be admitted that a self-respecting Government would neglect to reply to serious allegations made by a person of great authority.

The CHAIRMAN explained that there was no question of making declarations or framing conclusions based on allegations which the respective Governments had not had an opportunity of checking. The question, on the contrary, was whether it could be mentioned in the report that certain allegations had been made to which it had been impossible for lack of time to apply the procedure provided for in dealing with information from unofficial sources. In any case, the Commission would avoid taking any decision on points of fact.

M. VAN REES said that an unfortunate impression would nevertheless be produced.

M. RONCAGLI observed that since the Commission had only a limited time at its disposal it would be necessary for it to consider closing the period during which information would be received.

As the present report should be a final one, it seemed to him that the time had come when the flow of information should be stopped.

He could not accept the proposal of Sir F. Lugard, since it would have the effect of adjourning any decision on this subject and since the Commission would then have to return to the question at the end of the session.

M. BELLEGARDE supported the suggestion of the Chairman. An allusion might be made in the report in general terms to documents which had arrived too late and to which it had been impossible to apply the procedure covering the admission of information from non-official sources. He did not think that the Commission could make any substantial complaint in regard to the delay in the despatch of information, as it had never announced publicly a time-limit within which documents should be addressed to it.

The Council might be informed, in these circumstances, that the Commission had in its possession certain information from private sources which it had been unable to submit to the interested Governments and which it had not been possible to take into consideration owing to lack of time. The Council might further be informed that these documents might be consulted at the Secretariat.

M. VAN REES said he would accept the method mentioned by M. Bellegarde, if it were understood that there would be no reference to individual States.

M. RONCAGLI also supported the proposal of M. Bellegarde. There might be annexed to the report a list of the documents which had arrived too late to be taken into consideration.

M. VAN REES said that he did not agree in regard to the suggestion of the Chairman, in which it was proposed to include in the report certain documents from private sources which had not been checked and which were aimed at certain Governments.



The CHAIRMAN thought that the question was of a more general character. It had been understood during the discussions of the Sixth Committee that the Slavery Commission would not assume the position of a tribunal instructed to pass judgment upon the acts of Governments, but that its tasks would be to collect documents on the facts of slavery and suggest measures in order to put an end to slavery.

It was not certain that it was the duty of the Commission to examine this problem so far as it arose in each particular State. It might study the problem in itself, independently of the territories affected by it, and propose the necessary measures.

Sir F. LUGARD thought that the Commission had two objects in view. It must (a) examine documents and base upon these documents a summary of the position as regards slavery, and (b) formulate suggestions with the object of suppressing slavery.

He was of opinion that, as agreement could not be reached in regard to the character of the documents to be included in the summary of the position, it would be better to consider first the suggestions to be put forward.

The CHAIRMAN said he agreed with Sir F. Lugard. The Commission might consider slavery in its various forms without mentioning the countries where this traffic is said to take place, except in the case of States such as Abyssinia, which had recognised the existence of slavery within its territory.

Mr. GRIMSHAW said there were certain difficulties in proceeding in this way. Documents relating to Abyssinia, for example, had been received which could not, under this arrangement, be taken into consideration.

M. DELAFOSSE, referring to section (B) of Chapter III of his report, concerning the suggestions to be made for the suppression of slave-dealing, observed that this section began with the words, "From the above statement it would seem," etc. If the statement were suppressed the suggestions also fell to the ground.

Mr. GRIMSHAW said that, as the task of the Commission was first to procure the fullest possible information, it was clear that the Commission would be obliged to make a statement in regard to this information. Moreover, any information necessarily referred to a particular country.

M. VAN REES gladly associated himself with the procedure which Sir F. Lugard had just suggested. The proposals of the Commission might be presented in the following form: It might be stated that the Commission, after having studied the facts, etc., had reached the following conclusions. The conclusions would follow and the reasons for these conclusions would be given in a short argument based on a summary of the position.

The CHAIRMAN observed that, whether the statements were discussed before or after the suggestions, a statement would certainly have to be presented.

He proposed to continue the examination of the report paragraph by paragraph.

M. DELAFOSSE associated himself with this proposal. If the Commission persisted in trying to settle the question of principle it would be compelled to break up without having achieved any result. The members of the Commission had accepted a duty and this was the last session in which it would have an opportunity to fulfil this duty. A report must be sent to the Council embodying some kind of result.

The Commission might continue to examine the paragraphs of the report without considering any further the question whether or not information from non-official sources might be admitted. It would get an idea, possibly an adequate idea, of the position in regard to the facts of slavery, and the statement of this position in the report was merely a question of drafting. Moreover, if a formula were found in regard to the documents to be taken or not to be taken into consideration, it was nevertheless not at all certain that there would be agreement in regard to the application of this formula.

Mr. GRIMSHAW proposed the following solution. The Commission had formed a clear idea of the position in regard to slavery, and it might formulate suggestions based upon this idea. It need not indicate the sources upon which it had drawn, but might simply declare that the suggestions put forward were addressed to all the States in whose territory slavery had not completely disappeared.

This was only the first part of its task; the second was to collect for the Council further information. In fulfilment of this task the Commission might decide to print the memoranda drafted individually by the members of the Commission. These memoranda would be annexed to the general report without the Commission assuming any responsibility in regard to them, but not without their authors having amended them, if they considered amendments to be necessary in the light of the new information they might have received through the discussions in the Commission or from other sources.

M. CATASTINI said that, from the point of view of the Secretariat, there would be no objection to following this method. Moreover, a report drawn up in this way seemed to fulfil the expectations of the Council.

The work undertaken was long and difficult, and it was easily understood that it could not be brought to an end in one year. The Assembly and the Council would decide whether the work should be continued.

It was always possible, in accordance with the practice followed by the League of Nations, to annex any document, and, in particular, if it were not possible to arrive at a unanimous conclusion, a minority report.

The CHAIRMAN thought that no Power could, as a matter of fact, take offence at the report presented by M. Delafosse, particularly if the Commission continued its work of modifying the text with a view to making it more acceptable.

M. DELAFOSSE supported the proposal of Mr. Grimshaw. The report would remain in general terms, and to this would be annexed the special reports of the members of the Commission. It was impossible to draft a report without referring to individual States.

Sir F. LUGARD suggested that it might be possible to define the various forms of slavery, slave-dealing, slave-raiding, etc. For each of these forms a suggestion might be drafted with a view to their abolition. Finally, there might be a general statement of the position, and, if possible, an examination of certain special cases.

M. RONCAGLI thought that it was impossible to study slavery independently of the territories where it existed. The facts of slavery varied with the localities.

He thought that it was necessary to insert a summary of the position, so that the suggestions of the Commission might be justified. It seemed to him that it would be necessary to return to the method adopted at the beginning of the session, viz., to resume examination of the report, paragraph by paragraph.

M. DELAFOSSE said that this method had been perfectly successful when applied to the paragraph on Liberia. The text of the paragraph had been read. Mr. Grimshaw had presented his observations, and the Commission had adopted a final draft without being in any way troubled by the question of the source of the information on which it was based.

*(The Commission at this point adjourned for half-an-hour.)*

The CHAIRMAN, on the discussion being resumed, said that there were in effect three proposals before the Commission. One was a proposal to continue reading the report of M. Delafosse, giving to each member an opportunity to move any amendment and to make any suggestions in regard to the various paragraphs. The second proposal, put forward by Sir F. Lugard, was that the Commission should consider its conclusions from a general point of view, and that it should subsequently, if time permitted, examine separately the case of each particular country. There was also the proposal made by Mr. Grimshaw to annex to the report the memoranda submitted by the members of the Commission individually.

He put the first of these proposals, viz., to continue the reading of the report of M. Delafosse, to the vote.

*The proposal was unanimously adopted.*

M. DELAFOSSE said that during the adjournment he had held private conversations with Sir F. Lugard and with M. Van Rees, in order to discover whether it would not be possible to avoid beginning over again a discussion of the question of principle in regard to the use of information from private sources as each particular paragraph of the report came to be discussed, and that Sir F. Lugard and M. Van Rees had agreed to accept a compromise. It was proposed that at the beginning of the report there should be inserted a declaration to the effect that certain information had reached the Commission, but that the circumstances in which it had been presented made it impossible to submit this information to the procedure which the Commission had formerly agreed to adopt in dealing with information from private sources, or to surround this information with the guarantees defined in this procedure. The information to which this preliminary declaration alluded would be scheduled in a list which would be deposited in the archives of the Secretariat, and, in this list, reference would be made to the paragraph of the report to which the information in question referred.

*The Commission agreed to accept this arrangement.*

The Commission then proceeded with the reading of the draft report of M. Delafosse.

*Paragraphs 32 to 39 of the report to the Council were adopted with various amendments proposed by individual members of the Commission.*

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## SEVENTH MEETING

*Held at Geneva on Thursday, July 16th, 1925, at 10 a.m.*

Present: All the members of the Commission except M. Freire d'Andrade.

### 49. Corrections to the Minutes of the Commission.

M. CATASTINI, in reply to the Chairman, explained that every member of the Commission was at liberty to make any modifications in the Minutes in so far as his own remarks were concerned. The corrections would be co-ordinated by the Secretariat.

50. **Allegations concerning Cases of Peonage, Slave-dealing and Slave-raiding in Central and South America : Letter from M. Claparède.**

The CHAIRMAN informed the Commission that he had received from M. Claparède, President of the Society for the Protection of Natives, a letter mentioning peonage, slave-dealing and even slave-raiding in certain parts of Central and South America.

M. DELAFOSSE observed that this Society was in the category of societies whose information should be taken into consideration.

The CHAIRMAN stated that, in accordance with the procedure set forth in the first report of the Commission, the Governments of the countries concerned should be invited to give a reply regarding any allegations made.

*Agreed.*

CHAPTER III.

51. **Examination of the Draft General Report of M. Delafosse** (*continuation of the discussion*).

*Collaboration of Abyssinia.*

The following paragraph of the draft report was read:

“ As regards the transport from the place of origin to the place of embarkation and the embarkation itself, it would appear that reliance must be placed in the respective efforts of the Abyssinian, British, French and Italian Governments, but it might be suggested that this action should be concerted as recommended by M. Van Rees in his memorandum, and that notice should be taken of the desire expressed by the Abyssinian Government in its letter of April 12th, 1924, where ‘ it hopes to come to an agreement with the States which administer the neighbouring countries, for taking effective combined action ’. It would also appear desirable that efforts should be made, as suggested by M. Roncagli, to induce Egypt to join in this concerted action.”

M. RONCAGLI, referring to the passage dealing with the Abyssinian Government, considered that it was important to enable Abyssinia to bring its wishes to the notice of the other interested Powers. The question was to know how she could be allowed to do so. Seeing that Abyssinia herself was asking for aid from the other Powers, he did not think that her right could be recognised to discuss the measures which were already taken or were about to be taken by France, Great Britain and Italy. From this point of view, therefore, Abyssinia could not be placed on an equality with the other Powers. This difference in position should be considered in connection with the invitation which would, if need be, be addressed to Abyssinia on this subject.

The CHAIRMAN asked his colleague if, by such a proposal, the Commission was not entering the diplomatic field which did not seem to be within its competence.

M. RONCAGLI said that he had not submitted these remarks as a formal proposal to be made by the Commission, but only as an observation which seemed to him to be necessary. The Commission was unable to make a formal proposal seeing that it did not know by what means an agreement, such as Abyssinia seemed to desire, could be realised. He merely wished the Commission to emphasise the difference which existed between the situation of Abyssinia, vis-à-vis the problem of slavery, and the other Powers.

M. VAN REES explained that in his memorandum he approached the question from a different angle. The Government of Abyssinia had expressed a wish to come to an agreement with the other Powers and therefore it was for Abyssinia to make the necessary advances. The Commission might suggest that the three other Powers should be invited to meet the request of the Abyssinian Government for their support. In his opinion there was no question of imposing on Abyssinia any conditions other than the making of the advances already mentioned.

Sir F. LUGARD agreed with M. Van Rees. He said that his Government also considered that Abyssinia should make the first advances, which would be received with the greatest consideration.

M. RONCAGLI felt that he could say that the Italian Government had the same intentions in mind as the British Government. He agreed that Abyssinia should take the initiative; nevertheless, it seemed to him to be useful to draw the attention of the Commission to the fact that, if Abyssinia should request the three Powers in question to accede to its request, the position of Abyssinia would be that which he had just explained.

M. BELLEGARDE thought that M. Roncagli would accept a formula suggesting that the Powers should accede to the request made by the Abyssinian Government. The Powers could agree amongst themselves as to the form to be given to their agreement, because, as the Chairman had said, it was not for this Commission to lay down the conditions for a conference between Abyssinia and the other Powers.

The CHAIRMAN asked M. Roncagli if he wished to insert any formula in the paragraph under discussion.

M. RONCAGLI recalled that he had submitted no proposal. He would be satisfied if his declarations were inserted in the Minutes.

Sir F. LUGARD said he had not any Conference in mind; the Government of Abyssinia could, if it desired, make any representation through the Ministers at Adis Abeba.

Following an exchange of views between Sir F. LUGARD and M. DELAFOSSE, the second sentence of paragraph 40 of the report to the Council was drafted as follows:

“Concerted action should be taken to give effect to the desire expressed by the Abyssinian Government, etc.”

### *Collaboration of Egypt.*

M. RONCAGLI noted that, in the third sentence of this paragraph, M. Delafosse had proposed the following draft referring to the collaboration of Egypt:

“It would also appear desirable . . . that efforts should be made to induce Egypt to join in this concerted action.”

M. Roncagli reminded the Commission, that, at the fourth meeting, he had proposed the text of a separate paragraph dealing with this question (see Minutes of fourth meeting, page 15). He proposed that this text be substituted for that submitted by M. Delafosse.

He explained the position as it appeared to him. Egypt did not yet belong to the League of Nations. This would be an opportunity of encouraging that country to enter the League, for it was desirable that it should not stay outside. Under the British régime, Egypt had promulgated some Ordinances by which slave-dealing and slavery had been abolished and he believed that this legislation was still in force. This would give Egypt an opportunity of defining its position on this point. The question was closely connected with the two objects of the Commission, that is to say, the supervision of the land routes which were used by slave-dealers in passing from the west of the large valley of the Nile to the coast of the Red Sea, and supervision of traffic on the Red Sea.

If it were true that, in spite of the more and more energetic action of Great Britain, France and Italy, slave-dealing continued to be carried on in these regions with its centre in the Libyan Desert, was it not necessary to draw the attention of Egypt to this point in order to give it an opportunity of declaring that, as regards the supervision of its western frontiers, it enforced the principles contained in the legislation which it appeared to have adopted? It would seem to be very important to obtain its collaboration in connection with the problem of slavery, because Egypt was a country which would very quickly rise to the level of the other European Powers, especially the Mediterranean Powers.

Again, as regards the question of the transport of slaves between the African and Arabian coasts, it would be useful for Egypt to enter into what he called in his report “a strict collaboration among the nations interested”. Egypt had no fleet, but it would be seen that it was not the fleet properly so called which was most appropriate for this duty.

M. DELAFOSSE, speaking in his own and Sir F. Lugard's name, said he was not entirely in agreement with M. Roncagli as to the form to be given to Egypt's collaboration. Would it not be sufficient to include M. Roncagli's declarations in the Minutes without taking note of them in the report to the Council? The Commission might, however, introduce into the report a phrase similar to the text of the draft suggesting the necessity of Egypt's collaboration.

M. VAN REES did not think that a simple phrase similar to that in the draft report would be sufficient. He would prefer to suppress the present phrase and introduce a new paragraph containing the argument and suggestion of M. Roncagli. If any other procedure were adopted it would be necessary to look in the Minutes for the reasons responsible for the proposal of the Commission. Only a short paragraph would be required.

M. RONCAGLI said he could not accept the proposal of M. Delafosse and Sir F. Lugard. If only a reference in the Minutes were made in regard to this question, which was of the utmost importance, in connection with the problem of the suppression of the traffic, it would place it on the same plane as that of Liberia and China, where it was a question of information that had not yet been verified. The question now before the Commission concerned the central problem of the traffic which was of the first importance.

It was therefore necessary that any question which was closely related to this central problem should be examined in detail and form the subject of a definite decision on the part of the Commission.

*The Commission, having decided that the question of the collaboration of Egypt should be dealt with in a special paragraph, adopted, after an exchange of views between Sir F. LUGARD, M. DELAFOSSE and M. RONCAGLI, the following text:*

“In view of the growing importance of Egypt among the Mediterranean Powers and the importance of her geographical position in checking the transit of slaves by land and sea, it is desirable that very special efforts should be made to induce this State to participate in concerted action.”

*Supervision of the Red Sea.*

The following paragraph of the draft report was read:

"In regard to the transport by sea, several notes or memoranda to the Commission proposed to increase the supervision at sea exercised by England, France and Italy. These Powers can hardly be asked to increase the number of ships which they already station there with laudable disinterestedness for the control which, even if it were strengthened, would not be completely efficacious. To make sure that no slaver succeeded in crossing the Red Sea, leaving aside more distant waters, they would have to concentrate all the ships of the three fleets in these parts, in order to establish an uninterrupted cordon of warships. Such a hypothesis could not be entertained.

"On the other hand, a suggestion made by Sir F. Lugard would seem worthy of consideration that 'vessels used in the transport of slaves on the high seas should be recognised in International Law as engaged in piracy and liable to penalties as such'."

M. RONCAGLI, referring to the first section of this paragraph, said that the question of the strengthening of the supervision in the Red Sea was, in his opinion, of the greatest importance. In his report he drew attention in two places to the necessity of improving the present situation and of establishing true co-operation between the States concerned, without any limitations. At the present time this co-operation did not exist; the situation was uncertain in the sense that ships of the various Powers concerned in the supervision of the Red Sea, from the point of view of slave-dealing, did not enjoy complete liberty of navigation.

One of the reasons why he urged the importance of the collaboration of Egypt was that Egypt might take part in the common task by means of small ships. In his draft report, the General Rapporteur alluded to an "uninterrupted cordon of warships", but from his personal experience M. Roncagli knew that a proper warship was in a most unfavourable position for successfully pursuing slavers. These boats, once they had their cargo of slaves on board, made as quickly as possible for the opposite shore and coasted along in shallow water almost inaccessible to warships. To deal with such tactics, Italy had adopted dhows armed as warships. Further, they were fitted out with a small engine and their speed was therefore greater than that of the sailing boats. It was therefore necessary that these boats should be given the greatest liberty in the pursuit of the slavers so that they might be able to capture them even at the opposite shore. A draft Convention had been drawn up two years previously between Italy and Great Britain; Italy, however, had not been able to accept it because, under its provisions, zones of territorial waters had been established, which the boats of the State concerned could not pass over. It followed that, by the adoption of this principle of territorial waters, a French or Italian boat, for example, when pursuing a slaver might be obliged to let it escape just at the moment of capture. It was possible to conceive of the adoption of such measures as regards other matters but not in regard to ships which, by reason of their employment, were outlaws. For this reason M. Roncagli expressed the wish that the Commission should suggest quite another Convention to be drawn up by agreement between all the Powers interested in the supervision of the Red Sea, including Egypt, in which no limit would be imposed as regards the pursuit of slavers. By making this suggestion, the Slavery Commission would demonstrate that it had exhaustively studied this problem, which was one of the most important, perhaps the most important, in the struggle against slavery, and that the members had carried out a work such as might have been expected from experts. He therefore proposed the following text:

"With a view to the better regulation and the strengthening as far as possible of the supervision of the Red Sea and neighbouring waters to prevent the navigation of dhows carrying slaves from the African coast to the Asiatic coast, and more especially the landing of their cargoes on the Asiatic coast, the Commission submits to the Council the suggestion that an invitation should be addressed to the Governments of the European nations most directly concerned in the suppression of slavery in these countries, and also — through these nations perhaps — to the Government of Egypt, to come to an agreement for the conclusion of a Convention for the regulation of this special police for the Red Sea, in order to place their ships employed on this duty in the most favourable situation for the pursuit and capture of dhows and any other ship suspected of transporting slaves."

According to direct information which he had been able to obtain, M. Roncagli felt that he could state that this lack of liberty as regards the right to chase slavers in the Red Sea had prevented the Italian Government from adhering to the British proposal regarding the Hedjaz. In his view, any Power concerned which desired to associate in what was after all a very praiseworthy scheme of the British Government could only do so on condition that it was in a position to assume the resultant responsibilities. But any limitation that it was wished to place on the service which policed the Red Sea against the traffic made it impossible for that Power to assume such responsibilities.

Sir F. LUGARD thought that it would be best to insert a separate clause regarding the control of the Red Sea. He thought that M. Roncagli's arguments would probably be included in the Protocols explanatory of the Convention which it was hoped would be the result of the recommendations of the Commission. The Commission had already dealt with the right of pursuit on land

elsewhere, and he thought it might also deal with the right of pursuit into territorial waters and the right of search, which were both closely connected with it.

M. RONCAGLI replied that these three questions were closely connected in theory, but since the problem of the supervision in the Red Sea was the most important in the struggle against slavery, he could not agree that its solution should be bound up with the conclusion of a general Convention. It would be preferable first to solve the problem of the Red Sea and its surroundings and then to refer to the solution adopted in this special case when the question of a general Convention came up.

The CHAIRMAN observed that, with reservations as regards a few modifications, M. Roncagli's proposal was already included in M. Delafosse's report, which mentioned Sir F. Lugard's suggestion that the transport of slaves by ships should be treated as piracy.

He proposed that the words "on the high seas" should be suppressed and the words "even in territorial waters" adopted. He thought that, in this way, M. Roncagli might receive satisfaction. Personally, he had studied the question from the point of view of international law and he believed that warships might pursue pirates into territorial waters. Slave-dealing should therefore be treated as piracy.

Sir F. LUGARD said that this was his intention in suggesting that the transport of slaves should be treated as piracy.

M. BELLEGARDE supported the observations of M. Roncagli and considered that the Commission should recommend a local agreement regarding the supervision of the Red Sea. Sir F. Lugard's proposal was for a general regulation which the speaker had always strongly supported. In regard to the supervision of the Red Sea, he considered that the Commission should recommend not only the insertion of a special clause in the future general Convention, but that a local agreement should be concluded as soon as possible regulating the right of pursuit in territorial waters.

Sir F. LUGARD observed that the question was equally important in the Persian Gulf. He said that, in suggesting that M. Roncagli's statement should be included in the Convention, he did not mean to relegate it into the background. On the contrary, his idea was to emphasise its great importance.

M. RONCAGLI observed that in his text he had alluded to supervision in the Red Sea and "in neighbouring waters". This supervision might, therefore, be extended where necessary. It was for the Powers concerned to decide up to what point the jurisdiction of the future special Convention should be extended.

He wished to add that he had never for a moment thought that Sir F. Lugard's suggestion for a general Convention was intended to relegate his own proposal to a secondary place.

The CHAIRMAN wondered whether a general Convention, including the right of search, would be attained as easily or as quickly as a local Convention on the right of pursuit of slave-ships. This right might be easily granted in a particular sea, seeing that the Powers had always jealously limited the right of search to certain waters.

Sir F. LUGARD thought it would probably be no more difficult to obtain a general Convention as one regarding the Red Sea only, and for this reason he would prefer a general Convention. He thought that the right of search should be extended to all suspected vessels, but this was a delicate question which had been dealt with at great length in the Brussels General Act.

M. VAN REES thought that it would be preferable not to make the special question raised by M. Roncagli dependent on the idea of a general Convention which had not yet been discussed. He thought that the Commission should retain the suggestion made by M. Roncagli and submit it in a perfectly explicit manner. The text should clearly show that it was intended only to abolish the institution of territorial waters as far as concerned the pursuit of slavers.

M. BELLEGARDE thought that it was important to present in a precise way M. Roncagli's proposal concerning the right of pursuit so that it could be adopted as quickly as possible. If the Commission mentioned piracy, the question became quite different in character and would give rise immediately to many difficulties of international law. The present question was similar to that concerning the slave-raiders, which was a question of permitting police pursuing captors to penetrate into Spanish territory in order to seize them. In the same way an Italian ship should be permitted to penetrate into British territorial waters to pursue and seize a dhow. He recalled that the reason why the Brussels Act had not been ratified by several Powers was because of the difficulties raised by the right of search. It would be necessary to deal separately with the question of the connection between the traffic and piracy.

Sir F. LUGARD thought that the Commission might suggest in the report that immediate steps should be taken in the Red Sea and that a Convention should be drawn up containing general provisions.

An exchange of views took place in regard to the formula to be adopted for the paragraph under consideration.

M. DELAFOSSE proposed the following text:

"In regard to the transport by sea, the Commission recommends that the Powers concerned should come to an agreement to grant the right of pursuit and capture in



territorial waters of vessels transporting slaves on the Red Sea or in neighbouring waters."

Sir F. LUGARD agreed and added that the Commission should only make proposals in general terms as regards the matters which should be included in a general Convention and leave it to experts to draw up the exact terms.

The CHAIRMAN observed, in reply to M. Bellegarde, that the present Commission was not an international Commission. This kind of question was extremely delicate. The Commission should only make the suggestion and leave it to the experts in international law to draw up the form and conditions for the contemplated agreement.

M. RONCAGLI said that he had suggested a simple method for regulating the actual situation. He had not acted from the point of view of international law, but from the point of view of the competence of the Commission. The Commission was competent to request the Council to invite the Powers interested in this question to come to the necessary agreement.

Mr. GRIMSHAW agreed with M. Roncagli that this was a most important question and a recommendation in regard to it would be one of the most valuable suggestions that the Commission could put forward. He did not think that international law would really present any great difficulty, and he did not think that it was necessary to refer to it in this paragraph, as it would merely suggest a difficulty that did not really exist. He suggested that, after the paragraph in question, a new paragraph might be inserted in the sense of M. Roncagli's draft, which he considered was very well constructed. What was required was a recommendation that the Powers should not put any obstacles in the way of complete co-operation in regard to the suppression of slave-trading at sea.

Following an exchange of views between the various members of the Commission and a suggestion by Sir F. LUGARD, the Commission adopted the following text:

"With the object of making the supervision of the Red Sea and the neighbouring waters more effective, the Commission considers that it is desirable that an invitation should be addressed to the European Governments concerned, and to the Government of Egypt, for the conclusion of an agreement permitting ships employed in this supervision to pursue and to take possession even in territorial waters of vessels suspected of carrying slaves."

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## EIGHTH MEETING

*Held at Geneva on Thursday, July 16th, 1925, at 3.30 p.m.*

Present: All the members of the Commission.

### 52. Question of the Competence of Professor Ross.

The CHAIRMAN stated that he had received a communication from the United States Legation at Berne concerning Professor Ross. The communication was to the effect that, as Professor Ross was not connected with the Government of the United States, the State Department was not in a position to express an opinion in regard to his competence or reliability.

M. DELAFOSSE said that this reply was obviously non-committal. It could not in any case be regarded as an unfavourable one, within the meaning of the procedure laid down by the Commission.

The CHAIRMAN agreed. The procedure laid down that, provided a reply to an enquiry of this character was not unfavourable, it was the duty of the Commission to forward to the Government concerned the information received.

*The Commission accordingly decided that the report of Professor Ross should be forwarded to the Portuguese Government.*

### 53. Procedure to be adopted in Connection with a Communication received regarding Peonage from the International Bureau for the Protection of Natives: Adjournment of the Discussion.

The CHAIRMAN, referring to the communication in regard to peonage which had been addressed to the Commission, suggested that it should be forwarded to the interested Governments for their information. The countries affected by this communication being only vaguely indicated and the examples of peonage given being of ancient date, the Secretariat desired to know to which countries the communication should be sent.

He proposed that the Commission should consider this question when it came to discuss the report of M. Delafosse on peonage.

*The proposal was adopted.*

54. Examination of the Draft General Report of M. Delafosse: Chapters V and VI (*Continuation of the Discussion*).

M. DELAFOSSE continued the reading of his report.

*Chapter V of the report was adopted after an exchange of views between the members of the Commission, and subject to various amendments.*

CHAPTER VI. — DOMESTIC OR PREDIAL SLAVERY (SERFDOM).

*General Description.*

The following passage was read:

“The domestic slave is a member of his master's family, shares in its work, participates in its joys and sorrows, and is only distinguished from the free man by certain differences of caste and social standing, and the obligation to carry out certain duties which the free man never performs. He can acquire and enjoy property. He may become the owner of other domestic slaves and occupy certain positions — even that of chief of the tribe — having under his jurisdiction free men and possibly even his master.”

Mr. GRIMSHAW said he wished to protest against the statement in the following paragraph of the draft report to the effect that this was a perfectly correct description of the institution of domestic slavery. He did not think it was correct, for example, in certain of the mandated territories. It was not universally true that the serf could acquire or enjoy property or become the owner of slaves. He thought that the statement was much too general. He would suggest a formula to the effect that the above description might be described as a correct one of the institution of serfdom under the most favourable circumstances.

M. DELAFOSSE maintained that the paragraph was a correct description according to his own personal experience so far as African negro territories were concerned.

M. FREIRE D'ANDRADE agreed with M. Delafosse. He had never seen in Africa any really striking difference between domestic slaves and other members of the native community. A domestic slave of the kind referred to in the paragraph might become a chief of a village.

The CHAIRMAN said he did not think the situation of the domestic slave was always as favourable as that described in the paragraph.

M. DELAFOSSE thought that the present difference of opinion was owing to a lack of definition. Domestic slaves were not necessarily slaves. There were two distinct institutions, that of slavery and that of “servitude”. The paragraph in the report which was true of serfs, did not apply to slaves properly so called. There was a legal difference between the two terms and the natives themselves never lost sight of this distinction. A slave, for instance, could be enfranchised or sold to a third party; this could never happen in regard to a serf.

Sir F. LUGARD said that the paragraph referred, of course, only to domestic slaves. In his experience, however, there was a great difference in the situation of such slaves. He had known a case where a whole tribe was proverbial for the ill-treatment of its slaves and he believed that when the legal status was abolished all of them had claimed their liberty. The description contained in the paragraph was not, he thought, universally true of Africa and probably could not be applied to the Hedjaz or Arabia. He did not think that any generalisation was possible.

M. VAN REES proposed the suppression of the paragraph.

*After some further discussion, this proposal was adopted.*

The following passage of the draft report was read:

“The serf holds an essentially different position from the slave in the native conception. To begin with, he cannot be sold; nor can he be enfranchised. He cannot be one individual's chattel, since he can only belong to a collective body, which is in practice either a native State (in this case the serfs are called “royal slaves”) or the tribe (in this case the serfs are called “tribal slaves”) or, most frequently, the family of the master to whom the slave's parents belonged (in such cases the serf is called a “domestic slave”).

The CHAIRMAN said that the distinction described in this paragraph did not appear in any Belgian official report dealing with the institution in Belgian territory.

Sir F. LUGARD said that he was not aware that the distinction contained in the paragraph went quite so far as was laid down. He doubted whether it could be accepted as generally applicable. The facts noted in the paragraph, if they were an accurate description of the facts, went beyond his own personal knowledge. Since the individual members were not prepared to endorse it from



their own knowledge, would it not be possible to include it in the paragraph ascribing it to the personal and unrivalled authority of M. Delafosse ?

Mr. GRIMSHAW did not think it would be well to publish a statement of this kind on the authority of one member of the Commission. He suggested that a passage might be inserted drawing attention to the complexity of the question. It should be stated that conditions among domestic slaves varied very considerably; some of them might be as fortunate as those to whom allusion was made in the paragraph but the conditions varied very considerably even in the same territory and must necessarily depend to a great extent on the personality of the master.

M. DELAFOSSE submitted that the question at issue was not whether the slave or serf was more or less fortunate, and that no legal distinction could be drawn between slavery and serfdom based upon the character of the master.

The institution of domestic slavery was referred to in many reports. It was frequently said that slavery no longer existed in certain territories or at least only existed in the form of domestic slavery. Could it be maintained that there was no slavery in a given territory if there continued to be domestic slavery ? It was the duty of the Commission to define domestic slavery, distinguishing it from slavery proper, and to decide whether it should recommend its suppression.

M. BELLEGARDE said that domestic slavery was founded upon native custom and that the domestic slave was of the type defined by M. Delafosse. The term "slave" could be attributed to any person who did not come under the descriptions contained in the paragraph.

M. DELAFOSSE said he could not agree. He had drawn a very clear distinction between the slave and the serf and this distinction was described in his report. Either the Commission would endorse this statement of the position or decide that it was unable to do so. If it could not endorse the distinction drawn in his report between slavery and serfdom, he would suggest that the whole of the relevant chapter should be suppressed. There would be no necessity for a separate chapter dealing with domestic slavery or serfdom if the distinction which he had defined were not admitted.

*The Commission adjourned the further discussion of Chapter VI to a later meeting.*

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## NINTH MEETING

*Held at Geneva on Friday, July 17th, 1925, at 10 a.m.*

Present: All the members of the Commission.

### 55. Examination of the Draft General Report of M. Delafosse : Chapter III (Slave Trade) (Continuation of the Discussion).

*Proposals by Sir F. Lugard concerning the Slave Trade in the Hedjaz, and the Centralisation of Information.*

The CHAIRMAN opened the discussion on certain proposals submitted by Sir F. Lugard. The text read as follows:

"(a) It is therefore of great importance that pressure should be brought to bear by whatever means the Powers may think best to induce those States which were formerly a part of the Ottoman Empire to adopt measures regarding slavery and the slave trade not less liberal than those which existed under Turkish rule. In particular, the full right of asylum should be insisted on. Article 71 of the Brussels Act provides that 'diplomatic and consular agents . . . of contracting Powers shall . . . give their assistance to the local authorities in order to assist in repressing the slave trade', and this right of foreign intervention (to which Turkey as a Signatory of the Brussels Act has pledged herself) was claimed by the foreign Consuls in the Hedjaz although in some other respects the Ottoman Law was not fully effective there. The representations made last year by Great Britain, in which France, Italy and the Netherlands joined, do not appear, according to reliable information communicated to the Temporary Slavery Commission, to have been effective, and the right of every foreign Consul to liberate any African slave who takes refuge at his agency, and to send him back to his country, should be reasserted without compromise and extended to slaves of other countries.

"(b) The Temporary Slavery Commission is informed on authority which it regards as entirely credible that many of the foreign-born slaves in the Hedjaz are girls from the Far East brought as pilgrims or smuggled for sale as slaves, and that many are persons who have come in the pilgrimage to Mecca or accompanying pilgrims as servants,

etc. The former case would seem to merit investigation by the Commission on Traffic in Women, but there appears to be no doubt that they are sold as slaves. It is understood that the Government of the Straits now insists that all persons sailing from Singapore and Penang shall provide themselves with passports. As regards the second case, it seems desirable that some restriction should be placed on the taking of children or young persons to the Hedjaz, and that all persons travelling as servants and attendants on others should be given freedom papers and registered at the port of embarkation.

"(c) It is stated that slaves who have been manumitted, whether at the instance of Consuls or otherwise, are frequently re-enslaved and the certificate of freedom destroyed, and that slaves often refuse the offer of freedom as being useless unless accompanied by repatriation. It is essential, therefore, that all freed slaves should be repatriated. To facilitate operations, it has been proposed that a central depot should be formed in the Sudan. It will be necessary to provide funds for this work.

"(d) States which are engaged in suppressing the transport of slaves by sea or land should report to the League of Nations all information which they may be able to acquire as to the origin and destination of slaves whom they have liberated."

*Clause (a): Right of Asylum in Consular Agencies* (see paragraph 43 of the Report to the Council).

Sir F. LUGARD made the following statement in support of the draft clause which he proposed :

Under the Constitution of 1908 the status of slavery was abolished in the Ottoman Empire. Turkey as a signatory of the Brussels Act had given effect to Article 71, which provided that "diplomatic and consular agents . . . of Contracting Powers shall . . . give their assistance to the local authorities in order to assist in repressing the slave trade . . ." Although, in the Hedjaz, the provisions of the Ottoman Law had never been very effective, the right of intervention on behalf of slaves who took refuge in the consulates had been claimed by the foreign consuls. Under Turkish rule, numbers of slaves took refuge at the British Consulate at Jeddah and elsewhere, and the Consul then applied to the local authorities to see that the slave was duly freed. Many were freed by the British and French Consuls in this way.

After the war, King Hussein insisted that slavery was legal by the Koran, and the slaves were probably too terrorised to appeal to the Consuls. The Jeddah representatives of Great Britain, France, Italy and the Netherlands decided, as a last resort, to make formal representations in August 1924 to King Hussien, that at any rate persons subjects of or protected by these four Powers should not be enslaved or detained in slavery; but in September the war with Nejd began.

When Hussein retreated to Akaba, African slaves again began to flock in great numbers to the British agency. The new King Ali made liberal promises regarding the abolition of slave-dealing, but resisted the full right of asylum. His position was precarious and it was possible that Ibn Saud might at any time capture Jeddah. A compromise was made. The number of slaves who could take refuge at the British Consulate was limited to two or three for each steamer. About forty have been thus sent away by the British agency in the last few months. The trade in Abyssinian slaves is very lucrative. Four were sent back by the Italian Consul.

As regards this clause of the draft presented by Sir F. Lugard, M. VAN REES asked if the Commission, by inserting the text of this paragraph in its report, would not be adopting the point of view submitted in Sir F. Lugard's statement. He did not think that an independent State which formerly formed part of the Ottoman Empire would be bound by a Convention signed by the latter. Unless this preliminary question were decided in an absolute manner, the most the Commission could do was to record the efforts already made by the Powers mentioned and express the hope that their efforts would be crowned with success as soon as the troubles which at the present time were raging in the Hedjaz should have come to an end.

Sir F. LUGARD observed that his text did not say that the Hedjaz was bound by the Act which had been signed by the Ottoman Empire.

M. VAN REES explained that the Commission did not know the motives on which the Powers relied in claiming the right under Article 71 of the Brussels Act and it seemed to him that it could not in its report insert a clause which seemed to support such a claim.

The CHAIRMAN wished to make clear the scope of the clause submitted by Sir F. Lugard. It did not assume that the Brussels Act was binding on those States that were to-day independent and which formerly were a part of the Ottoman Empire, but requested that the Powers should attempt to persuade these States to adopt, as regards slavery, measures that were not less liberal than those in force under the Turkish domination; in particular, regarding the right of asylum in the consular agencies.

M. VAN REES said that, if it was only a question of asking that the diplomatic and consular representatives be granted the right of asylum without demanding this right in virtue of some conventional provision, he would have no objection to raise.

The CHAIRMAN noted that M. Van Rees accepted the first sentence of Clause (a).

Sir F. LUGARD suggested a modification of the text in order to make it quite clear that the Powers, in referring to the privileges granted to European Consuls by the Ottoman Empire in regard to the right of asylum, were requesting the Hedjaz to grant the same privileges without claiming them as a right. He thought that the Powers might present such a demand.

M. VAN REES thought that, if the Brussels Act did not bind the Hedjaz, there was no reason to mention this Act in the clause. He agreed as to the principle of the question and only criticised the form of the text proposed by Sir F. Lugard, which gave the impression that the Commission was supporting the Powers, without exactly knowing their motives.

M. BELLEGARDE considered that this question was a very delicate one, because it implied the right of foreign intervention. Seeing, however, that the object was a humanitarian one, he supported Sir F. Lugard's suggestion, but he thought that the Commission should make less strong the expression "that pressure should be brought to bear". It could only be a question of negotiations to persuade the Hedjaz to adopt as liberal measures as had been adopted by the former Ottoman Empire.

Mr. GRIMSHAW proposed to modify the text by pointing out that the Ottoman Empire under the Brussels Act had granted certain privileges and that among those privileges experience had shown that the right of asylum was of great importance and every effort should be made to obtain from the Hedjaz the re-establishment of those privileges.

The CHAIRMAN observed that he was not certain that the right of asylum was included among the privileges resulting from the Brussels Act.

Mr. GRIMSHAW believed that this privilege had been claimed and granted under that Act. It would suffice, however, to say "among the privileges recognised by the Ottoman Empire".

M. CATASTINI recalled that the Brussels Act had lapsed as regards France and Great Britain, which had signed and ratified the Convention of St. Germain of September 10th, 1919.

M. DELAFOSSE thought that the Commission should keep to the actual facts. Whether the right of asylum resulted from the Brussels Act or from tradition, it was a question of asking the Hedjaz to show as much liberality as the Ottoman Empire and, in particular, to re-establish the right of asylum.

M. BELLEGARDE thought that it would be of value to mention the Brussels Act. The right of asylum constituted to a certain degree a restriction of the sovereignty of the State in question. By mentioning the Brussels Act, which bound not only the Ottoman Empire but other States, the Powers would not be asking for any exceptional measures and their negotiations would have more weight.

M. DELAFOSSE thought that, if the Powers considered it desirable, the Brussels Act might be mentioned in the memorandum which they would present in support of their negotiations and which, in accordance with diplomatic custom, would contain an historical statement of the case. But from the point of view of principle, it was hardly possible to found these negotiations on an Act which did not bind even the Powers carrying out the negotiations and, moreover, had never bound the State in question. As the Commission had only to present a suggestion to the Council, it would be preferable to base this on the practice formerly in force. It would be all the more inadvisable to mention the Brussels Act in this matter seeing that the Commission did not know to what extent the right of asylum depended on this Act.

M. RONCAGLI also thought that the Commission should base its proposals only on facts. He suggested that it should mention the negotiations with the Hedjaz that had already been undertaken by the Consuls of foreign countries and the measures already taken in the same direction.

M. DELAFOSSE pointed out that it was useless to enquire whether the exercise of the right of asylum resulted from the Brussels Act or had been merely tolerated by the Ottoman Government. What was certain was that this right had been exercised. It was useless to place this question on a legal plane. Moreover, the right of asylum with the foreign Consuls in the Ottoman Empire seemed to have been instituted before the Brussels Act and to have dated from the time of the Capitulations.

M. BELLEGARDE thought that the exercise of the right of asylum, which was an admitted custom, should become a right. In consequence, the engagements to be entered into by States concerned should result in this custom becoming a right and not merely tolerated. If the Commission mentioned the Brussels Act, the Hedjaz might agree that it should enter into force as regards that territory. On the other hand, if it were asked to consent to the maintenance of a simple custom it might wish one day to renounce it.

M. CATASTINI observed that in the Near East there were few written texts as regards international law.

The CHAIRMAN suggested replacing the words "pressure should be brought to bear" by "negotiations should be undertaken".

M. DELAFOSSE agreed with Sir F. Lugard that the Powers to which the Hedjaz owed its independence were in a position to bring considerable pressure to bear on that country.

The CHAIRMAN considered that the amount of pressure to be brought to bear might be left to the consideration of the Powers.

M. DELAFOSSE proposed the words " the Powers should insist ".

*This formula was adopted.*

M. VAN REES asked if it would not be well to mention the present troubled state of the Hedjaz and to lay down that the Powers should insist " as soon as circumstances permit ".

M. DELAFOSSE observed that the Hedjaz was not the only country concerned: there was also Oman, Yemen, etc. It would be well not to risk any delay in the negotiations to be undertaken. Obviously, the Powers would wait for a favourable moment before approaching the Hedjaz.

*The Commission adopted Clause (a) in the following form:*

" It is therefore of great importance that the Powers should insist, by whatever means they may think best, that those States which were formerly a part of the Ottoman Empire should adopt measures regarding slavery and the slave trade not less liberal than existed under Turkish rule — in particular, in the matter of the right of asylum which was formerly effectively asserted by the foreign Consuls and diplomatic agents."

In reply to M. Van Rees, Sir F. LUGARD said that his statement of motives would appear in the Minutes and would constitute a commentary on this question.

*Clause (b); Travellers to Mecca (see paragraph 44 of the Report to the Council).*

M. VAN REES suggested that the phrase beginning with the words " the former case would seem " should be replaced by words to this effect: " the Commission expresses the hope that the Powers will be able to find efficacious measures for putting an end to this state of affairs ". In fact, Sir F. Lugard had laid down a series of measures the majority of which were already rigorously applied, particularly by the Netherlands. He saw no reason for suggesting special measures since the Commission had not done so in other cases.

Sir F. LUGARD said that two classes of persons were being considered in this paragraph. They were informed that the passport system had put a stop to young girls from the Straits Settlements being taken to Mecca and sold as slaves; secondly, there was the case of persons from other countries taking servants, wives, etc., to Mecca, and selling them there as slaves. He suggested that the passport system would stop the first practice.

M. VAN REES thought that there was no way of putting an end to the second practice. It often occurred that a person married before embarking for Mecca, and passports were given to him and his wife. When he arrived in Mecca he sold his wife as a slave.

M. DELAFOSSE explained that Sir F. Lugard said that the Egyptian Government had taken measures to regulate the granting of passports to minors proceeding to Mecca. These measures appeared to have been efficacious and it was to this that allusion had been made.

M. VAN REES explained that it was a question of principle. Was the Commission to suggest special measures or not?

Sir F. LUGARD said that registration was suggested as a measure for dealing with the second practice. On embarkation every slave or servant should be given a freedom-paper and should be registered, entries being made in the Consul's books at the same time. If any person failed to return, enquiries would be made. Although this would not completely put an end to the practice, it certainly might be useful in checking it.

The CHAIRMAN suggested, in order to give satisfaction both to M. Van Rees and Sir F. Lugard, to state only that certain regulations had been adopted which might be extended to other countries.

M. DELAFOSSE urged the retention of Sir F. Lugard's text, which was of a general nature. The Commission had the right to express a hope that certain measures would be taken.

M. VAN REES replied that these steps had already been effectively taken in certain countries.

M. DELAFOSSE replied that if this was the case the fact might be mentioned.

M. BELLEGARDE asked why Sir F. Lugard's text said it is " *understood* " that certain Governments required passports, etc.

M. DELAFOSSE replied that definite information on this subject had only been supplied in regard to the Straits Settlements and the Dutch Indies by Sir F. Lugard and M. Van Rees, but that, as regards other countries, there was no definite information.

The beginning of Clause (b) was adopted in the following form:

" The Temporary Slavery Commission is informed on authority which it regards as entirely credible that many of the slaves of foreign origin in the Hedjaz are either young girls from the Far East who come as pilgrims or are smuggled for sale; or are persons coming from various countries accompanying their parents or masters in the pilgrimage to Mecca."

With reference to the allusion made to the Advisory Committee on the Traffic in Women, M. VAN REES thought that, if the persons mentioned in the second part of Clause (b) were sold as slaves, the case would clearly come within the competence of the Slavery Commission and it was not necessary to refer to the Commission on the Traffic in Women.

M. DELAFOSSE observed that it appeared from the text that these women might be sold as prostitutes.

M. BELLEGARDE supported this observation and proposed to retain the text in its present form.

At the suggestion of the CHAIRMAN, the Commission decided to add the following phrase after the passage concerning the granting of passports: "It seems desirable that this practice should be more generally adopted."

*Clause (c): Repatriation of Freed Slaves: Central Depot* (see paragraph 45 of the Report to the Council).

M. FREIRE D'ANDRADE proposed that to the phrase "it was therefore essential that liberated slaves should be repatriated" should be added the words "if they desired". Obligatory repatriation might give rise to certain inconveniences, which were, moreover, well known.

*This proposal was adopted.*

A discussion took place on the subject of the conclusion of this paragraph: "to facilitate operations it has been proposed that a central depot should be formed in the Sudan and it will be necessary to provide funds for this work."

M. VAN REES asked for explanations as regards this proposal for a central depot.

M. DELAFOSSE explained that certain philanthropic societies had decided to form a depot in the Sudan to receive liberated slaves without families.

Sir F. LUGARD said that it was necessary to have some sort of depot for this purpose. The Consuls had difficulty in disposing of liberated slaves. They required an asylum to which these slaves could be despatched immediately from Jedda prior to their repatriation, as it was impossible for the Consuls at Jedda to arrange passages for these liberated slaves direct to their various destinations.

To meet M. Van Rees' objection, he suggested the insertion of the words "or elsewhere" after Sudan.

M. VAN REES remarked that it did not appear clearly from the text that this was a suggestion emanating from the Commission.

M. RONCAGLI proposed that it should be laid down that this depot might be formed on the African coast of the Red Sea, to which liberated slaves might be sent and from where they could be repatriated to their various destinations, Africa, the Far East, etc.

Mr. GRIMSHAW proposed to substitute: "that, in order to facilitate these operations, it had been proposed to establish on the west coast of the Red Sea a central depot to which liberated slaves would be sent in the first place and from where they could be forwarded to their destination. The Commission considered that this measure might give good results".

M. CATASTINI observed that, in accordance with the usual custom, when the Commission addressed to the Council or the Assembly a recommendation which might entail responsibility on the States Members of the League of Nations, this recommendation should refer to States definitely named. If this was not done, there was a risk that no attention would be paid to it.

Mr. GRIMSHAW said that the meaning of his text was that the Commission expressed a favourable opinion on the proposal. It was true that the Commission was not the originator of the suggestion, but there were many other similar cases in its report. They merely stated that the Slavery Commission gave its support to a proposal which had been made; the origin of the proposal was immaterial.

The CHAIRMAN considered that for the moment the Commission should merely express a favourable opinion on the proposal. It would examine, if necessary, in its conclusions whether it should appeal to any particular Power.

After an exchange of views between the various members of the Commission, the following text was adopted:

"It is essential, therefore, that all freed slaves should be repatriated if they so desire. To facilitate these operations it might be possible to establish on the western coast of the Red Sea, under the supervision of the local government, a central depot, public or private, to which freed slaves may be sent in the first place and from which they may be forwarded to their country of origin.

"The Commission considered that the realisation of such a scheme would give good results."

*Clause (d): Centralisation of information.* (See paragraph 46 of the Report to the Council.)

Sir F. LUGARD said this question did not concern the Red Sea, and he had not intended that it should be included here.

M. DELAFOSSE observed that this clause concerned a question of a general nature and that the preceding clauses referred to particular cases. Clause (d) could therefore be retained in this part of the report.

The CHAIRMAN asked the permission of his colleagues to raise one point. Should the Commission not express the hope that the International Bureau at Brussels for the repression of slave-dealing should be re-established ?

Sir F. LUGARD said that, when he drafted this paragraph, he had been uncertain as to whom the States should send these reports.

Mr. GRIMSHAW thought that the Commission should leave this question aside for the moment. It was a most important one, and he thought that the Commission should consider it at the time of formulating its conclusions for the Council.

M. DELAFOSSE thought that, if this question were to be discussed, it should perhaps be discussed immediately.

M. BELLEGARDE supported Mr. Grimshaw. In his own memorandum he had proposed the institution by the League of Nations of a central organisation to follow the progress of the campaign against slavery and to report to the Council on the matter. He did not discuss the question whether the Bureau should be formed at Geneva or elsewhere but merely proposed the general principle. In his opinion, the Commission should not recommend the institution of this Bureau in connection with this particular point now in question, but in regard to slavery as a whole.

M. DELAFOSSE thought that the Commission might indicate in the clause under discussion that the information necessary should be communicated to an organisation appointed by the League of Nations to centralise all the studies being carried on with a view to the repression of slavery.

The CHAIRMAN observed that this was the role of the Brussels Office and read a note on this subject:

The duty of the Bureau for the Suppression of the Slave Trade set up by Article 81 and the following articles of the General Act of Brussels of July 2nd, 1890, was to centralise the exchange between the Signatory Powers of documents and information relating to the slave trade. It was merely an office for the reception and despatch of documents the continuous and regular transmission of which was intended to supply complete information on the progress made in the execution of the General Act.

Under the provisions of Article 81, this Bureau was to be attached to the Department of Foreign Affairs at Brussels. This article provided for the communication of the following documents and information:

1. The texts of the laws and administrative regulations, whether already existing or enacted in application of the General Act, that is, penal laws, laws and decrees for the execution of the provisions concerning arms, munitions of war and spirituous liquors.

2. Statistical information concerning the slave trade, slaves detained and liberated, the traffic in arms, munitions and spirituous liquor.

In conformity with the stipulations of these articles, the Bureau was established by a Ministerial Decree dated July 10th, 1892. A circular dated July 11th, 1892, instructed the Belgian representatives abroad to bring this fact to the knowledge of the Governments concerned and to inform them that the Department of Foreign Affairs was thenceforward in a position to receive the documents they had undertaken to supply.

Two officials of the Department were detailed to perform this work with the help of a few employees of the Administration specially charged with the translation of documents drawn up in foreign languages.

Correspondence with foreign Governments was conducted through the Ministry of Foreign Affairs.

At the beginning of each year the documents and information communicated to the Bureau during the course of the preceding year, or asked for by the Bureau from Governments which had delayed forwarding their communications, were collected and published in the original language, together with a translation. Several copies of this publication were forwarded to each of the signatory or adhering Powers.

The expenses of the institution were borne in equal parts by all the co-contracting parties. The Belgian Government, however, advanced the necessary money and undertook the recovery of the contributions.

The Bureau for the Suppression of the Slave Trade continued its work until the war put an end to its activities.

Up to that time it had published twenty-one volumes, containing amongst other documents the penal laws enacted in each country in pursuance of Article 5 of the General Act, the text of ordinances and regulations concerning slavery, native labour contracts, the import and traffic in arms, munitions and spirituous liquor, numerous reports from consular agents in Africa concerning the application of these ordinances and regulations, statistical information relating to the traffic in arms and spirituous liquor, the emancipation of slaves, the conviction of offenders, etc.

The working expenses of the Bureau during the twenty-two years of its existence did not exceed 8,000 francs per annum.

Sir F. LUGARD thought that the Commission should deal with this question at once. If necessary, it could revise the text later. It might add that a bureau of some sort should be



established. He thought that this question might be left for the Assembly, as he did not consider that it was within the competence of the Commission to consider the constitution of this Bureau.

The CHAIRMAN agreed.

Mr. GRIMSHAW said that he agreed with M. Bellegarde. The Commission was dealing in this particular part of the report with liberated slaves only, whereas the proposed Bureau would deal with many other matters. He therefore thought it would be unfortunate to make this suggestion here; it would be better to treat it elsewhere as a proposition concerned with slavery in general.

M. DELAFOSSE observed that, as this clause dealt with liberated slaves, the Commission should mention amongst other measures the communication of information regarding them. To whom should this information be communicated? Obviously, to the centralising office if it was to be created, but it did not yet exist.

The Commission might express either in the preamble or in its conclusion a more general opinion in favour of a central bureau, as it had been proposed to do in favour of a conference or a general convention. This did not prevent the Commission from making special mention here of the information regarding liberated slaves.

Mr. GRIMSHAW agreed with M. Delafosse that it would be a mistake to refer to this matter in this place only. It concerned also other chapters, and a similar reference would have to be made at the end of each. He did not suggest that the Commission should discuss the constitution of the bureau, but he thought it should deal with the matter under a special heading, stating what kind of information should be dealt with by the bureau.

Sir F. LUGARD agreed with M. Delafosse that it was an open question whether a bureau similar to the old one was required or not, but a body of some sort was required to collect information regarding the transport of slaves by sea, as this concerned the co-operation to be established between the Powers interested in suppressing the slave trade on the Red Sea.

M. DELAFOSSE added that a central bureau might be or might not be instituted. Even if it were not instituted, he thought that the information in regard to this clause should be centralised in some office, either in the Secretariat or elsewhere. The important point was that this information should be centralised.

The CHAIRMAN suggested that the Commission should retain provisionally the present text with the reservation that it might refer to the matter again when it was drawing up its conclusions.

M. DELAFOSSE desired that the communication of this information should not be subordinated to the question of the creation of a central office.

M. CATASTINI observed that a similar question was raised quite recently during the discussions of the Conference for the Supervision of the International Trade in Arms and Munitions. Under the terms of Article 26 (second paragraph) of the new Convention, no central organ had been created. It was laid down that the Powers wishing to receive any information had the right to obtain it directly from the other Powers.

Sir F. LUGARD said that the clause in the Arms Convention had been dictated, he understood, by the opposition displayed by the United States of America to establishing a bureau in connection with the League of Nations. He suggested that this matter should be left to the decision of the Council and the League of Nations.

M. BELLEGARDE thought that the Commission might retain the present text, which simply laid down that information should be communicated to the League of Nations. If a central office were not created, the Secretariat would communicate this information to the States concerned.

The CHAIRMAN repeated his former suggestion and added that this clause might be suppressed if the Commission adopted the general suggestion for the institution of a central bureau.

Mr. GRIMSHAW said that all these points showed how difficult and complicated the question really was. The Commission would have to decide what information was to be sent to the bureau when it decided as to the constitution of the bureau. This would entail a repetition of the whole discussion.

M. DELAFOSSE observed that, if the Commission decided against the creation of a bureau, it would have to return to the present question and discuss it again.

M. BELLEGARDE observed that the matter had been raised in a general form in another chapter of the draft report.

Sir F. LUGARD said that, in order to show that this was a particular case, the Commission might begin the clause with the words: "In order to promote co-operation . . .". The object of the bureau was not the usual one of collecting laws, regulations, etc., but essentially that of promoting co-operation.

Mr. GRIMSHAW supported the Chairman's suggestion that the Commission should accept provisionally the proposed text with a reservation that, if necessary, it should consider later whether the text should be suppressed or modified.

M. DELAFOSSE and Sir F. LUGARD proposed the following text:

"From a more general point of view and in order to promote co-operation, it would be desirable that all information which can be obtained regarding the origin and destination of the slaves who are freed and their transport by sea or land should be centralised."

*This text was approved.*

M. VAN REES asked that the Minutes should record that, if the question had been put to the vote, he would have voted against the above proposal. However, for the moment he did not insist.

## TENTH MEETING

*Held at Geneva on Friday, July 17th, 1925, at 3.30 p.m.*

Present: All the members of the Commission.

36. **Examination of the Draft General Report of M. Delafosse.** (*Continuation of the Discussion.*)

### CHAPTER VI. — DOMESTIC OR PREDIAL SLAVERY (SERFDOM).

#### *General Description (continued).*

The CHAIRMAN, alluding to the recent discussion (see Minutes of the eighth meeting), said that he would greatly regret the suppression of Chapter VI. He accordingly suggested that the chapter should be prefaced with a statement to the effect that the position in regard to domestic slavery was extremely complex and that it was impossible to define the status exactly. It might further be stated that the position in the French African colonies was as stated in Chapter VI of the report, and that this description was very probably generally true of other African colonies. It might also be declared that domestic slavery need not necessarily be an inhuman system.

M. FREIRE D'ANDRADE again insisted that the description contained in Chapter VI of the draft report applied to most cases of domestic slavery and that it was substantially true. It might not cover every case and every region, but the Commission was not called upon to make a statement that should be universally true. It was impossible to know everything in regard to native life. He considered that the description contained in Chapter VI was of value, particularly as it laid down that the institution of domestic slavery was not necessarily inhuman.

M. VAN REES said he would share the regret of his Belgian and Portuguese colleagues if it were considered necessary to suppress Chapter VI, which was particularly interesting and formed to some extent, in his opinion, the key to the whole report. He would, however, in describing domestic slavery, prefer to use expressions which corresponded as closely as possible with those employed in the official documents, which distinguished between voluntary and involuntary domestic slavery.

He would suggest, as a practical solution, that, at the end of the description, attention should be drawn to the complexity of the question and that this description should be offered as a general statement deduced from the documents in general at the disposal of the Commission and to the personal experience of certain of its members. It would be explained, further, that this statement did not include all the customs and conditions in all the territories of Africa, nor was it applicable to all the aspects of native social life.

Mr. GRIMSHAW suggested that the description contained in Chapter VI might be introduced as referring to the French colonies, and that it might be prefaced with a more general statement concerning the question as a whole. This statement might be based on the very simple and general formula with which, in his own memorandum, he had tried broadly to cover domestic slavery in all its diversities. It drew attention to the extreme variety of the forms of domestic slavery and the difficulty of finding a satisfactory definition.

Sir F. LUGARD said he agreed generally with Mr. Grimshaw. There were many important points in the description contained in the chapter which went beyond his experience, and he could not endorse them from his personal knowledge. He would agree that a description should be inserted in the report on the high authority of M. Delafosse, accompanied by the more general statement proposed by Mr. Grimshaw.

M. VAN REES explained that he did not like the procedure of inserting in the report of the Commission an important passage upon the responsibility of one of its members. Either the Commission should accept this description, with a certain reserve, or it should be suppressed.

The formula proposed by Mr. Grimshaw would cover both forms of domestic slavery, voluntary and involuntary. It appeared, in fact, to confuse the two forms. It alluded to the power of life and death over the serf — a power which implied that his condition was not voluntary, *i.e.* not one of "serfdom" but slavery.

Sir F. LUGARD said that he thought M. van Rees was under a misapprehension. 'There was no question of distinguishing between "voluntary and involuntary slavery". Serfdom (no less than domestic slavery) was not voluntary but was a status with which the serf was born.

M. VAN REES, returning to the point under discussion, argued that the description given by M. Delafosse in Chapter VI need not be based on the personal knowledge and authority of the author of the report. It could be based on the collection of documents which was at the disposal of the Commission concerning the French mandated territories. It would have been quite possible for the Commission itself, by drawing from the same sources, to frame a similar description and present it as the expression of its conception of the institution in question.

Mr. GRIMSHAW agreed that there was a general agreement between the description given by M. Delafosse and the conditions described in the reports of 1922 and 1923 on French mandated territories.

Sir F. LUGARD said that he could not agree to accept the description contained in Chapter VI except on the personal authority of M. Delafosse. The description was extremely interesting, but it went beyond his personal experience.

After some further discussion, *it was decided that the Chairman, in consultation with M. Delafosse, should endeavour to find a formula based on the exchange of views which had just taken place, and that this formula should be discussed at a later meeting.*

*Paragraphs 87 to 91.*

*These paragraphs were adopted subject to verbal amendments.*

*General Policy to be proposed (Paragraph 92).*

The following paragraphs of the draft report were read:

" M. Freire d'Andrade states in his memorandum:

" ' While individual liberty should be respected and the principles of justice and equality for all should be upheld, we have some reason to ask whether certain philanthropic ideas are not sometimes, as applied to the negro races of Africa, likely to produce an effect contrary to that intended.'

" And this applies to the native races of other countries.

" ' M. Dantés Bellegarde has the same idea in mind when he recognises the necessity of proceeding, in certain cases, with prudence in the application of the remedies which we consider suitable for repressing the evil of slavery.'

" The Chairman of the Commission says:

" ' Although we should immediately and with all our might wage a campaign against customs which gravely infringe the essential rights of man—though taking care that the measures we introduce do not produce consequences worse than the evil itself—we should in other respects rely on the evolution of the native mentality rather than on any sort of compulsion.'

" And continues:

" ' Careful students of colonial affairs are coming more and more to realise that the customs of primitive peoples are, as it were, an echo of natural environment or of mentality and religious beliefs or of the economic level attained—an echo, that is, of their stage of social development. Most of their social customs arise from actual needs. *These needs still exist.* Therefore, it is only in regions in which the conditions of life can be transformed (and only to the extent to which such a transformation can take place) that new rules of life can supplant the old. Suddenly to substitute one system for another would be to take away the supports for the building and replace them by other supports having no foundation or unadapted to the form of construction. The house, of course, would fall.

" ' We should also remember that the native's conceptions of happiness are not necessarily ours—although they may one day become so. It is quite possible that those whom we seek to protect accept willingly a lot which we consider hard. They might even resent our interference. The reasons, therefore, which—as we think—call for immediate action on our part may really be non-existent.' "

After some discussion, *it was agreed to suppress these paragraphs and to replace them by a more general formula covering the particular assertions contained in them.*

*Compulsory Liberation (Paragraph 93).*

The following paragraph of the draft report was read:

" Various means have been suggested for the real abolition of serfdom; one of these, very simple in its wording, suggests a decree that all serfs be 'compulsorily liberated'. Besides the difficulty of conciliating the two principles of liberty and obligation contained in such strange juxtaposition in this formula, the fact that a Government, by taking such steps, would probably be restricting more gravely the liberty of the peoples administered by it than by tolerating serfdom, the fate of the thousands of persons thus violently uprooted from their normal existence must be considered. This is dealt with in the memorandum of the Chairman of the Commission:

“In almost every case where slaves have been freed by a stroke of the pen, serious troubles have arisen. There has been an economic crisis caused by diminution of production leading to general impoverishment and even famine, owing to the fact that the freed slaves have regarded their emancipation as meaning the right to do no work; a social crisis, for they sought by irregular and often criminal means to satisfy their daily needs; a political crisis, for poverty and disorder made the Government unpopular.”

“It may be added that the sudden suppression of domestic serfdom would certainly result in a large recrudescence of polygamy, as has occurred since the liberation of slaves properly so called. The disappearance of slave labour amongst peoples unaccustomed to paid labour entails so great an increase of work on the wife that she is the first to urge her husband to marry again.”

M. BELLEGARDE said he must make a reservation in regard to the implication contained in this paragraph that a sudden act of emancipation must necessarily be prejudicial to the welfare of the natives. He could not obviously associate himself with any formula which appeared to throw any doubt on the complete success of the emancipation of the slaves in San Domingo, now Haiti.

M. DELAFOSSE pointed out that in Haiti there had been no question of a foreign Government imposing compulsorily an act of emancipation upon natives living under their own civilisation and customs.

*The paragraph was adopted subject to verbal amendments.*

*“Free Villages” (Paragraph 94).*

The following paragraph of the draft report was read:

“Another suggestion is that of ‘free villages’. The liberation of serfs is not made compulsory, but the Administration offers an asylum near its settlements to all serfs who wish to leave their masters. This system has been tried by most of the colonising nations and all of them have considered its results deplorable and have abandoned it. Except for a few miserable wretches really deserving of protection who came to these villages to find refuge against ill-treatment, the great majority of these persons were malefactors and loafers flying from well-deserved chastisement or simply from the obligation to work. Such persons, in order to obtain a family in the place of refuge, do not hesitate to carry off former fellow serfs, especially young girls, and, in this way, the liberty of persons was restricted in a manner as contrary to local customs as to the principles of our civilisation. Further, the natives considered this institution as an attempt on the part of the European authorities to steal their serfs. In the French Sudan, the so-called ‘free villages’ were locally designated by a name which can only be translated as ‘villages of Government slaves’. This idea of the native population is alone sufficient to condemn this system for ever.”

Sir F. LUGARD said the above description did not cover all cases. There were two kinds of slave villages: one which was instituted in order to entice slaves from their masters, to which the above description applied, and another kind in which slaves set free by the Government were temporarily housed. There were in East Africa many runaway slave settlements which were industrious and prosperous and it would not be fair to stigmatise all slave villages without exception.

His own objection to the slave village was that ordinarily the slave was incapable of organisation and quite helpless in managing his own affairs. For this reason, he agreed with the conclusions contained in the paragraph.

M. DELAFOSSE proposed that mention should be made of the two kinds of slave villages referred to by Sir F. Lugard and that the detailed description of the one particular case should be omitted.

M. RONCAGLI said he would like to protest generally against the continued suppression of the explanatory passages of the report. This procedure should not be carried too far. The reasons and explanations given in the report were familiar to the members of the Commission but they would be of great interest and value to readers of the report.

After further discussion, it was agreed to insert a formula covering both the cases described in the report and those referred to by Sir F. Lugard.

*Guardianship and Education of Liberated Children (Paragraph 95).*

The following paragraph of the draft report was read:

“Similar observations might be made on the system of entrusting the guardianship and education of liberated children either to private persons, native or European, or to public and private institutions. However excellent the intention, this measure has often given rise to grave abuses and has often merely resulted in a simple change of masters, without diminishing in any way the state of slavery which it was intended to abolish.”

"The adoption of such measures may, on several occasions, have given rise to the belief that slavery existed in certain Christian districts of Liberia.

"Neither 'free villages' nor institutions for the reception of freed children are to be recommended. As observed by Sir F. Lugard in speaking of enfranchised slaves, 'it is preferable that they should be absorbed in the free communities'."

The CHAIRMAN said he could not quite agree with this passage. The handing over of children to public institutions had, in his own personal knowledge, had excellent results. He did not see what else could be done with freed children or how they could be sent back into native life.

Sir F. LUGARD said that there had in the past been considerable traffic in children. Many had been rescued from the slave dealers who had stolen or bought them, and had been emancipated by the authorities. He had, in Northern Nigeria, instituted a home for freed children under a European matron who was a trained nurse and this system had given excellent results. After he left Nigeria, the children had been handed over to a mission and the Government allowed the mission a grant per head for each child. A system had been instituted, especially in Southern Nigeria, of handing over children to carefully selected households, either pagan or Mohammedan or Christian. In such cases the children were handed over under a mandate from the court and they were inspected annually. No alienation of these children could be effected without an order of the court. This system had been set up under a special ordinance and the details could be seen in the volume of the laws of Nigeria in the Library.

M. BELLEGARDE suggested that the system might be recommended for general introduction.

The CHAIRMAN thought that it might not work well in all colonies.

Mr. GRIMSHAW maintained that the success of these methods, whether of placing children in families or of committing them to the care of missions or philanthropic bodies, depended on the degree of control exercised by the administration. He thought reference might be made to the system described by Sir F. Lugard with a statement to the effect that its success must essentially depend on whether the amount of control by the authorities was adequate. Without such control the system would obviously be open to dangerous abuses.

*It was agreed that a formula to this effect should be introduced in the report of the Commission. Paragraphs 96 and 97 were adopted subject to verbal amendments.*

#### *Summary of Conclusions.*

The following paragraph of the draft report was read:

"In addition to the question of principle dealt with above, the findings of the Commission may be summarised as follows: domestic or predial serfdom as practised in most countries of backward civilisation where social institutions are still fundamentally 'collective' corresponds to the needs of such civilisation and institutions and is at times as necessary for the well-being and relative prosperity of the serfs as for that of their overlords; it does not generally possess the humiliating character it would have among more advanced peoples; it presents rather a form of proletariat that appears the normal state of things to those submitted to it; a sudden alteration of the present position would be the source and cause of various grave evils; it would be better to allow time and circumstances to accomplish in this respect the work that time and circumstances have accomplished in the societies that have to-day reached a high degree of civilisation."

M. BELLEGARDE enquired whether it was not advisable to suppress this paragraph. There were already passages in the report to the effect that reforms in the institution of domestic slavery should not be too abruptly introduced. A further insistence on this idea might give the impression that the Commission did not desire the system to be modified. The Commission, on the contrary, desired the suppression of serfdom, while recognising that in practice its disappearance should not be too abruptly effected.

The CHAIRMAN said that the paragraph under discussion represented the final conclusions of the Commission. It seemed necessary to embody the conclusions in a final paragraph.

M. RONCAGLI agreed. The general conclusion of the Commission was that time and circumstances could alone bring about the disappearance of domestic slavery.

Mr. GRIMSHAW pointed out that, though the institution as described in the report was bound up with the collectivist organisation of the native tribes and could therefore very easily be too abruptly modified, this collective organisation was itself being changed very rapidly owing to the impact of white civilisation. The survival of forms of domestic slavery in combination with the imposition of certain European ideas as to the methods to be followed in making use of native labour might be extremely dangerous for the welfare of the natives. He agreed with M. Bellegarde that the paragraph should be suppressed.

M. VAN REES suggested that the formula at the end of the paragraph might be modified in order to cover the reference by Mr. Grimshaw to the disintegration of native life under the influence of white civilisation. In place of the word "circumstances", a reference to "external influences" might be inserted.

Sir F. LUGARD, while agreeing that the paragraph should be suppressed, suggested that a formula should be substituted drawing attention to both sides of the question. It might be stated that, in view of the rapid disintegration of native social organisation, it was advisable for the European administrations to assist the changes which were taking place by abolishing domestic slavery as a legal status and in other ways which would appear later in the report when the transition stage was being discussed. On the other hand, it should be pointed out that domestic slavery as a social institution inseparable from certain stages of native evolution should not be too abruptly modified.

M. FREIRE D'ANDRADE pointed out that the Commission had already, in paragraph 97, insisted that the legal status of domestic slavery should be abolished. It was unnecessary in this place to say more than that the process of abolition should not be imprudently undertaken.

M. DELAFOSSE agreed that it was unnecessary to repeat the conclusion concerning the legal status contained in paragraph 97. He approved the suggestion of M. Van Rees but proposed to add at the end of this formula a sentence drawing attention to the fact that not only time but the influence of white civilisation were also at work.

M. BELLEGARDE said that all the formula so far suggested would, in his opinion, have the effect of appearing to discourage the Governments from endeavouring to change the present system.

Mr. GRIMSHAW agreed. He did not think it was advisable to make a statement to the effect that the modification of the system should be left to time and circumstances. The abuses of serfdom, if they coincided with abuses of the civilised system of labour, might lead to the most deplorable consequences. The paragraph would appear to endorse a policy of *laissez faire*.

M. BELLEGARDE reminded the Commission of the objections raised to accepting the very favourable description of domestic slavery contained in the report of M. Delafosse. Native customs in connection with domestic slavery were not all beneficent, and the Commission must not appear to approve the system or to desire that it should be preserved. For which kind of serfdom was the Commission pleading — that described by M. Delafosse or by Mr. Grimshaw? The attitude of the Commission must be to disapprove of any form of slavery. The Commission might counsel prudence in action but must totally disapprove of the system.

M. DELAFOSSE said that the paragraph as drafted was not recommending the institution of domestic slavery as a desirable institution but merely noting that it was in conformity with native civilisation and that it was dangerous to modify it too abruptly.

The CHAIRMAN said he was much struck by the allusion of M. Bellegarde to the different forms of serfdom. The paragraph as drafted referred to the form described by M. Delafosse in the report. Would it not be possible to insert a sentence to the effect that the Commission desired immediate steps to be taken to put an end to any inhuman practices to which the system might give rise.

Sir F. LUGARD agreed with M. Delafosse that nothing should be done which might have the effect of breaking down native organisations. This tribal organisation was, however, as a matter of fact, being rapidly modified. So far, the Commission had proposed no more than the abolition of the legal status of domestic slavery. It had not suggested any measures to meet the period of transition through which the social organisations of the natives were at the moment passing. This situation would have to be dealt with at a later stage when the Commission came to consider the conditions which arose from the impact of European institutions upon native life in the transitional period.

Mr. GRIMSHAW agreed that it was premature to refer to the period of transition. He presumed that at a later stage it would be necessary for the Commission to summarise its recommendations in this connection. He agreed that, at times, attempts to modify existing native civilisation had ended disastrously, but this was only because the European administrations did not know how these modifications could best be carried out.

It was, however, equally dangerous to allow European industry, commerce and habits to modify native conditions unguided and unchecked. Native civilisation was being rapidly revolutionised, and it was the duty of every administration to watch this process continually and to guard against any possible tendencies or modifications which were undesirable. It was for this reason that he objected to the final sentence of the paragraph.

M. DELAFOSSE proposed the suppression of the paragraph.

Sir F. LUGARD agreed, on the understanding that a reference to the matter would be made at a later stage.

*The paragraph was suppressed.*



## ELEVENTH MEETING

*Held at Geneva on Saturday, July 18th, 1925, at 10 a.m.*

Present: All the members of the Commission.

### 57. Duration of the Session.

M. VAN REES thought that, in view of the work before the Commission and seeing that the British and Portuguese members could not remain after July 23rd, no definite results would be arrived at by the Commission before that date. He suggested that the session should be closed on July 23rd and another one held in October immediately before the seventh session of the Permanent Mandates Commission.

At the end of the present session, the Commission might merely address a short letter to the Council stating that it had met from July 13th to 23rd, and that, in view of the complexity and extent of the work before it and in view of the engagements of some of the members, it had been found impossible to prolong the session and the Commission had been obliged to adjourn the conclusion of its work to a third session.

Sir F. LUGARD said he could if necessary prolong his stay at Geneva for one or two days after July 23rd, but during the following week he had engagements which he could not cancel.

M. VAN REES did not think the Commission could finish its work completely and satisfactorily even if the session were prolonged by one or two days. Moreover, if an incomplete report were submitted to the Council which did not deal with the question of forced labour, for example, a question which the Commission itself had desired to include in its programme, a most regrettable impression would be given. He drew the attention of the members to the fact that the general report would be examined by the Sixth Committee of the Assembly. It would be better to draw up at leisure a well-ordered report which would be satisfactory to all the members of the Commission rather than to precipitate its work and present some report or other which did not satisfy everyone.

M. BELLEGARDE thought that the Commission was obliged to submit a report to the Sixth Assembly. The impression made would be still worse if the submission of the report had to be postponed until the following Assembly. The Commission might decide to finish its work on July 23rd. If it had been able only to examine the question of slavery proper, it could explain to the Council that it considered the question of forced labour to be of such importance that it should be taken up with full precautions, and its study had therefore been postponed to a future session. Moreover, it might be possible for the Commission to take up the question during the present session, and it might decide, as had been proposed, that it would be preferable to refer to another organisation the examination of the more general question of the system of native labour.

It was natural that all members desired to discuss the report exhaustively, but they were now dealing with a work which had been very carefully done and was already partly adopted. The Assembly might think it strange that the Slavery Commission, in the first year of its existence, had been able to submit only a report on its programme of work and had been unable to submit this year the report on slavery that was expected from it. He therefore proposed that the Commission should continue the examination of the report with the resolve to finish it by July 23rd.

M. DELAFOSSE said that he had made arrangements to be present at the session in July, but it would be impossible for him to come back to Geneva in October.

Sir F. LUGARD pointed out that the Commission had already decided to examine the present draft report. This report dealt with forced labour amongst other questions. It should therefore continue the study of this document including forced labour. There was a clear line of demarcation between the study of slavery (including systems analogous to slavery) and the examination of memorials, etc. The Commission might decide later whether it should reserve this latter class of question to a future session. As to the suggestion for an October session, he thought it would be very difficult to hold it in the absence of the General Rapporteur. He thought that the progress of the work of the Commission might be hastened if the discussions were not so frequently interrupted by the introduction of points of secondary importance.

M. VAN REES wished to observe that he had only raised the question because certain of his colleagues could not prolong their stay in Geneva after July 23rd. He entirely agreed that the Commission should hasten on its work as much as possible, but it should take into account that it would have to draw up its report to the Council as well as its general report, which would form an annex to the first.

M. FREIRE D'ANDRADE said that, whatever decision was taken by the Commission, he would have to leave Geneva on July 23rd. For this reason he had been disposed to support M. Van Rees' suggestion.

After an exchange of views, it was decided, at the suggestion of the Chairman, that the present session should continue in principle until July 23rd with the reservation that if it was necessary for the completion of the work of the Commission, it would be prolonged until the 25th.

58. Examination of the Draft General Report of M. Delafosse. (Continuation of the discussion.)

CHAPTER VI. — DOMESTIC AND PREDIAL SLAVERY (SERFDOM) (continued).

General Description (continued). (Paragraphs 77 and 78.)

M. DELAFOSSE stated that Mr. Grimshaw proposed to replace the first paragraph of this chapter as proposed in the draft report by a paragraph, which read as follows:

"In what domestic or predial servitude consists precisely is difficult to say. In their effects upon the life of the slave or serf, the various forms differ enormously: they may imply the most abject servitude or, on the other hand, an obligation of service comparable to that due from a villain to his lord under the feudal system formerly common in Europe; they may give to the master or owner powers of life and death over the slave, or give him only certain customary privileges not specially onerous upon the latter. They may give the slaves even a particularly favourable position in the master's household, due to their absolute dependence upon him and their presumed consequent fidelity."

There would then come, in order to unite this text with the rest of the report, the following paragraph:

"It is clear that the institution generally known as domestic slavery or serfdom as it is found in various regions is at present insufficiently understood, and further examination may reveal that it is sometimes rather a type of social organisation than a form of slavery as the latter term is currently understood. The following description of the situation found in the French colonies of Tropical Africa, which has been communicated to the Commission from a source which the Commission considered to be of the highest authority, is probably true also of other areas in that continent."

M. BELLEGARDE supported this suggestion.

M. VAN REES thought that if the Commission adopted this suggestion a certain disparity would arise between the first two paragraphs of this chapter. In the first paragraph, the Commission had accepted a statement by Mr. Grimshaw without referring to the authority on which it was based. In the second statement, which was more detailed, the Commission seemed to feel the need of avoiding its responsibility by mentioning a certain authority.

Mr. Grimshaw's statement might begin with the following words: "According to information which the Commission can accept as authoritative". The second statement would begin in the same way: "From a source which the Commission considers as being of the highest authority". In this way the contradiction between the two paragraphs would be eliminated.

Mr. GRIMSHAW said that there was an enormous difference between M. Delafosse's very able analysis and his own report. There was nothing authoritative in his statement; it was merely a general statement that any of the members might have drawn up, and it might be amended to meet M. Van Rees' wishes. It had appeared to him to be very suitable for the present circumstances, and he had therefore proposed its adoption. He claimed no proprietary right for this paragraph, whereas M. Delafosse's very able summary was a purely personal one based upon his personal knowledge.

M. RONCAGLI supported Mr. Grimshaw's observations as to the difference between these two paragraphs. He was of opinion that mention should be made of M. Delafosse not in his position as a member of the Commission but as an international authority. The report of his colleague and this passage, in particular, appeared to him to be so remarkable that he asked M. Delafosse for permission to use this chapter for a special publication by the Italian Royal Geographical Society.

The CHAIRMAN thought that the majority of the Commission was in favour of mentioning M. Delafosse's name.

M. VAN REES said that doubtless it was of value to say that the second statement applied to the French territories in Africa, but he did not think it was a good system to mention names in an impartial and impersonal report.

M. FREIRE D'ANDRADE wished to explain that, if he supported M. Van Rees' suggestion, it was merely for the sake of consistency. It had, in fact, been agreed that, if the Commission adopted a statement submitted by one of its members as the result of his personal observations, it would submit this statement as coming from the Commission itself. This was the position as regards these observations. They should be submitted in the report as the expression of the whole Commission.

The CHAIRMAN said he supported the proposal to mention M. Delafosse's name.

*The proposal was adopted.*

M. VAN REES said that he was ready to fall in with this decision.

*Paragraphs 77 and 78 were adopted with the modifications mentioned above.*

CHAPTER III. — SLAVE TRADE (*Continuation of the discussion*).

*Question of the Right of Pursuit and the Assimilation of Slave-dealing to Piracy.*  
(*Paragraphs 47 and 48.*)

Sir F. LUGARD suggested the following text:

"The Commission suggests that the questions of right of search and of the right of pursuit in territorial waters in so far as they refer to parts of the world other than the Red Sea, should be examined by experts in international law with a view to extending, if possible, the provisions of the Brussels Act and of making them applicable throughout the world".

Mr. GRIMSHAW said he did not like the text. It was not clear what experts were to examine the question. What was required was that the Powers should examine the question of the right of pursuit and search in other waters than the Red Sea. He saw no reason for introducing a body of experts between the Commission and the Powers concerned. If the Powers considered it necessary, they would consult their experts in the usual way, but he saw no necessity of mentioning these experts here.

M. BELLEGARDE wished to recall that the previous discussion had dealt with the possibility of assimilating slave-dealing to piracy. Sir F. Lugard's new formula did not contain any definite mention of this subject.

Sir F. LUGARD said that, so far, the Commission had referred only to the Red Sea, whereas it wished to extend these provisions to cover the whole world. It had suggested that a conference should be summoned for the conclusion of a Convention which, as it would probably include experts, would be in a position to come to a decision on this question. In view of the many technical points arising out of this question, he thought the Commission was not competent to give an opinion. This was a matter on which the conference could decide.

M. BELLEGARDE said that it was only a question of submitting a recommendation. The Commission might point out, for example, that certain States had already assimilated slave-dealing to piracy in their internal legislation. This point was met in a Convention dated March 13th, 1824, between Great Britain and the United States. The Commission might declare that, in order to strengthen the suppression of slavery, it would be of value for the Powers to agree, by means of a general convention, as to the assimilation of slave-dealing to piracy. The Commission had no need to request that experts should be summoned to examine this question.

M. RONCAGLI thought that Sir F. Lugard's formula was too general from the point of view of the right of search, which included a large number of questions which did not concern the question of slavery. On the other hand, the right of pursuit was strictly connected with this problem, and it was this right which had been in question as regards the hunt, without limitation, for slavers in the Red Sea.

There was danger of a formula as vague as that of Sir F. Lugard's placing certain States who were being asked to come to an agreement as regards the supervision of the Red Sea, in an embarrassing position. Were they to adopt a resolution immediately concerning this supervision or should they wait for an international conference to examine all the other questions arising out of the right of search? He wished to emphasise the fact that he thought it dangerous for the Commission to express an opinion at this moment on a question presented in such general terms.

M. BELLEGARDE proposed the following text:

"The Commission considers that the campaign against slavery would be greatly strengthened if the Powers concerned decided by a general agreement to assimilate slave-dealing to piracy. Certain States have already accepted this assimilation either in their internal legislation or by special treaties."

M. RONCAGLI and M. VAN REES supported this formula.

Sir F. LUGARD said that he had purposely used vague terms as the question would be debated by a conference consisting of experts. He quite realised that the right of search and the right of pursuit were two entirely different questions. He suggested including both for the examination of these experts, since the Commission was not competent to do so.

M. RONCAGLI thought it unnecessary to suggest that this question should be examined by experts. It was evident that the Powers, when they were dealing with the general question, would refer to experts in international law, as was always done. He added that, in Sir F. Lugard's formula, it was necessary to lay down that the question was that of extending the aforesaid right to other seas than the Red Sea.

The CHAIRMAN thought that a resolution drafted as suggested by Sir F. Lugard would not receive attention. The question of the right of search was a very delicate one. At the Brussels Conference, the Powers were determined to limit this right to very definite zones in order to prevent its abuse. Could the Commission propose to extend this throughout the whole world? He thought that it could not do more than recommend that the right of search should be extended to areas where it appeared necessary.

M. DELAFOSSE said that he could not support a proposal tending to recommend the Powers to extend the right of search. However, Sir F. Lugard's proposal merely recommended that the question should be studied. In this form it might perhaps be accepted.

Sir F. LUGARD agreed with M. Bellegarde as to the value of assimilating slave-dealing to piracy, but he thought it would be best to leave it to the decision of the Conference. He pointed out that that had been his original suggestion and that he would welcome its adoption.

Mr. GRIMSHAW thought that it would be of value to include this suggestion. He therefore proposed a text which he thought would combine these two ideas.

The CHAIRMAN thought that Sir F. Lugard's proposal went still further than M. Bellegarde's.

M. RONCAGLI saw a disadvantage in combining these two questions.

M. VAN REES asked if the question of the right of search and pursuit did not imply that of the assimilation of slave-dealing with piracy, and, consequently, if it was necessary to mention the third question.

Sir F. LUGARD said that all he wished to suggest was that the Powers should be invited to consider this proposal.

Mr. GRIMSHAW suggested that the Powers might be asked to take into consideration the assimilation of slave-dealing with piracy.

M. RONCAGLI would accept a proposal providing for the assimilation of slave-dealing with piracy, and for the consideration by the Powers of the possibility of extending to seas other than the Red Sea the measures adopted. The question of the right of search should be left to the Powers to decide.

Mr. GRIMSHAW suggested that they might add at the end of paragraph 42 the following words: "in regard to other waters where the trade exists or is suspected to exist".

Sir F. LUGARD agreed to this formula, but he would have liked to introduce the right of search, in another paragraph, if necessary. He thought the Commission should invite the Council to consider this question.

M. DELAFOSSE proposed to include this question in another paragraph.

M. RONCAGLI urged that no mention should be made of the right of search.

M. DELAFOSSE replied that this mention would only lead to the raising of the question of the right of search in territorial waters.

Mr. GRIMSHAW pointed out that, if there were an agreement or convention under which slave-trading at sea was assimilated to piracy, it would include, amongst other provisions, the right of search and the right of pursuit. He therefore thought that the Commission should not refer specifically to these complex problems, which were all included under the general notion of measures adopted in case of piracy.

M. RONCAGLI supported this suggestion.

M. BELLEGARDE, taking into account the necessity of not delaying the work of the Commission by a too-prolonged discussion, urged the value of assimilating slave-dealing with piracy. This measure would result in applying to slavers the very severe penalties that were inflicted on pirates. The question therefore was clearly within the task of the present Commission.

Replying to Sir F. LUGARD, he explained that the right of search was included in a general question which the Commission would have to examine, that was to say, whether it should recommend a general regulation for slavery. If the Commission decided in the affirmative, the general Convention would deal with all the various questions, right of search, right of pursuit, etc.

M. RONCAGLI supported this point of view.

Mr. GRIMSHAW called attention to the wording of his proposal. He had not suggested that the Powers be recommended formally to enter upon the question, but had put forward the idea that the Commission might usefully consider the desirability of doing so.

M. VAN REES supported a suggestion that similar measures to those which were mentioned in paragraph 42 in regard to slave-dealing in the Red Sea should be extended to other waters.

M. FREIRE D'ANDRADE agreed with this opinion. Indeed, he did not know the details of the measures generally adopted against piracy. Further, he agreed with Sir F. Lugard as to the utility of studying this question.

M. BELLEGARDE recalled that the question of piracy had already been studied in connection with the slave trade. If the Commission, without definitely asking that the slave trade should be assimilated to piracy, recommended that this possibility should be considered, a very favourable impression would be made on public opinion.

Following an exchange of views between the various members of the Commission, the following text was adopted:

"47. In regard to waters other than the Red Sea and its neighbourhood where the trade may exist or be suspected to exist, the Commission believed that the Powers

interested might usefully consider the possibility of adopting similar measures to those referred to above in paragraph 42.

"48. Moreover, it has been suggested that the transport of slaves by sea be considered as an act of piracy. The Commission thinks that this suggestion might be brought to the attention of the Powers."

## CHAPTER V. — PRACTICES RESTRICTIVE OF THE LIBERTY OF THE PERSON.

### (a) *Acquisition of Young Girls disguised as Payment of Dowry.*

Sir F. LUGARD read the following text to replace this part of M. Delafosse's report and dealing not only with the question of marriage but also with the question of concubinage:

"The Commission refrains from discussing in detail questions of native marriage and concubinage, for the subject is so complex that it would be difficult to do so within reasonable limits. It is sufficient to say that, generally speaking, both native customary law and Moslem law regarding marriage do not involve slave-dealing from a native standpoint, and that cases which might approximate to slave-dealing are entirely opposed to the Koranic and to native customary law.

"The custom of concubinage under Moslem law and according to certain local practices is, on the contrary, much more likely to lead to slave-dealing, since the acquisition of a concubine is generally effected by means of payment of a sum of money, by whatever name — 'present' or 'dowry' — it may be called.

"If, however, the legal status has been abolished, the concubine can leave her master whenever she likes — while the master under Moslem law cannot divorce her if she bear a child, and at his death she is free. In this respect she has a more privileged position than a lawful wife. Cases are, however, reported in which girls are acquired nominally as concubines, but in reality in order to submit them to a life of prostitution. Such cases would be dealt with as ordinary crimes under the existing law.

"Polygamy among the non-Mussulman populations may also result in reducing the less favoured wives to a state of servitude differing little from slavery. But in this and similar cases, an amelioration of the lot of women can only be looked for in the growth of civilisation and education, together with a widespread knowledge of the right of every slave of either sex to assert his or her freedom."

He proposed that the Commission should leave out references to marriage customs, since M. Delafosse had said in his report that the cases he had quoted did not constitute slavery. It was concubinage which gave rise to questions of slave-dealing and it was important to examine this question.

M. FREIRE D'ANDRADE said that he could not support the second part of the text proposed by Sir F. Lugard for reasons that he had already given before the Mandates Commission. In the Portuguese African territories a woman was bought by the family of the husband, who paid a dowry for her, but she remained the property of that family, and if the husband died she was obliged to marry another member of the family without even having the power of redeeming herself. In these circumstances, it must be considered that the marriage constituted in fact a purchase. In addition, the woman was forced to perform onerous tasks and there was little difference between marriage and some restricted forms of slavery. Doubtless the Commission should take well into account native customs, but, as he had already said before the Mandates Commission, it should be recognised that certain customs were very similar to slavery and he ventured to draw M. Gohr's attention to the custom to which reference had been made.

M. DELAFOSSE was disposed to accept Sir F. Lugard's proposal, as this dealt with concubinage which had not been considered in his report. Moreover, he was generally in agreement with Sir F. Lugard and did not oppose the substitution of Sir F. Lugard's text for his own.

In reply to the observations made by M. Freire d'Andrade, he stated that, in his opinion, and with certain exceptions, the native matrimonial customs, whether they were in accordance with Mussulman law or any other law, did not seem to come under the heading of practices connected with slavery. He did not specially mention the custom alluded to by M. Freire d'Andrade, but he knew that it was very widespread throughout Africa. If, in appearance, it might lead to an assimilation of marriage with slavery, it was not really so from the legal aspect as understood by the natives. He wished to recall on this subject the arguments which he had stated in his draft report.

Before there can be a real purchase of a slave the purchaser must become the full proprietor of the object purchased. This was not the case. Marriage was formerly carried out by the exchange of women and this custom was still of frequent occurrence. Marriage between persons of the same family being impossible, a woman had to be found elsewhere. This custom, however, presented obvious disadvantages. For example, the marriages were interdependent and, if



one of the two marriages contracted at the same time were broken either by divorce or by the death of one of the husbands, the other marriage became void. Moreover, one of the two families might not have a daughter to be married and marriage was impossible.

It resulted that many men were not able to marry. The custom had therefore been modified. In the same way as the barter system had given place to the use of money, marriage by exchange of women had been replaced by the dowry system, which represented not the purchase price but the woman who was formerly given in exchange. This was at the same time a guarantee. If a rupture of the marriage occurred, the dowry and the woman returned respectively to the two families. M. Freire d'Andrade had observed that a rupture of the marriage might occur without the woman returning to her family. The woman became part of the estate of the deceased husband and passed to his heir, and in this way might become the wife, for example, of her brother-in-law, or nominally of her own son. But this custom was not slavery.

The Europeans considered marriage as a contract between two individuals. If the husband died the woman was no longer a wife. But it must be remembered that the African laws were essentially collectivist and that, among the native races, a marriage was a contract not between two individuals but between two families. The death of the husband did not break the marriage. The woman continued to be in a state of marriage with the family.

Europeans might consider this at first sight as enslavement, but from the native point of view this was not so. The proof that there was no slavery was that, if according to custom the woman had to return to her family in case of rupture of the marriage, the dowry was restored. Another proof was that the purchaser of a slave had all the rights of property in him, especially the right to re-sell him. But the husband had no right over his wife beyond the marriage rights. He could not pledge her, although he could pledge his children, his brothers and his parents, because the woman did not belong either to the husband or even to his family but to her own family. In those regions of Africa where family names existed, the wife kept the name of her own family. Her own position in the new family was that of wife and not of an individual. This was so true that the head of the family, the patriarch, had no authority over the wives of the members of his family.

The wife cannot therefore be considered as a slave. He had explained this the previous year, and the Commission had decided not to consider the question of marriage, which was extremely delicate and complex. The European administration would not be able to treat native marriage as slave-dealing without infringing the most deeply rooted native family customs. The Commission had not wished to risk this in regard to domestic serfdom and it should equally be avoided as regards the family. Europeans whose civilisation had evolved towards a more and more accentuated individualism were too much given to forget that the native customs were essentially collectivist and, in consequence, to misunderstand the native.

The CHAIRMAN said that M. Delafosse's observations were corroborated by information regarding the Belgian Congo. He pointed out that the native customs contain certain clauses for the annulment of marriage which were very similar to some found in Europe. A specialist in these matters had recently said to him that a native would be as surprised to find that he was considered to have purchased a woman by paying a dowry as a European would if it were stated that a wife bought her husband with her dowry.

M. FREIRE D'ANDRADE did not wish to insist on these objections; he simply wished to recall the point of view brought before the Mandates Commission. He suggested that, in the draft amendment by Sir F. Lugard, it should be laid down that certain marriage customs could not be referred to as slavery from the point of view of the native. He observed, however, that it was the duty of the Commission to encourage the evolution of native customs and that, at least in regard to this particular point, it should not tolerate the custom to which he had alluded. If the husband of a woman died, she should at least have the power to redeem herself in the same way as a slave. This custom was, moreover, admitted by certain tribes.

M. BELLEGARDE thought it would be regrettable to suppress the passage in question in M. Delafosse's report. It would be interesting for readers of the report to know exactly why certain native marriage customs could not be considered as slavery. M. Freire d'Andrade's intervention showed that the opposite view was very widespread. To retain M. Delafosse's text would not make it impossible to adopt the text proposed by Sir F. Lugard.

M. DELAFOSSE recalled that, in the report of the previous year, the Commission had stated expressly that it would leave aside all questions concerning native marriage customs. Several paragraphs of his report were outside the scope of the present study. In his opinion, the draft report submitted to his colleagues, which contained information on a large number of points that had previously been badly defined, should be different from the report to be submitted to the Council.

The CHAIRMAN proposed that the Commission should not take a decision until Sir F. Lugard's text had been distributed. It would then be in a position to compare the two texts and to see what should be suppressed and what combined.



## TWELFTH MEETING.

*Held at Geneva on Saturday, July 18th, 1925, at 3 p.m.*

Present: All the members of the Commission.

59. **Examination of the Draft General Report of M. Delafosse and Question of Principle Concerning the Documentation of the Commission** (*continuation of the Discussion*).

### CHAPTER V.

(b) *Enslaving of Persons disguised as the Adoption of Children* (Paragraphs 63 and 64).

The following paragraph of the draft report was read:

"None of the documents communicated to the Commission mention this practice except the French reports for the year 1923 on Togoland and the Cameroons, in which it is stated that in those territories the adoption of children is not practised as an indirect method of enslaving persons.

"As Sir F. Lugard mentions, the purchase of young children by charitable persons with a view to their physical and moral well-being constitutes in law an offence of slave-dealing in spite of the laudable intentions actuating the purchaser. Cases of this kind which have been mentioned in the past appear to have become extremely rare."

Sir F. LUGARD submitted the following alternative text for this paragraph:

"Children in Africa, as in most other tropical countries, are called upon to perform a great deal of menial work. Households in which there are no children — or in which the children have grown up — are therefore generally eager to procure children to act as household drudges. Care must therefore be taken when freed-slave or other children are placed with native families to see that they are not practically enslaved — a possibility the more likely as they are held in native opinion to be of the slave status. The system of procuring children for so-called 'adoption' is alleged to prevail with the knowledge of the Government in some cases. In other cases the children are surreptitiously purchased from dealers. This gives rise to a regular traffic in small children, who soon forget their own language and home, and, if enquiry is made, are readily passed off as the children of the dealer. Great vigilance is needed to combat this traffic."

Sir F. Lugard added that in Nigeria he had endeavoured for many years to suppress this trade in children, but had never quite succeeded. It was for this reason that he had originally proposed that the question of adoption should be included in the programme of the Commission.

Allusion should also be made to the practice of Mui Tsai in China. Under this system children were "adopted" and sometimes treated as slaves. They were, however, generally (but, he believed, not always) allowed their liberty when of marriageable age. This system had been abolished in Hong-Kong and in the Straits Settlements, but was still prevalent in China.

M. VAN REES pointed out that the paragraph referred to children in Africa, and that it would have to be modified if a reference to the Chinese practice were inserted. He wondered whether the paragraph submitted by Sir F. Lugard was not too general. The Administration had stated that in Togoland and the Cameroons the practice of adoption, as a disguised form of slavery, did not exist. The reports on the mandated territory of the Cameroons were categorical on this point, stating that in no case did adoption constitute a form of slavery.

Sir F. LUGARD said that, to cover the case of Mui Tsai, he had alluded not only to Africa but to "most other tropical countries". This, however, was not accurate as to China, which was for the most part not in the tropics.

M. FREIRE D'ANDRADE presumed that the paragraph would not apply to adoption carried out in conformity with the laws of adoption existing in civilised countries.

Sir F. LUGARD agreed. [It was for this reason that he referred to "so-called 'adoption'". He would ask the Committee whether his statement to the effect that this practice prevailed in some countries with the knowledge of the Government should or should not be inserted. A reference was intended to Liberia.]

M. VAN REES said that the Commission might be called upon to state what Governments were referred to in this statement. He thought it would be better to suppress the reference or to state it in more general terms.

M. DELAFOSSE said that reference had previously been made to the case of Liberia, and that this reference had then been suppressed. He knew, of his own personal knowledge, that the fact referred to by Sir F. Lugard was correct.

The CHAIRMAN enquired whether it was possible to include this statement in the report, as it had not been checked according to the procedure laid down by the Commission.

Mr. GRIMSHAW asked whether it would not be possible to draft a note containing this information in regard to Liberia, which could be produced by the representative of the Commission if he was challenged to explain the reference when the report came to be considered by the Assembly.

Sir F. LUGARD said that this note might also refer to the practice of Mui Tsai.

The CHAIRMAN objected that the Chinese Government was putting down the practice of Mui Tsai, whereas the reference under discussion was to practices which were tolerated by the Government. He did not think that there was any point in the reference contained in the paragraph unless it were stated to what Government it referred.

Sir F. LUGARD pointed out that the Liberian Government had not specifically denied the fact to which reference was made. China was not abolishing the system of Mui Tsai, which was of immemorial antiquity. The Hong-Kong and Straits Governments had only quite recently taken steps in order to deal with the question. Unless public attention were directed to the matter, the situation was not likely to be improved in China.

The CHAIRMAN insisted that the Commission was bound by its report to the Council not to make any allegations which had not been checked and which had not been submitted to the Governments concerned.

Sir F. LUGARD enquired whether, in the event of the reference being suppressed, a communication would be sent to the Liberian Government enquiring as to the facts.

M. VAN REES thought that such a communication would have to be sent through the Council of the League.

Sir F. LUGARD suggested a formula to the effect that the Commission had heard on very credible evidence that this system existed in Liberia, and recommended the Council to enquire of the Liberian Government whether the statement was true or not.

The CHAIRMAN thought that the Commission should follow the same procedure as had already been adopted in dealing with the statements made by Major Diggle and Professor Ross. The text proposed by Sir F. Lugard would serve to explain to the Liberian Government the point on which it would be invited, if it so desired, to supply the information required by the Commission.

M. DELAFOSSE agreed with Sir F. Lugard. The Council might be informed in a note that the Commission had not had time to communicate to the Governments concerned certain information from private sources, whereas in other cases it had been possible to observe the agreed procedure.

M. CATASTINI wondered whether the Commission, being temporary and being now engaged upon a final report, should ask Governments for further information. The replies to such requests would very probably arrive after the work was finished.

Mr. GRIMSHAW agreed with M. Delafosse. He did not think the Commission should take so strict a view of its procedure as to rule out all information which had not been subjected to it. He thought the Commission might refer information so far unchecked to the Governments concerned. It was not for the Commission to decide whether this would be its last session, but for the Council and for the Assembly. The Commission should proceed on the assumption that it was its duty to prepare as full a report as possible with the documents at its disposal, leaving it for the Council to decide whether its enquiry had gone far enough. It should not necessarily assume that the present session would be final and that the present report would be its last word.

The CHAIRMAN said that, in the event of this information being referred to the Liberian Government, it would have to be decided whether the Commission should forward the information to the Liberian Government direct or through the Council of the League. He thought that the Commission might correspond directly with the Liberian Government through the Secretary-General of the League, as in the case of the information submitted by Major Diggle and Professor Ross.

Sir F. LUGARD thought it would be better to send the proposed enquiry through the Council. The statement in regard to Liberia was not quite in the same position as the statements made by Major Diggle and Professor Ross, as in the case of Liberia there was no document before the Commission. He suggested that the reference to Liberia should be inserted in the report and that the suggestion should be made that the Council should enquire into the matter.

The CHAIRMAN said he was prepared to accept this if it were only a question of obtaining information from the Liberian Government. He would prefer, however, to draft a general paragraph to the effect that certain allegations had been made which the Commission had not had time to verify. Among these statements was the allegation concerning Liberia.

M. VAN REES said he could accept this procedure provided Sir F. Lugard and M. Delafosse were prepared to submit their statements in regard to Liberia in the form of a document.

M. DELAFOSSE said he would prefer the statement in regard to Liberia to be put in the report, more particularly as this was a special case which it was proposed to refer to the Council. The statement under discussion was in a different position from those submitted by Major Diggle and Professor Ross, which the Commission had already decided to send directly to the Governments concerned.

Mr. GRIMSHAW and Sir F. LUGARD agreed.

The CHAIRMAN asked the Commission whether it was in favour of inserting the reference to Liberia in the body of the report.

Sir F. LUGARD, M. DELAFOSSE, M. FREIRE D'ANDRADE, Mr. GRIMSHAW, M. RONCAGLI and M. BELLEGARDE voted for its inclusion in the body of the report.

The CHAIRMAN and M. VAN REES voted against its inclusion.

*It was accordingly decided that the reference to Liberia should be included in the report.*

M. DELAFOSSE pointed out that the text submitted by Sir F. Lugard in its final form would replace the first sub-paragraph of the paragraph now under discussion.

The CHAIRMAN, alluding to the second sub-paragraph, said that the purchase of children by charitable societies was not a crime in the Belgian Congo. He agreed that it was a dangerous practice. This sub-paragraph, however, would require to be redrafted.

M. BELLEGARDE enquired whether it was a fact that the purchase of children by charitable persons with good intentions was actually regarded as a crime.

M. DELAFOSSE said that, juridically, such an action undoubtedly constituted an infraction.

Sir F. LUGARD suggested that a phrase should be added to the effect that the practice gave an incentive to the traffic in children.

Mr. GRIMSHAW thought that the matter might possibly be exaggerated. The paragraph would apply to purchases effected with a view to emancipation. A more prudent wording appeared to be advisable.

Sir F. LUGARD said he did not attach very great importance to the paragraph.

The CHAIRMAN said he was prepared to accept the paragraph with the addition proposed by Sir F. Lugard and he asked that the statement that the practice constituted an offence in law might be suppressed.

M. BELLEGARDE wondered whether it was advisable, in countries where slavery existed, to prohibit the purchase of children by charitable societies for philanthropical purposes in view of the enfranchisement of the children.

Sir F. LUGARD pointed out that, in countries where slavery still existed, it was illegal for the nationals of other countries to purchase slaves. This applied equally to missionaries as to other persons.

M. VAN REES pointed out that, in territory belonging to the French Government, it was illegal for the natives of the country to buy slaves.

The CHAIRMAN said he would prefer to suppress the paragraph. He agreed that, even when not contrary to the law, the practice might be dangerous.

M. VAN REES, M. RONCAGLI and M. BELLEGARDE also thought the paragraph should be suppressed.

M. FREIRE D'ANDRADE drew attention to another danger inherent in the practice. The missionaries might adopt children from the territories where they were domiciled and use their influence over those children for political purposes. He thought that the paragraph should be maintained.

M. VAN REES thought it was dangerous categorically to disapprove of the purchase of children with a view to their emancipation. Such a statement might have undesirable consequences.

M. BELLEGARDE again insisted that it would be preferable to suppress the paragraph. He did not think that this practice should be an offence in law if the intentions of the purchaser were laudable. Purchase, with a view to emancipation, in countries where slavery still existed was to be commended.

Mr. GRIMSHAW thought that the general effect of the paragraph should be to recommend that caution should be exercised in the matter. He would propose a formula to the effect that caution should be observed by the administrations in dealing with the practice of purchasing children with a view to their emancipation or for the promotion of their physical and moral well-being. He would omit the reference to the fact that such purchase was a penal offence and point out that

this practice had in the past been an incentive to the trade in children as it encouraged natives to capture child slaves and bring them to the missionaries with a view to their sale.

After some further discussion, *it was agreed that the paragraph 64 should be redrafted in the sense outlined by Mr. Grimshaw.*

(c) *Pledging of Third Persons.*

*Paragraph 65.*

The following paragraph of the draft report was read:

"The general negro custom before the advent of Europeans was for a debtor to give to his creditor as a pledge either one of his slaves or a serf or a member of his family with the consent of the head of the family. He could not, however, pledge his wife, as she did not belong to her husband's family."

*This paragraph was adopted, subject to the suppression of the final sentence, which was considered to be too definite.*

The following paragraph of the draft report was read:

"However inhuman this practice may appear to us, it did not really result in the restriction of the liberty of the person given as a pledge. The creditor, in fact, obtained no proprietary right over the pledged person and could neither sell him nor give him in pledge without contravening the native custom which had the force of law. Further, he had to feed him, lodge him and clothe him during the term he kept him. In exchange, he had the right to exact what work he liked from him. The work performed by the pledged person for the creditor might or might not be deducted from the debt according to local custom."

Sir F. LUGARD said that, though the liberty of the person might not be alienated by this practice, he was virtually in the same position as a slave if his labour belonged to the creditor.

The CHAIRMAN said he was not sure whether the facts as stated in the paragraph were universal among the black population. He thought that such a general statement should be less categorical. He could not say whether or not the practice existed in the Belgian Congo.

*The paragraph was adopted with verbal amendments.*

*Paragraph 66.*

*This paragraph was adopted with verbal amendments.*

*Paragraph 67.*

The following paragraph of the draft report was read:

"The pledging of persons for debts was formerly practised in certain of the Malay States where it is now said to have disappeared. In Kelantan, slavery for debts has been abolished by an Ordinance of August 2nd, 1913."

M. VAN REES represented that this paragraph was incomplete. The facts as stated were applicable to certain parts of the Dutch East Indies, although the pledging of persons for debts had been prohibited from time immemorial. The paragraph referred only to Kelantan and to one particular ordinance of 1913.

Mr. GRIMSHAW agreed that the paragraph was incomplete. It might, for example, be extended to cover the case of the Philippines.

Sir F. LUGARD pointed out that the ordinances forwarded to the Committee from the Malay States appeared to abolish debt slavery of every kind, whether the pledging of third persons or the pledging of the debtor himself. The reference to the Malay States should accordingly cover both sections (c) and (d) of the present chapter. He pointed out that four or five Malay States which had enacted ordinances abolishing debt slavery were named in his report.

M. DELAFOSSE agreed.

M. BELLEGARDE enquired whether it would not be possible to give a list of the countries where the practice alluded to still existed. Otherwise, the information given was vague and there was no encouragement to reform.

M. VAN REES said that the information at the disposal of the Commission would not enable it to draw up a complete list.

Mr. GRIMSHAW said in this case it might be possible to draft a general statement.

M. DELAFOSSE said that allusion had already been made to negro territories. A general statement might now be added, covering generally countries in the Far East. He would submit a general formula which would be substituted for paragraph 67.

(d) *Pledging of the Debtor Himself.*

*Paragraph 68 was adopted without modification.*

*Paragraphs 69 and 70 were adopted with amendments of form.*

B. *Suggestions.*

The text of this section of the chapter, as proposed by M. DELAFOSSE, was as follows:

"It seems that, as regards the practices restrictive of personal liberty here mentioned, the only steps to be taken for their suppression is that of legislation to render the courts competent to take cognisance of and to repress any acts or agreements which may restrict personal liberty in any form whatsoever.

"Here, too, M. Van Rees' suggestion may be followed in recommending the adoption of French colonial legislation in this matter as a model, and, in particular, the Decree of April 26th, 1923, for the Cameroons. Article 1 of this Act, thanks to the formula which was borrowed from the Decree of December 12th, 1905, reproduced above (No 63), makes any acquisition of girls by purchase disguised as payment of dowry, the adoption of children with a view to their virtual enslavement and all practices tending to restrict the liberty of persons pledged for debt, offences under the Act. Further, Articles 5, 6 and 7 of the same decree prohibit the handing-over of 'persons as security for any reason whatever', and render any person 'who has handed over or received a person as security' liable to imprisonment for three years and a fine of 500 francs. Further, it considers as enslaving 'the handing-over of a person as security when such action involves compelling the person to reside with another person belonging to a tribe other than that of which he is a member'."

The CHAIRMAN said that, in regard to these paragraphs, there was a difference between himself and his colleagues of the Commission owing to the special legislation which was applied in the Belgian Congo. Was it necessary to deal penally with facts of the kind covered by the chapter? The pledging of a debtor was admittedly a practice which was equivalent to a restraint upon his personal liberty. But what other measures could be taken as a substitute for this system in cases where the debtor did not possess property by means of which to cover his debt?

M. DELAFOSSE replied that the chapter merely referred to forms of pledging of the debtor which constituted a restriction of personal liberty.

The CHAIRMAN replied that any form of physical compulsion was a restriction of personal liberty. Why should an attack be made upon this native custom? He did not propose that the pledging of a debtor should be recognised in law. He merely thought that it was well to avoid applying penal sanctions in such cases. A change of this character, applied to the traditions and customs of the native populations, might lead to consequences which were incalculable. Might it not be possible to subject the pledging of persons to the decision of the judicial authority? It was, above all, necessary to avoid intervening too abruptly and in too strict a manner with the social life of the natives.

M. BELLEGARDE observed that, according to the text proposed by M. Delafosse, there was no question of prohibiting the repayment of a debt by labour. This practice must be distinguished from that of peonage. In peonage the creditor concluded with his debtor an arrangement under which it was impossible for the debtor to free himself from his debt. The debtor had no means of repaying the creditor except by giving his labour under the orders of the creditor himself, and it was precisely this practice which should be abolished. It was necessary to arrange that the debtor should not be obliged to work under the creditor himself for the repayment of his debt. As regards physical restraint, this could not be considered as an infringement of personal liberty, since it was regulated by law and could only be authorised by the judicial authorities.

Mr. GRIMSHAW said he agreed with M. Delafosse and M. Bellegarde on the steps which should be taken. He did not, however, think that the Rapporteur was right in saying that the only efforts to be made with a view to abolishing these practices, which were restrictive of personal liberty, should be by means of legislation.

The system of pledging the debtor for debt was particularly dangerous in the case where the debtor was a native and the creditor a white man. In America there existed a practice, known as peonage, in which the worker, by means of a contract skilfully made, became a debtor in perpetuity, without it being possible for him to free himself from his debt. The effective suppression of these abuses could not be achieved simply by means of legislation. Legislation could only deal with the repayment of the debt, whereas it was, above all, desirable to avoid the economic circumstances under which the peasant or worker was forced into accepting such arrangements.

He would accordingly suggest that there were at least two methods of action.

First, steps should be taken to avoid the conditions to which he had referred and, secondly, steps should be taken to supervise contracts in order to prevent the debt becoming perpetual without any hope of the debtor being able to free himself.

In Africa, another phenomenon had been frequently noted: that of the use made of alcoholic liquors in order to tempt workers into incurring debts.

The CHAIRMAN said that his observations had not applied to relations between the white and native populations. They were only intended to cover the relations of the natives among themselves.

M. DELAFOSSE explained that, according to the information which he had received, in America it was not always the coloured men who were under subjection to the whites; it sometimes happened that white people were under subjection to other white people. He knew of cases in Mexico where French subjects, by the application of the system known as "peonage", had become veritable slaves.

The CHAIRMAN thought that the very concise form in which the paragraph was drafted was liable to give rise to a certain confusion. It seemed that, by the introduction of certain laws, the gradual suppression of the practice of pledging debtors for debt might be suppressed. Steps might immediately be taken for the purpose of prohibiting the purchase of women and children, but he was opposed to the abrupt suppression of an immemorial custom.

M. BELLEGARDE, while recognising the importance of the objections which had been raised by the Chairman, observed that, if the Commission recommended prudence to the various States, this might be regarded as criticising the French Government, which had totally prohibited the pledging of persons in the mandated territory of the Cameroons.

Sir F. LUGARD proposed to suppress the allusion in the second of the two paragraphs under discussion to the French Cameroons. This criticism would then not apply.

M. DELAFOSSE proposed to replace the sentence beginning "The only steps to be taken for their suppression", etc., by a formula indicating that it was by means of legislation that the principal effort must be made to bring about the disappearance of a practice which was restrictive of personal liberty. It might be added that it was necessary not to lose sight of the economic and social conditions prevailing in certain countries. The Commission would point out that the condition of things was much graver in America, where peonage constituted a real retrogression in social conditions, than in Africa, where, on the contrary, the position was continually improving. The Commission might recommend that, as regards Africa, prudence be observed, and that the changes to be introduced should be made gradually, since here the Governments were dealing with native civilisation. Such prudence need not be observed in America, where it was, on the contrary, advisable to act with the greatest possible rapidity.

Sir F. LUGARD said he agreed entirely with M. Delafosse.

For the sake of the general clearness of Chapter V, it would be necessary to divide the suggestions as to the steps to be taken in regard to (a) concubinage and marriage, (b) adoption, (c) the pledging of persons, and (d) peonage.

Mr. GRIMSHAW stated that, in his opinion, it appeared that the form of contract in which a debt was incurred under the system of peonage was not, properly speaking, legally recognised, nor did it seem to be illegal. The real remedy appeared to be for the Administration to have some kind of control over contracts; when these contracts contained clauses liable to abuse, they should be annulled.

*It was agreed that the paragraphs under discussion should be suppressed, and that they should be replaced by a new text, the drafting of which was entrusted to Sir F. Lugard and Mr. Grimshaw.*

#### 60. The Communication from the Anti-Slavery and Aborigines Protection Society.

The CHAIRMAN reminded the Commission that it had asked the British Government whether the Anti-Slavery and Aborigines Protection Society was a group worthy of confidence and competent as regards the subject of the communication which it had addressed to the Commission. The British Government had replied that it had no reason to believe the contrary.

The Chairman therefore proposed that, as this communication dealt only with theoretical questions, and as there was no reference in it to any particular case, it should be added to the official documents of the Commission.

*This proposal was adopted.*



### THIRTEENTH MEETING.

*Held at Geneva on Monday, July 20th, 1925, at 10 a.m.*

Present: All the members of the Commission.

#### 61. Examination of the Draft General Report of M. Delafosse, Chapter V (*Continuation of the discussion*).

##### *Acquisition of Girls by Purchase, etc. (continued).*

The Commission continued the discussion of the proposals made by Sir F. Lugard at the eleventh meeting.

The CHAIRMAN opened the discussion on the first paragraph. He noted that reference was made to the "slave trade". In view of the special sense of the word "trade" in connection with slavery, he thought it would be better to modify the expression.

*The Commission decided to employ the expression "slave dealing".*

*The first two paragraphs (57 and 58) were adopted.*

As regards the third paragraph, M. VAN REES explained that this text was not applicable to certain countries where the population, although Mahomedan, observed a very corrupt form of the law of the Koran.

*This part of the sentence was modified in the following manner:* "According to the law of the Koran where it is observed."

*The third and fourth paragraphs (59 and 60) were approved with modifications of the text.*

In regard to the fifth paragraph (61) (polygamy among other than Mohammedan peoples), M. FREIRE D'ANDRADE asked that the words "among other than Mohammedan peoples" should be suppressed as the text also applied to Mohammedan people.

*This proposal was adopted.*

##### *Paragraph 71.*

Sir F. LUGARD proposed the following addition to the amendment proposed by him at the eleventh meeting:

"In order to eradicate practices restrictive of liberty so far as they may occur in connection with marriage, concubinage and adoption, the first object should be to strengthen the law constituting the Courts so as to enable them to prosecute and punish all abuses and, secondly, to take measures that everyone should be fully aware that the status of slavery is in no way recognised by law."

He would also desire to add to what he had said regarding the status of concubines. Those who bore children to their masters were set free and the children were considered free-born. They shared in the inheritance with the children of free-born wives. The result of freeing the concubines would be that the children would become bastards and lose their inheritance and the women would degenerate into the position of kept women.

This statement of Koranic law was vouched for by the Legal Adviser to the Sudan Government.

In regard to the words "to take measures that everyone should be fully aware", the CHAIRMAN recalled that, on a previous occasion, the danger had been recognised of relying on a proclamation of this nature which might induce the natives to leave their present situations in a body. This would result in grave economic and social troubles especially as regards agricultural work.

M. BELLEGARDE observed that the Commission should not appear to take back with one hand what it was giving with the other. It should give publicity, not in a tentative but in a rapid and effective manner, to the measures taken for the abolition of slavery by bringing them to the notice of those concerned.

On the suggestion of M. DELAFOSSE, the words in the French text "faire connaître à tous" were replaced by the words "mettre chacun à même de connaître".

*Sir F. Lugard's additional amendment was approved with certain minor modifications.*

##### *Pledging of the Debtor (Paragraphs 73 and 74).*

Mr. GRIMSHAW proposed a draft to replace this part of M. Delafosse's report.

These paragraphs dealt with questions regarding the pledging of persons for debt. He had separated them into two parts, the first dealing with pledging in general and the second with peonage, and he suggested that they should discuss the first paragraph first. In deference to the opinions expressed by the Chairman, he had separated the question of pledging another person from the question of the debtor pledging himself. He thought that the pledging of other persons

should be made illegal. The other case gave rise to some difficulty. In regard to pledging, he proposed the following:

"In regard to the practice of pledging, it would appear that the principal line of action to be suggested should be the enactment of legislation rendering all pledging of third persons illegal, and empowering the courts to annul all future contracts of this nature. The pledging of his *own* labour by a debtor may under certain circumstances be legitimate, though safeguards are necessary; probably the best guarantee against the degeneration of such action into slavery that can be suggested is that contracts implying this form of pledging should be valid only when approved by the Administration.

"In some areas, it would appear that the attention of the Administration might usefully be directed to the eradication of certain causes of debt, amongst which drink and gambling are frequently indicated."

Mr. GRIMSHAW added that, in regard to the pledging of his own person by a debtor, he had used the word "legitimate" in preference to "legal". He had not specified the branch of the Administration that was to approve the contracts as his idea was only that the contracts should be subject to the general visa of the Administration in the same way as all other labour contracts. This would give the guarantee that the contracts were at least reasonable.

M. VAN REES said that, as regards the first sentence of the first paragraph of Mr. Grimshaw's proposal, there already existed in the Cameroons, for example, legislation rendering all pledging of other persons illegal. He therefore proposed the addition of the following words:

"the enactment of legislation *where such legislation did not already exist*".

*This text was adopted.*

The CHAIRMAN said that it was only a question of enabling courts to consider as null this native custom without going so far as its repression. He supported this point of view and recalled the explanation submitted at the penultimate meeting by M. Delafosse regarding the native social life.

In regard to the second sentence, M. FREIRE D'ANDRADE proposed to replace the expression "his labour" by "his person."

M. VAN REES thought that it was excessive to affirm that the pledging of a person by himself should be considered legitimate. He recalled the fact that in the Dutch East Indies all pledging was illegal.

M. DELAFOSSE observed that this practice was illegal in the French colonies too, but this did not prevent it being considered as legitimate. French law admitted in certain cases, for example, that murder might be excused, but it could not be said that it was not illegal.

At the suggestion of Mr. GRIMSHAW, the word "*legitimate*" was replaced by "*tolerated*".

M. BELLEGARDE thought that every legislation should lay down that all alienation of the person was null. The pledging by a native of his own labour could be tolerated but not of his person. Nobody had proprietary rights over his own person, as the term "proprietary" could not be legally applied to the person.

It could not be admitted that one could sell one's own person or pledge it as it was possible to do with an object.

The CHAIRMAN observed that Belgian legislation provided for constraint of the person. This measure did not result in enabling the debtor to pay his debt, since he did not work in prison for his creditor. The native custom of pledging, which was equivalent to a constraint of the person, might be upheld, because it was the last measure that a creditor could take to obtain payment of his debt.

M. BELLEGARDE did not think that the two ideas were the same: Constraint of the person was a means of coercion, which was not the same thing as the pledging of one's person, which was contrary to all legal conceptions. The constraint of the person was applicable to a debtor who refused to pay his debt. He should, if he acted in good faith and undertook to pay his debt, be able to hire his services elsewhere; this would not be the case according to the present text, which laid down that the debtor could only work for his creditor.

M. DELAFOSSE said he thought that both Sir F. Lugard and himself considered that constraint of the person was a measure that was more akin to slavery than the pledging in question which was voluntary.

The CHAIRMAN suggested the words: "Without prejudice to the possible constraint of the person".

M. DELAFOSSE thought that it would be sufficient to indicate that the procedure might in certain circumstances be tolerated. The practice existed in fact, and this fact could not be ignored if the Commission wished to perform any practical work.

M. BELLEGARDE observed that certain Governments considered that this practice should not be tolerated. In particular, according to French legislation, pledging, whatever the motive, should not only be annulled but punished.

Mr. GRIMSHAW said he would like to have given satisfaction to M. Bellegarde in this matter, but he pointed out that there was no constraint of the person since the pledging was performed at the wish of the debtor.

M. FREIRE D'ANDRADE supported M. Delafosse's observation. According to Portuguese legislation, a debtor might engage himself to work for a certain time for his creditor. During this period he was submitted to the same regime as the other workers. It was therefore simply a question of words.

Sir F. LUGARD suggested that the Commission should suppress all allusion to tolerated cases and say that "the pledging of persons for an indefinite time should be declared illegal".

The CHAIRMAN considered that the expression "pledging" supposed an alienation of the liberty of the person. When an ordinary pledge was given to a creditor, he could demand that the pledge should be sold in order to pay the debt. It resulted that, when applied to persons, the expression "pledging" did not correspond to European legal ideas. What the British, French and Portuguese members had proposed was not pledging but the payment of debt by labour. The constraint of the person might be authorised in certain cases, under special precautions, particularly by a decision of the Court. It was useless to specify that the debt might be paid in labour, for this practice was legal everywhere. On the other hand, in the present case, the expression "pledging" was inaccurate, because the pledge could not be realised.

M. VAN REES stated that, with slight alterations to the text, this case might be included under the first sentence of the paragraph. The first sentence would then be sufficient and the rest of the paragraph might be suppressed.

Mr. GRIMSHAW said that he was quite prepared to accept the suppression of the second part of the paragraph and render all pledging of the person illegal. The Commission might add a sentence explaining that the repayment of debt by labour of the debtor was permissible but that the period should be reasonable.

M. DELAFOSSE recalled the allusion made by M. Bellegarde to French legislation and said that it was not as strict as his colleague seemed to think, since it provided for certain circumstances in which pledging was not repressed. The expression used in Mr. Grimshaw's text, "... might in certain circumstances be tolerated", applied entirely to the French legislation, which was considered as one of the strictest in this matter. It was for the Administrations to decide what the circumstances were. If too strict a formula were adopted, it would result in rendering the recommendation inapplicable. The consideration of the circumstances should be left to Governments. If the Commission laid down that this tolerance should only be temporary, and taking into consideration the precautions laid down later in the report for the prevention of abuses, it seemed that allowance had been made for all the necessary guarantees.

M. DELAFOSSE, in reply to a remark of the CHAIRMAN, recognised that the measures recommended in the first part of the paragraph went in fact further than the French legislation, but he considered that this legislation was sufficient for the case of natives pledging their own person.

M. BELLEGARDE emphasised the distinction that should be made between French legislation, which provides for the repression of pledging, and the recommendations formulated by the Commission, which did not mention any measures of repression.

M. FREIRE D'ANDRADE recalled that the Commission had admitted the maintenance of certain native customs, for example, that of concubinage, etc. In the present case, it was considering another custom. A certain latitude must be granted; if too much were asked, the abuses would continue. It was essential to demand satisfactory guarantees against these abuses. If laws to this effect existed in any Administration, the Commission could not ask anything further except that they should be applied.

M. BELLEGARDE observed that the present Commission had been formed precisely with the object of bringing about the abolition of native customs giving rise to abuses.

M. RONCAGLI supported this opinion.

M. DELAFOSSE, in reply to a previous remark of the Chairman, proposed that the word "pledging" should be replaced by "giving in guarantee". He recalled that in the French colonial reports only the latter expression was generally used. A guarantee was different from a pledge in the sense that it could not be sold. It was simply a security.

The CHAIRMAN thought that this expression would meet with the acceptance of all the members of the Commission.

M. BELLEGARDE thought that the Commission could not admit that a person could give himself as a guarantee. He thought that it would not be possible to give such a guarantee if it entailed precisely those consequences which were considered to be inadmissible.

Sir F. LUGARD pointed out that the question really turned on the length of time for which the debtor pledged himself. If he pledged himself for a definite period there could be no objection. The Commission might state that it should be considered illegal for a debtor to pledge himself for an indefinite period.

The CHAIRMAN asked whether all pledging should not be declared illegal even if it were only temporary.

M. DELAFOSSE explained that the payment of a debt by labour must be considered legitimate, but the fact of a debtor making himself the slave of his creditor, that is to say, of pledging himself for an indefinite period, should be considered illegal.

M. VAN REES observed that the Commission was not dealing here with the question of labour contracts but only with pledging in accordance with native customs. It should keep to the suggestions under discussion without introducing the question of labour contracts.

M. DELAFOSSE approved of this remark. He proposed that the words "with the reservation that the giving in guarantee did not imply the possibility of the creditor alienating the liberty of the person of the debtor" should be added.

M. RONCAGLI proposed that it should be stated clearly that the toleration contemplated should be considered as a transitory measure with a view to leading to the total abolition of the native custom in question.

*The following text (see paragraph 73 of the report), after an exchange of views, was adopted :*

"The pledging of his own person by a debtor for a definite period might under certain circumstances be provisionally tolerated, with the reservation that it does not imply the possibility for the creditor of alienating the liberty of the debtor by allowing this practice to degenerate into slavery."

M. BELLEGARDE thought that it would be necessary to lay down not only that the period should be a definite one but that the labour should also be defined. However, in order not to prolong the discussion, he would withdraw his objection, but he asked that it might be expressly recorded in the Minutes that he repudiated any formula which would grant to one person the right of property over another.

M. VAN REES proposed the suppression of the second sub-paragraph of Mr. Grimshaw's amendment. The questions of drink and gambling were very complex in the colonies and in his opinion it would be better for the Commission to leave them on one side.

Mr. GRIMSHAW said that his reason for including this was that in many of the reports, especially from mandated territories, allusion had been made to this question. His idea was that there were always two lines of dealing with these matters: first, that of legislation and, secondly, by removing the causes of the abuse. This had been discussed, especially as regards the importation of alcohol. In certain areas it had been stated that there was too great an importation of liquor, which led persons to get into debt.

M. FREIRE D'ANDRADE proposed to suppress the words 'in certain countries'.

M. DELAFOSSE urged that the paragraph proposed by Mr. Grimshaw should be retained and supported M. Freire d'Andrade's suggestion. Drink and gambling were, in a large number of cases, the principal cause for natives pledging themselves not only in Africa but also in South America.

The CHAIRMAN thought that the text was too general. Certain debts were legitimate.

*The words "the causes of debt" were replaced by "certain causes of indebtedness".*

M. VAN REES observed that it was not only in order to suppress certain causes of debt that it was necessary to exercise a strict control over alcoholic drinks and gambling.

M. DELAFOSSE remarked that it was only a question here of suppressing one of the causes of pledging of the person.

M. VAN REES thought that attention might be drawn to the problem without any suggestions being made.

M. BELLEGARDE wished to know what was the most usual cause of indebtedness which led persons, with such few needs as the natives, to pledge themselves.

M. DELAFOSSE replied that drink and gambling were precisely the cause. He stated that in Africa, in places where the natives had not mixed closely with European civilisation, commercial debts were frequent. On the contrary, they were rare in places which were more civilised because of the commerce carried on. But debts resulting from drinking and gambling had considerably increased and it might be said that European intervention had contributed to aggravate the situation. This evil existed in particular in South Africa, where the natives were employed in the mines. They spent their wages in drinking and gambling. They got into debt and finally were forced to pledge themselves. In his opinion it would be hypocritical to wish to suppress a practice if the introduction of its primary cause were continued.

*The paragraph was adopted with certain amendments (see paragraph 74 of the report).*

#### *Peonage (Paragraphs 75 and 76).*

The following text proposed by Mr. Grimshaw concerning the question of peonage was read sub-paragraph by sub-paragraph:

"The form of debt-slavery known in some parts of the world as 'peonage' is, in the opinion of the Commission, much graver in its social effects than those which arise out of native custom. The latter for the most part are methods of redeeming

debt owed by one native to another of approximately equal status; they affect individuals only and they are usually well understood by both parties. The former, on the other hand, is imposed by persons of a higher civilisation upon peoples of a lower; it affects not only individuals but large groups, resulting in the formation of a permanent debt-enslaved class, and finally its *modus operandi* does not appear to be understood by the class affected by it.

"The Commission considers that this form of debt-slavery, wherever it exists, calls for immediate action. Legislation might be adopted, for example, with a view to securing that the terms of contracts or agreements in regard to the repayment of advances are reasonable. All such contracts should require the approval of the Administration before being held valid. In general, the efforts of the Governments concerned should be directed toward the prevention of future cases of debt-slavery of this kind.

"With regard to existing cases, it might be suggested that the contracts between proprietor and debtor be revised with a view to their annulment where the debt has already been repaid to the satisfaction of the Administration. (It may be recalled in this connection that all debts of this class are considered by the law of the Portuguese colonies to be annulled at the expiration of three years, the debtor being held to have redeemed his debt by his labour.) Contracts not so annulled should provide for the extinction of the debt by means reasonably within the power of the debtor, and no changes, particularly in regard to additions to the original debt, should be valid unless approved by the Administration as being in accordance with law.

"The Commission is of opinion that such measures as are here generally outlined could be effectively applied within a reasonably short period, and that they would effect a rapid amelioration in the welfare of the people and the States concerned."

*The first sub-paragraph was adopted.*

*The second sub-paragraph was adopted with certain modifications.*

With regard to the third sub-paragraph, the CHAIRMAN asked if it would be practical for the Administration to examine all contracts which might give rise to peonage.

M. DELAFOSSE replied that these contracts would become labour contracts. It was generally laid down that such contracts should be approved by the Administration.

Mr. GRIMSHAW pointed out that the countries where this system occurred were on the whole more completely administered than most of the African areas which the Commission had been considering and he did not think that it would be impossible for the Administration to supervise contracts of this nature.

The CHAIRMAN asked if the agreement to work, which constitutes peonage, was a legal consequence of any debt? If the reply were in the affirmative, it was not possible to recommend that the Administration should intervene, since the economic life of a country did not allow of such an obligation.

Mr. GRIMSHAW said that this system applied to the letting of land, and was a method of obtaining workers on the big estates. Land was let to the peons and advances were made for food, implements, stock, etc. If the repayment were arranged at a fixed proportion of the crop the system might be considered reasonable, but this was not the case. Instead of a proportion of the crop, the repayment was arranged at a definite quantity of produce. Moreover, this quantity was frequently in excess of what the peon was able to produce in addition to his own necessary requirements. The cumulative effects of this resulted finally in the owners taking all the produce of the land except what was absolutely necessary for the miserable existence of these peons.

It was further an essential factor of the system that the peons should not be able to leave the land.

M. DELAFOSSE thought that the only means of modifying this state of affairs was to lay down that these contracts should be approved by the Administration. An official might close his eyes to certain existing facts, but he would be obliged to consider the articles of a contract submitted for his approval. As the laws concerned did not approve of enslavement, it was obvious that contracts stamped by the Administration could not contain clauses resulting in the enslavement of the natives.

M. VAN REES observed that, as this text should constitute a recommendation to the Governments, its wording should be toned down somewhat. For example, the expression "immediate action" should be replaced by "effective action".

M. DELAFOSSE thought that, although in the preceding case it was a question of a transitory measure, there was no reason to take such precautions in the present case.

The CHAIRMAN added that it was the duty of the Commission to present suggestions. Supporting the remarks of the General Rapporteur, he considered that peonage was not a native custom and that its immediate abolition should be called for..

He suggested that the words "the efforts of the Governments concerned should be directed" should be replaced by the words "it would be desirable that the efforts of the Governments concerned . . ."

M. VAN REES supported this formula.

*The third sub-paragraph was adopted.*

In regard to the reference to legislation in the Portuguese colonies, which occurred in the fourth sub-paragraph, Sir F. LUGARD thought that some allusion should be made to the source of the information received by the Commission.

Mr. GRIMSHAW said the information had been given to him by M. Freire d'Andrade and he would verify it.

The CHAIRMAN stated that this information would be made more precise at the next meeting.

M. VAN REES thought that the Administration could not modify existing contracts without providing compensation.

M. DELAFOSSE observed that the Commission was dealing with cases where the debt had already been repaid. The question of compensation did not therefore arise.

M. BELLEGARDE observed that, when slavery was abolished, it had been necessary to consider all slave contracts as null and void.

Sir F. LUGARD said that the Commission was not considering the question of compensation. That must be left to the Administration. The Commission was only directly concerned in the abolition of slavery and was only making a general recommendation.

M. VAN REES thought that the question was whether the existing contracts had or had not been drawn up in conformity with the laws of the country then in force. If so, they should be respected, at least until special legislation, which would be retroactive, would make it possible legally to intervene.

The CHAIRMAN observed that French and Belgian legislation showed many examples where the principle of retrospective action was admitted, especially when it concerned a humanitarian question. This might all the more be admitted in this case, since it was a question of the debtor having already acquitted his debt.

Sir F. LUGARD observed that in England moneylenders' contracts could be quashed if the Courts considered them unconscionable.

M. BELLEGARDE said that, if a country adopted legislation against peonage and if, nevertheless, the existing contracts were admitted, which might in certain cases last for another twenty or thirty years, the result would be that, although the country had adopted a more humane legislation, a large number of natives would continue to live in a state of serfdom for twenty or thirty years. It was therefore indispensable to submit the contracts in question to revision.

On the proposal of M. VAN REES, *paragraph 76 was adopted in the following form:*

"With regard to existing cases, the Commission is of opinion that it might be suggested to the States concerned that they should take into consideration the possibility of the revision of contracts between creditor and debtor in conformity with the requirements of justice."

M. Van Rees proposed that the last sub-paragraph of Mr. Grimshaw's proposal should be suppressed.

*This proposal was adopted.*

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## FOURTEENTH MEETING

*Held at Geneva on Monday, July 20th, 1925, at 3.30 p.m.*

Present: All the members of the Commission.

### 62. Communication from the "Bureau international pour la défense des indigènes" Concerning Peonage (continued).

The CHAIRMAN reminded the Commission that it had decided to determine, when discussing the question of peonage, the Governments to which the communication from this Bureau should be addressed.

M. DELAFOSSE suggested that the Bureau should be asked to name the States to which it referred in its communication, which would be sent to the Governments of the States thus indicated. This Bureau might also be asked whether, according to its information, the facts alluded to in the communication still existed.

Sir F. LUGARD supported this suggestion.

After some discussion, it was decided that a letter to this effect should be prepared and forwarded to the Bureau by the Secretariat.



63. Examination of the Draft General Report of M. Delafosse (*Continuation of the discussion*).

CHAPTER VII. — COMPULSORY LABOUR, PUBLIC OR PRIVATE, PAID OR UNPAID.

The CHAIRMAN informed the Commission that M. Delafosse had prepared a note on Chapters VII and VIII of his report. He asked whether the Commission desired to consider this note and to continue reading the report, or whether it desired to discuss the question of a draft Convention.

Sir F. LUGARD said he understood that the Commission had already decided to continue the reading of the report.

M. DELAFOSSE thought it would be better for the Commission to conclude the examination of the report. The question of the international Convention would more usefully be examined when it was known on what suggestions it could be based.

M. VAN REES pointed out that Sir F. Lugard had drafted a note (Annex I) on forced labour in which it was suggested that certain principles might be put forward for embodiment in a general international Convention. No decision, however, had as yet been taken as to whether the Commission would recommend the summoning of an international conference to frame this Convention. Would it not be better, before discussing the principles on which the Convention would be based, to decide whether there was to be a Convention?

Ever since the beginning of the session he had advocated that the Commission should finish first with the slavery questions and then begin on those of labour, and the Commission had followed this method. It was therefore understood that the Commission, having closed its discussion of the question of slavery, should take up the question of an international convention dealing with slavery. He suggested that the method of work previously employed should be continued.

Sir F. LUGARD pointed out that the question of forced labour was an integral part of the question of slavery, in all its forms. He added that M. Delafosse agreed with him in this matter, but it was understood that labour conditions were to be regarded as beyond the competence of the Commission. It was for this reason that he had proposed to withdraw all references in his report to labour conditions.

M. DELAFOSSE said that he had meant to say that, if there was to be an international convention on slavery, provisions as to forced labour, which was a subject closely related to slavery, should be embodied in this Convention. The Commission should finish its reading of the report in order to determine the character of the suggestions which it desired to put forward. The question of whether these suggestions were to be offered as the basis of a convention could be considered later.

The CHAIRMAN invited M. Delafosse to read his note, which was in the following terms:

"1. It was never my view that the Commission should entirely eliminate from its programme all questions connected with labour. Had I thought that, I would not have devoted nineteen pages of my draft report to this matter.

"2. I merely feel that the question does not present itself to the Commission on the same footing as the question of slavery, or rather that it has two different aspects, one of which concerns the Commission while the other does not.

"3. *Compulsory* labour alone can constitute one of the forms of servitude with regard to which the Commission has been instructed to make an enquiry and submit proposals.

"4. The *regime* of labour is not included in our programme and should not be so included, both because we have not been instructed to deal with it and because it is a question which is outside the competence of most of us, and on which the information at our disposal is quite inadequate.

"5. Further, it is obvious that all the Governments which have either directly or indirectly made known their views on this point are hostile to the idea of a Committee like ours, with no special instructions to that effect, dealing with a question which is essentially a domestic matter, and which each Government wishes to remain free to settle in its own territory as local requirements and possibilities may dictate.

"6. I therefore think — and I am inclined to believe that the majority of my colleagues agree — that we should confine ourselves to examining the question of compulsory labour and should in that connection suggest only quite general principles, which could be extended to all countries without in any way affecting the local labour regulations.

"7. We might, for example, recommend, by analogy with the clause in the B and C mandates to which Sir F. Lugard has drawn attention in his note to-day, that recourse should not be had to compulsory labour except for essential work of public concern, and that such labour should in all cases be remunerated, it being understood, of course, that any States which adopted this suggestion would remain free to define what they meant by compulsory labour and essential work of public concern, and to make such regulations as they thought fit for the recruitment, treatment and payment of such labour.

"8. There is no reason why the Commission should not recommend to the Council that the question of compulsory labour, understood in this sense, be included within the scope of an International Convention on Slavery, and that this Convention should contain some such suggestion as I have put forward.

"9. On mature consideration, I have come to the conclusion that this procedure would be preferable to the Commission's disposing of the question of labour by suggesting to the Council that it be referred to a special organisation."

Sir F. LUGARD said he entirely agreed with this note, which was to the same effect as the note on the subject which he had previously drawn up.

M. DELAFOSSE said that the Commission, if this note were approved, would consider only such portions of his report as related to forced labour and reject all the other paragraphs.

Mr. GRIMSHAW asked whether it was intended to insert the note as a preface to Chapter VII.

M. DELAFOSSE said he had framed the note merely as an expression of his personal views, though he understood that these views were shared by the other members of the Commission. He was asking the Commission to decide quite definitely, before beginning to read Chapter VII, whether it intended or did not intend to deal with the question of labour conditions.

Mr. GRIMSHAW urged that it would solve many difficulties if this note, suitably amended, were inserted as a preface to Chapter VII, and he would venture to move a motion to that effect.

The CHAIRMAN enquired whether the Commission accepted the principles laid down in the note.

M. VAN REES enquired whether the acceptance of the note would imply that the passages in the report relating to transitional measures would be eliminated.

M. DELAFOSSE said that these passages would be suppressed in so far as they did not relate to forced labour.

Sir F. LUGARD supported the proposal of Mr. Grimshaw.

M. BELLEGARDE said he would not like to see the Commission abandon the idea of making at least a recommendation on questions concerning the native labour system. He quoted a declaration made by M. Freire d'Andrade at the last Assembly in regard to the improvement of native labour conditions and the desirability that natives should have the benefit of some kind of international labour charter.

M. DELAFOSSE said that, in his view, his Government, while it would probably adhere to an international convention on slavery and forced labour, was not likely to adhere to any international convention which included provisions relating to conditions of labour.

Sir F. LUGARD said that, so far as he knew, this was also the attitude of the British Government.

M. FREIRE D'ANDRADE, alluding to his statements at the last Assembly, said that he was still strongly convinced of the desirability of an international labour charter for natives. This charter might be based on principles drawn from the administration of mandated territories. These principles, however, could not be imposed on the non-mandatory Powers except with their consent and as the result of an international convention. At the present moment, they might merely be offered as guiding principles, and there could be no question of recommending their general application. He therefore felt somewhat uneasy with regard to the opening sentence of paragraph 7 of the note of M. Delafosse.

He wished to explain clearly his idea. He had said at the Assembly, and he was then speaking in the name of his Government, that the latter followed with much interest the work of the Mandates Commission because it could well happen that certain general principles might emerge from the discussions of that Commission which would certainly be examined by the colonial Powers. These principles would be obligatory for the mandated territories, but the colonial Powers could adopt them for other territories if they considered it advisable. He would be obliged to oppose as strongly as he was able any text which would seem to indicate that it would be advantageous to extend the mandates system.

Mr. GRIMSHAW said he would like to explain the attitude of the International Labour Organisation towards the work of the Commission. The International Labour Office had always desired and sought the collaboration of any body which might be able to assist it in achieving its aims, and had equally extended all the assistance in its power to other bodies pursuing the same ends. If the Commission decided to consider the question of forced labour, the International Labour Office would do its utmost to aid in the ultimate solution of the problems involved. If the Commission thought it necessary to go further and deal with measures relating to the transition from servile to free labour, it might also count upon the cordial collaboration of the Office. The Organisation could not fail to rejoice if an international slavery convention were adopted containing a clause dealing with the question of forced labour, for, in his opinion, there was no doubt that certain labour questions were very closely related to the question of slavery.

It seemed to be generally agreed by the members that it would be well for the Commission to keep strictly to the subjects of slavery and forced labour, leaving the International Labour

Organisation to deal with the more general question of labour conditions. Acting on a resolution of its Governing Body, the International Labour Office had already begun the study of the conditions of native labour generally.

In regard to the text which was before the Commission, he did not think that there was any need for misgiving. It was merely suggested that certain general principles should be applied to forced labour. He would ask for an amendment to paragraph 5, in which it was stated that labour conditions were essentially a domestic matter. The International Labour Office was based on the assumption that labour conditions were not merely a domestic matter but of general international interest. He would also ask for the amendment or suppression of paragraph 9.

Sir F. LUGARD said that two points had arisen. M. Freire d'Andrade had objected to the opening of paragraph 7. He would point out, however, that this paragraph had nothing to do with extending the operation of the mandates to non-mandated territories. He had quoted the words used in the mandate for the reasons explained in his note, namely, that their employment in such a document gave them a certain international sanction, and if the principle to which they gave expression were inserted in the Convention it would probably be considered advisable to adopt the same words.

The second question which had arisen was that of transitional measures. He understood that it had been proposed that this matter should not be dealt with. If necessary, it might be dealt with quite briefly by saying that many suggestions in regard to the transitional period had already been included in the report and by enumerating one or two special items which still remained. These items could be considered on their merits as the report continued to be read. The subject certainly should not be omitted entirely. At the last session, if he recollected rightly, three members had expressed the view that it was the most important question on the programme.

M. VAN REES doubted whether it was advisable to insert the note as a preface to Chapter VII. Would it not be better to make it implicit in this chapter that, in dealing with the various paragraphs of the report, the Commission had been guided by the principle laid down in the note?

M. DELAFOSSE said that, if the note were not inserted as a preface, it would be open to any member of the Commission to discuss questions relating to labour conditions.

The CHAIRMAN proposed that the Commission should consider the text of the note of M. Delafosse.

As the result of an exchange of views between the various members of the Commission, it was decided: (1) to suppress paragraphs 1, 2, 3, 5 and 9; (2) to postpone the consideration of paragraphs 7 and 8 until the Commission came to consider its suggestions concerning forced labour; (3) to adopt paragraphs 4 and 6 subject to amendments of form.

The Commission then continued the reading of the general report.

#### Paragraph 99.

The following paragraph of the draft report was read:

"It should be clearly understood that this chapter does not refer to compulsory labour imposed by a legal sentence, either as a principal or as an accessory penalty. During the discussion at its first session, the Commission reached the conclusion that this question should be left outside its programme."

M. FREIRE D'ANDRADE enquired whether the paragraph would cover the practice of sending children to work or of apprenticing them compulsorily as a measure of education and discipline.

Mr. GRIMSHAW said that forced labour had been imposed on groups of people in cases where one member of the group had committed an offence and was not available for punishment. A whole tribe or village might be made to work without pay as a penalty for the crime of one of its members. Was it intended that this practice should be covered by the paragraph under discussion?

Sir F. LUGARD said that this was a matter of internal legislation. There was in many British territories a "collective punishment ordinance". Villages might be fined if they knowingly harboured a murderer and refused to give him up to justice. Such fines were only imposed after a judicial enquiry and had to be reported to the Secretary of State.

M. DELAFOSSE said that a similar procedure was applied in French territories.

Mr. GRIMSHAW said that he merely desired to know whether the practice was under consideration or not.

M. DELAFOSSE submitted that, according to an express decision taken at its last session, forced labour as the result of a judicial sentence lay outside the programme of the Commission.

M. BELLEGARDE thought that the case should be included. It was a very strong measure to condemn a whole group or community to forced labour as a form of collective punishment.

M. DELAFOSSE insisted that this question concerned at one and the same time law and politics. It would be a delicate matter for the Commission to make any recommendation in regard to repressive or disciplinary measures taken in respect of native populations. Such measures might be the necessary consequence of special circumstances, and the Commission might appear to be disarming the Government in its task of maintaining order.

The CHAIRMAN, M. VAN REES and Sir F. LUGARD agreed provided that the sentence was awarded by a judicial tribunal.

*The paragraph under discussion was adopted subject to verbal amendments and the suppression of the final sentence.*

*The Commission adopted successively paragraphs 100 to 111 with certain amendments.*

## FIFTEENTH MEETING.

*Held at Geneva on Tuesday, July 21st, 1925, at 10 a.m.*

*Present:* All the members of the Commission.

### 64. Examination of the Draft General Report of M. Delafosse (*Continuation of the Discussion*).

#### CHAPTER VII. — COMPULSORY LABOUR. (*Continuation.*)

##### *General Principles. Analogy with Mandates. (Paragraph 112.)*

Sir F. LUGARD proposed to replace the suggestion at the end of the chapter of the draft Report regarding compulsory labour by the following text, which reproduced to a great extent a suggestion appearing in the note submitted by M. Delafosse at the last meeting.

"The Temporary Slavery Commission recommends that the conditions prescribed in the B and C Mandates in regard to forced labour should be adopted as of general application in the case of labourers belonging to the less-advanced races, viz. that 'all forms of forced and compulsory labour shall be prohibited except for essential public works and services, and then only for adequate remuneration'.

"The terms 'forced labour' and 'essential public works and services' will be defined by each State in its own laws and regulations, which will also deal with the recruiting, pay, treatment and duration of such labour."

M. DELAFOSSE explained that Sir F. Lugard's proposal was identical with paragraph 7 of his own note. The only difference was that, in Sir F. Lugard's opinion, the Commission should mention expressly in the report that the clause in question was to be found in the B and C Mandates.

M. VAN REES said that, if the proposal were to recommend to the colonial Powers to apply in their colonies the obligations relating to compulsory labour incumbent upon the mandatory Powers under the terms of the B and C Mandates, he could not accept Sir F. Lugard's draft. Such a recommendation involving, for any colony, the remuneration of all compulsory labour legally required for the maintenance of public works and services would not be practicable. Leaving on one side the fact that in any colonial country, as well as in the mandated territories, a considerable amount of labour was given by the natives, without remuneration, in the form of forced labour, for carrying out current local public work, it must be borne in mind that, in almost all the colonies, one of the integral parts of the fiscal organisation in force was a labour levy ("prestation") which was devoted to the maintenance of the means of communication and other works or services which were in the common interest. It would be practically impossible for a Government, while recognising the generosity of the principle included in the B and C Mandates, to overthrow its fiscal system in order to adopt this principle.

In the Dutch East Indies, where the population was very dense, as was the case in Java, it had been possible to replace these labour levies (*prestations*) by a tax in money of approximately the amount required to cover the expenses necessary for paying for the labour. Moreover, in those parts where the population was less dense, or where, because of local conditions, it did not willingly give the labour necessary to carry out work the necessity or utility of which it did not recognise, this substitution of the tax for the labour levy (*prestation*) had so far proved impracticable.

It was very probable that several other States were in the same position and that it would be practically impossible for them also to transform their legislation on this point in order to bring it into conformity with the stipulations of the B and C Mandates. This recommendation of the Commission would therefore be in vain.

Doubtless the principle in B and C Mandates was a generous one, but he would draw attention again to the fact that, even in the mandated territories, it had not been possible to apply it to the letter. In these territories works of a really public nature were in fact carried out under the heading of purely village works, which was tantamount to an incomplete application of the

stipulation in question — a state of affairs which had not been arrived at voluntarily but was the inevitable result of a formula which lacked precision. The fact that a certain principle was recognised to be commendable was not sufficient, said M. van Rees, to justify the suggestion that it should be extended universally.

M. VAN REES, in reply to a question by the CHAIRMAN, added that, in the Dutch Indies, forced labour for private persons was strictly forbidden. He was considering in his remarks the question of remuneration. It was obvious that he fully supported the principle that the natives should not be obliged in any colony to work for private persons.

Sir F. LUGARD said that these principles were accepted by the signatory Powers of the Treaty of Peace as suitable for adoption in the mandated territories. It was, moreover, possible for any State which thought that they went too far in any particular point to make the necessary reservations. He gave as an example the Convention of St. Germain of September 1919. Italy signed the Convention but made reservations in regard to distilleries. He considered that the Commission should suggest the application of the identical terms used in the mandates.

M. VAN REES observed that the provision in question did not appear in the Covenant but in the text of the mandates, and he repeated that this text, which did not allow of any requisitioned labour without remuneration, was, from that very fact, impracticable.

M. DELAFOSSE suggested that the Commission should not make specific mention of the B and C Mandates but should only mention the principles adopted in these mandates. Further, he would lay down that forced labour should always be remunerated unless it was absolutely impossible in practice. He thought this would meet the objection raised by M. Van Rees.

Mr. GRIMSHAW said that he thought that it was merely a matter of form. M. Van Rees admitted that the principles continued in the mandates were good. The Commission did not propose to insist on their application in all circumstances though he personally thought they should be applied even if a change in a fiscal system might be necessary. To meet the objection of M. Van Rees, he would point out that there could be no question of this Commission or the League imposing an obligation on colonial Powers. He suggested that the Commission might state that, in its consideration of the subject of forced labour, its attention had been drawn to the principles contained in the B and C Mandates. It might cite the terms of the mandates and conclude, if the Commission agreed, with an expression of approval of principles which, in his view and from his experience in the Mandates Commission, had proved to constitute a very useful standard for Administrations and might, consequently, very well be put forward as models for other Administrations.

M. FREIRE D'ANDRADE supported M. Van Rees' observations. He remarked that, if the Commission kept to the letter of the Covenant, it would be seen that Article 23 laid down that there should be "fair and humane conditions of labour for men, women and children" in the territories belonging to Members of the League of Nations, whereas for the natives it was only a question of equitable treatment. As M. Van Rees had stated, he personally did not see how it was possible to impose on territories which were not under mandate the same obligations as for mandated territories. Moreover, he pointed out that in the Portuguese territories forced labour existed for small village works which were to the direct advantage of the natives. This labour was paid, and for this purpose a special tax existed which was levied on the natives. It would be going too far to demand that the smallest village works carried out in the obvious interests of the natives should be remunerated. He noticed, moreover, that in the texts of the mandates the double expression was used: "travail forcé et obligatoire". He considered that there was a difference between these two systems which it would be advisable to take into account. In any case, in Portuguese territory a distinction was made.

M. BELLEGARDE thought that a distinction should be made between compulsory and forced labour. He recalled the fact that Bulgaria, for example, had enacted a law requiring all citizens to adopt some profession or enter some industry which they were at liberty to choose.

M. DELAFOSSE pointed out that this was a question of the obligation to work and not of compulsory labour.

M. BELLEGARDE replied that this was only a question of words. It was just as good to say "primary education", which was obligatory, as "compulsory primary education". He personally understood by "forced labour" labour which an individual was forced to perform without a free choice and against his will. He recognised, without doubt, the necessity, in the general interest, to have certain public works carried out by the natives. Nevertheless, he wished to recall that the system of forced labour often gave rise to the most intolerable abuses. The Governments enacted very humane regulations and generally possessed, for the purpose of carrying them out, officials whose benevolent sentiments towards the natives could not be disputed. Those colonies which had known men of intelligence and generosity such as Sir F. Lugard, M. Freire d'Andrade and M. Delafosse were fortunate. But his colleagues would not deny that crying abuses did occur and that forced labour could be sometimes a means of re-establishing slavery, which had been abolished by law. For this reason, he agreed with Sir F. Lugard that the B and C Mandates should be specifically mentioned, though not with a view to imposing their exact terms on the colonial Powers.

He recalled that at the Second Assembly he had insisted on the idea that the administration of the mandated territories should be used as a model for all colonial Powers, because in the mandated territories was applied the principle that territories occupied by backward peoples should be administered and developed, not solely in the interest of the mother-country but in the interest of the natives, who should be brought to civilisation.



Sir F. LUGARD said that he had included the words "so far as less advanced nations are concerned" in order to limit the application of these principles to native races and not to include European and more advanced races.

M. DELAFOSSE said that, after hearing M. Bellegarde's observations, he supported Sir F. Lugard's proposal that reference should be made to the B and C Mandates. Perhaps the formula proposed by Mr. Grimshaw, however, would give more satisfaction to all the members of the Commission.

M. VAN REES agreed with some of M. Bellegarde's remarks. He was entirely in agreement that the principles adopted for the mandated territories should, to some extent, be used as a model for all colonial Powers. However, it was necessary to take into consideration the manner in which it had been contemplated to extend these principles to territories not under mandate. By reason of an inevitable diffusion — the result of the proximity of the territories under mandate, to other colonies — comparisons would be made, influences exercised and reforms effected which like the spirit which had inspired them, would inevitably spread to other regions. This was an illustration of indirect extension.

On the other hand, if the Commission wished to hasten events it would return to the question raised by Mr. Roden Buxton at the Assembly in the previous year. If a definite recommendation were submitted to the Council to the effect that the principles of the mandates should be applied to all colonies, it would imply, in a more or less disguised form, disapproval of the present regime in these colonies. But it was not for the Commission to make such criticism against countries the legislation of which was founded on long experience and was in conformity with present local conditions. He thought it useful to warn his colleagues of the danger of taking such a course.

M. FREIRE D'ANDRADE supported M. Bellegarde's considerations, all the more because they reproduced what he himself had said the previous year in the Assembly. He personally never missed the opportunity of advising his Government to adopt as a model the system of the mandates, and he insisted on the fact that, when speaking before the Assembly, he had expressed this view not as a personal opinion but in his position as delegate of the Portuguese Government. He differed, however, from his colleague in that the Commission should not, in his view, urge the general application of these principles. This was one of the most important questions.

Alluding to M. Bellegarde's remarks regarding the new Bulgarian legislation, he recalled the statement made by M. Albert Thomas at the first session of the Mandates Commission and recognised the correctness of his colleague's observations. The question of unremunerated forced labour for village works did not raise any difficulties as regards the natives. The kaffirs had a clear conception of its justice and recognised that in such cases they were working for their own advantage and not for the advantage of the white population. It would be excessive to demand remuneration for this work.

Mr. GRIMSHAW pointed out that the Bulgarian law had been adopted by the Bulgarian people, through its Parliament, for application to itself. There was no analogy with the present case, where it was a question of a race of higher civilisation imposing forced labour upon races of a lower civilisation, which inevitably gave rise to many abuses.

M. Van Rees had stated that he thought the Commission would find it difficult to persuade the Assembly and the Council to adopt its recommendation, but he pointed out that a very similar recommendation had been made in regard to the protection of minorities which was accepted by the Council and the Assembly without discussion. It was made in much stronger terms and covered similar questions.

This recommendation read as follows:

"The Assembly expresses the hope that the States which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in the treatment of their own racial, religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the treaties and by the regulation of the Council."

He therefore proposed to amend Sir F. Lugard's text in a manner which he hoped would meet with M. Van Rees' approval. The full text would then read as follows:

"During its discussion of the question of forced labour, the attention of the Commission has been drawn to the provisions in this connection inserted in the B and C Mandates and therefore presumably accepted by the mandatory Powers themselves and by the Council of the League of Nations as expressing principles acceptable to civilised opinion. These provisions are as follows . . . .

"The Commission agrees that the application of these principles is calculated to produce the happiest results, and it suggests that the colonial Powers might be recommended to take into consideration their application in the territories under their charge in the case of labourers belonging to the less advanced races.

"The terms "forced labour" and "essential public works and services" will be defined by each State in its own laws and regulations which also deal with the recruiting, pay and treatment and duration of such labour."

M. VAN REES wished to state his idea clearly. In his opinion, any recommendation submitted by the Commission to the Council should be based on facts. Was the Commission so convinced that the present situation in territories not under mandate was so bad that the Commission should deal with it? The draft general report stated in many places that, in a general way, the present



situation was not unfavourable to the natives in the colonies and protectorates. In these circumstances, a recommendation such as the one proposed would only be founded on a generous idea of a philosophic nature and would have no practical basis.

Further, he would add that it was not the system of compulsory labour for public works and services itself, with which the Commission should deal since it was not called upon to intervene in the colonial administration of the different States, but only with the abuses which might result from that regime, either because the rules were inadequate or because they were applied in a way which was contrary to the intentions of the Governments. The desire to fight such abuses did not involve the suppression of the regime itself.

M. DELAFOSSE explained that, when he had prepared the text which he had withdrawn in favour of Sir F. Lugard's text, he had the same idea in mind as M. van Rees, and he had prefaced his draft with a commentary which he read, recalling that abuses had been found in certain places, rendering forced labour a more or less disguised form of slavery. He thus followed a suggestion of M. Roncagli.

Sir F. LUGARD said that his proposal contained no conceivable reflection on any country. In the same way, when the Commission suggested the abolition of slavery, it made no reflection on any country. Both he and M. Delafosse had stated that they believed that if the resolution were adopted in general terms it would be accepted by their respective Governments. He repeated that the proposal to refer to the words used in the mandates in this connection was in no sense a proposal to extend the mandates system to colonies not under mandate.

M. FREIRE D'ANDRADE thought that this was a question of principle and required appropriate drafting. He reminded Mr. Grimshaw that the resolution of the Assembly was merely an expression of a wish, whereas Mr. Grimshaw's text constituted a definite recommendation.

The CHAIRMAN recalled the fact that the essential duty of the Commission was to submit suggestions; it should not fear to take up the vital aspect of the question with all necessary tact. The Slavery Commission was entitled to state that it considered this policy as an ideal towards which all legislations should strive. Doubtless, the Commission did not mention definite facts in support of this recommendation, but the position was the same as regards all the other recommendations on the question of slavery. It was a notorious fact that the system under discussion gave rise to abuses. The Commission should therefore submit suggestions on this subject.

Sir F. LUGARD appealed to M. Van Rees to fall in with the general views of the Commission.

M. VAN REES provisionally accepted the formula suggested by M. Delafosse. He wished, however, to reserve his adhesion until the end of the discussion.

M. FREIRE D'ANDRADE thought that the formula proposed by M. Delafosse containing the expression "similar to the clauses inserted in the B and C Mandates" responded to the objection that he had raised. In this text it was clear that there was no question of imposing on the colonial Powers the acceptance of the principle in the mandates.

The CHAIRMAN thought that it would be possible to introduce amendments to the text in order to give satisfaction to M. Van Rees.

Following an exchange of views, *the text was adopted as follows* :

"While recognising that in certain circumstances compulsory labour may be admissible subject to certain guarantees and that the Governments may be obliged in certain definite conditions to have recourse to it, the Commission, while realising the necessity of putting an end to the abuses still occasionally involved by this practice, which tend, where found, to make forced labour a more or less disguised form of slavery, recommends that, by analogy with the clauses inserted in B and C Mandates, 'all forms of compulsory or forced labour should be prohibited except for essential public works and services and' (unless this proves utterly impossible) 'then only in return for adequate remuneration'. The Commission recognised, further, that the States remain free to define what they understand by 'compulsory labour' and by the term 'essential public works and services' and to issue such regulations as may appear to them equitable and suitable, having regard to circumstances of time and place, concerning the recruiting and treatment of workers."

#### *Labour Tax ("Prestations").*

A second suggestion by Sir F. Lugard was read:

"If labour is imposed as a tax (*prestation*) it should be permissible to compound it for a money payment, and facilities, when possible, should be afforded to the persons concerned to enable them to earn wages in money wherewith to pay the tax."

Sir F. LUGARD pointed out that the labour tax imposed in some colonies was stated to be a purely fiscal measure and was commutable for a money payment; therefore it was not for urgent public works and services. The compulsion was for revenue purposes. His proposal was that

no tax should be imposed in the form of labour but in the form of a money payment, and that, even if it were liquidated in labour, the labourer should be paid his wages by the employer of his choice and should then pay his tax to the proper official out of the money he had earned.

Mr. GRIMSHAW said that he would prefer to leave out this paragraph as it seemed to imply that "prestation" was not forced labour and that it was permissible to exact it in addition to any labour which might be exacted under legislation dealing with forced labour proper. He was aware that this labour was imposed as a tax in some countries, but in his opinion it was really forced labour and was covered by the first paragraph.

The CHAIRMAN said he could not support Sir F. Lugard's suggestion. If the Commission admitted that "prestations" could always be compounded by payment of a certain sum, the necessary works would not be carried out. The natives would be more disposed to pay a sum of money than to perform certain indispensable work. Where would it be possible to find the necessary labour to get this work done?

M. DELAFOSSE suggested adding the words "if possible".

M. VAN REES wished to raise the previous question. Did not Sir F. Lugard's proposal concern the regime of labour, which, according to a decision taken by the Commission, should not be included in the programme which it had drawn up.

M. RONCAGLI supported this observation.

M. DELAFOSSE thought that in this proposal it was not a question of the labour regime but of the principle of forced labour. However, he recognised that the question of "prestations" gave rise to difficulties.

M. BELLEGARDE thought that it was very important to deal with this question. He pointed out the abuses which arose in Haiti from the "prestations" provided in the rural code for road repairs. These abuses had in 1919 provoked a serious revolt, with much loss of blood, on the part of the Haitian peasants. As Minister of Agriculture, he had himself proposed that these "prestations" should be replaced by a money tax which, according to his plan, should not be paid exclusively by the peasant class but by everybody, since everybody profited by the advantages arising from the construction and good maintenance of the roads. He entirely agreed, therefore, with Sir F. Lugard. If it had been possible for abuses such as he had mentioned to occur in a State like Haiti, there was all the more reason to fear that they might occur in a territory with backward populations.

The CHAIRMAN thought that Sir F. Lugard's text as amended by M. Delafosse contained a contradiction. If the natives could always substitute for the labour in question the payment of a sum of money, it followed that the labour was not necessary. It could then be no longer a question of forced labour.

Mr. GRIMSHAW said that he understood Sir F. Lugard's preoccupations but he feared that this paragraph might give the impression that the Commission considered that "prestation" was not forced labour.

The Commission had said in the first paragraph that forced labour should only be employed in exceptional cases. This meant that, if the Administration was in a position to pay and could obtain voluntary labour, it should not have recourse to forced labour. The second paragraph laid down that in some cases "prestation" was permissible. As the Chairman had pointed out, if the "prestation" were commuted for money payment, it would certainly not be forced labour. But commutation for money payment meant that the necessary work was not done, and, unless voluntary labour were forthcoming, which in most cases seemed unlikely, recourse must be had to compulsion after all. If, on the other hand, the "prestation" were imposed not to meet the need for labour but to raise revenue, then it was really a fiscal measure, and one, in his opinion, based on a bad principle. It would be far better to impose a direct tax in this case.

M. DELAFOSSE supported Mr. Grimshaw's remarks and proposed that Sir F. Lugard's suggestion should be discarded.

M. BELLEGARDE feared that the rejection of this proposal would result in opening the door for abuses. Doubtless, in cases of absolute necessity and for want of labourers, the power to pay a sum of money could be restricted, but the principle of payment should be retained.

M. DELAFOSSE explained that it was not a question of forced labour but a fiscal system. This was outside the competence of the Commission.

Mr. GRIMSHAW, in reply to M. Bellegarde, explained that, from the experience which he had been able to acquire from the Mandates Commission, there existed in addition to forced labour, which might be imposed on part of the population of the mandated territories, a labour called "prestations", imposed for a certain number of days per annum. He was afraid of the abuses that might arise from this system. He thought that this was a supplementary burden imposed on the population.

*The Commission decided to reject Sir F. Lugard's suggestion.*

*Labour for Native Chiefs (Paragraph 113).*

Sir F. Lugard's suggestion was read as follows:

"The regulation regarding compulsory labour should, as far as possible, apply also to native chiefs, especially in regard to personal services."

*The text was approved with certain amendments.*

*Obligation to work (Paragraph 114).*

The following text proposed by Sir F. Lugard was read:

"Compulsion to work on his own land, for his own sole benefit, should not be regarded as forced labour. It is primarily an educative measure but may also be justified as an economic necessity if there is danger of a deficiency of food. It is a matter for the discretion of each State."

Mr. GRIMSHAW said that, if the Commission mentioned the matter at all, he thought it should specify the danger arising from demands made by commercial or financial concerns for a particular product to be grown by the natives. In such cases, there was danger of the interests of the natives becoming a secondary consideration.

Sir F. LUGARD thought that, if the text was properly applied, it would cover this point and that the words "for his sole benefit" responded to Mr. Grimshaw's objection.

The CHAIRMAN stated that Sir F. Lugard's proposal responded to a suggestion in his own report, where he mentioned the importance, from the point of view of social welfare, of the obligation for the natives to extend their cultivation.

M. DELAFOSSE recalled that, in his draft report, he pointed out the utility, in the "direct and immediate" interest of the natives, in exercising a certain pressure in order to induce them to improve their cultivation of foodstuffs.

The CHAIRMAN did not think that the obligation to be imposed on the natives should be limited to the cultivation of foodstuffs. The cultivation of certain crops for export might be to their immediate interest.

Sir F. LUGARD said that when he drew up this clause he had two distinct kinds of measures in mind. First, educative measures. He did not think that the Committee should express an opinion as to whether they were good or bad, but it should be left to the discretion of each State. Secondly, economic measures to make up the deficiencies of crops, etc.

M. FREIRE D'ANDRADE supported Sir F. Lugard's remarks as to the educative aspect of this question. He himself, in the Portuguese territories, had wished to make the natives use the plough.

M. BELLEGARDE supported the principle of Sir F. Lugard's proposal. He feared, however, that abuses might result from it which were not in the intention of the author. The obligation, without limitation, to work on his own land might lead to the enslavement of the natives to the soil. A native should be able to undertake any other work if he wished to do so or if he believed it to be more profitable.

Mr. GRIMSHAW said he would have preferred not to remove it from the category of forced labour by using the phrase "should not be regarded as forced labour". He suggested that this should be replaced by the words "should be permissible".

Sir F. LUGARD pointed out that it did not come within the definition of forced labour that had been used in the first paragraph.

Mr. GRIMSHAW said that all forced labour could in a way be called educative, and he would prefer to leave out the reference to forced labour.

M. VAN REES asked if it really occurred in any mandated territories that the obligation to work on the soil was considered as forced labour.

Sir F. LUGARD said it was discussed in the report on New Guinea, where the natives were forced to plant coconut trees. The same system obtained in Papua.

Following an exchange of views between the members of the Commission, *Sir F. Lugard's text was adopted with certain amendments.*

*Forced Labour for Private Persons (Paragraph 115.)*

Sir F. Lugard's proposal was read:

"In no circumstances should compulsion or indirect pressure by officials be used in procuring labour for private enterprises."

Sir F. LUGARD said that, in this connection, it was often argued that taxes were made so heavy that natives were forced to work for Europeans. For this reason, he had inserted the words "indirect pressure".

The CHAIRMAN thought that the Commission should be careful as to the form of the text to be adopted, as pressure brought to bear by an official might consist merely in persuasion. It was to

the interest of the natives themselves to work for undertakings intended for the development of the country. Without industry a country was poor, the fiscal receipts were small and there was not sufficient money for education, hygiene, etc.

Sir F. LUGARD suggested that the Commission should add the words "opposed to the interest of the natives".

M. FREIRE D'ANDRADE said that he could not support a text which condemned the regime to which he himself was submitted. Under Portuguese legislation the obligation to work existed. Anyone who did not work was condemned as a vagabond.

M. DELAFOSSE explained that the question was that of officials procuring, by means of undue pressure, native labour for private enterprises. He added that the text should make it perfectly clear that it did not refer to measures taken by the Administration as a whole but only by individual officials. In the French colonies, for example, the Administration did not undertake to procure labourers for private enterprises, but it might happen that an Administrator might use either directly or indirectly reprehensible means for doing so.

M. FREIRE D'ANDRADE suggested that the Commission should introduce into the text the formula used in Article 22 of the Covenant. He personally supported this text, it being understood, as followed from the observations of the Chairman as approved by the Commission, that any action of the authorities would be reprehensible if it tended to force natives to work exclusively for private enterprises but not when it was intended to persuade the natives to acquire the habit of work.

## SIXTEENTH MEETING

*Held at Geneva on Tuesday, July 21st, 1925, at 3.30 p.m.*

Present: All the members of the Commission.

### 65. Examination of the Draft General Report of M. Delafosse (*Continuation of the discussion*).

#### CHAPTER VII. COMPULSORY LABOUR (*Continued.*)

##### *Compulsory Labour for Private Persons (Paragraphs 115 and 116).*

The CHAIRMAN said that Mr. Grimshaw had a suggestion which he desired to submit as an alternative to the following text proposed at the morning meeting by Sir F. Lugard:

"In no circumstances should compulsion or indirect pressure by officials be used in procuring labour for private enterprises."

Mr. GRIMSHAW said he had been much impressed by the divergence of the views expressed at the morning meeting concerning the interpretation of the expression "indirect pressure by officials". He would suggest that, instead of this general phrase, the Commission should refer to certain of the abuses which notoriously arose in some cases. The paragraph should, in his opinion, refer to measures adopted with the definite object of compelling natives to take service with private employers. Such measures might take the form of excessive taxation or a policy of restricting the amount of land made available for native cultivation or of restricting the areas of the native reserves. The vagrancy laws might also be used for this object.

The Commission might declare that any measures which were intended to drive the native to seek private employment should be regarded as abusive. There was no question of the Commission being opposed to the encouraging of natives to work, but there should be no compulsion except for public works and services, and any form of inducement to work which was brought to bear on the natives should be honestly directed towards their education and development.

He would like to refer especially to the moral pressure which might be exercised by officials to secure labour for private employment. The prestige of the white official in native territories was such that his wish had the effect of law, and indirect persuasion might amount in practice to compulsion.

He would submit the following formula without insisting in any way upon its actual terms:

"The Commission considers that forms of indirect compulsion such as taxation systems, the restriction of native lands, vagrancy laws, and so on, the object of which is primarily to force natives into private employment, are abuses which should be avoided.

"The Commission considers also that indirect or moral pressure exercised by officials to secure labour for private employment may, in view of the authority of such officials over the minds of natives, be in effect tantamount to forced labour."

M. FREIRE D'ANDRADE said that his ideas on the subject of native labour were well known. He had often stated them during the sessions of the Mandates Commission. He did not defend forced labour, but he had always insisted that it was necessary to induce the natives to work for the development of their territory. The demand for native labour, however, must be proportionate to its capacity. There were certain native races who were absolutely incapable of labour. If natives were willing to work on their own fields or to take service with individual employers, he did not think they should be compelled to work in other ways. If, however, they were entirely idle, they must somehow be persuaded to work, at any rate, for a certain definite period in the year.

His views on this matter were shared by the representatives of missionary societies with whom he had frequently discussed the question. He could not agree that all forms of persuasion, even moral persuasion, should be regarded as involving forced labour. The Director of the International Labour Office had himself stated that there was certain work to be done in native territories and that the natives must be persuaded to undertake it. He would ask Mr. Grimshaw whether he maintained that the natives had a right to abstain from all labour. If such a right was not recognised, the question arose what form of persuasion should be brought to bear.

Mr. GRIMSHAW agreed that the native had no right to abstain from all labour. His formula was merely aimed at avoiding abusive processes, and if it were thought that it did more than cover abuses he was prepared to modify it.

M. DELAFOSSE wondered whether it was advisable to enumerate special cases, as was done by Mr. Grimshaw in his reference to taxation systems, the restriction of native lands, vagrancy laws, etc. Such a list might provoke objections and it would necessarily omit abuses which might be more injurious than those actually enumerated. He was prepared to accept the first paragraph of the text submitted by Mr. Grimshaw deleting the reference to special measures.

Sir F. LUGARD agreed with M. Delafosse. The final suggestions of the Commission should be brief and general in character. The various points raised by Mr. Grimshaw would appear in the Minutes of the meeting.

M. VAN REES said that he must reserve his opinion in regard to the whole of the question dealt with in Chapter VII.

M. RONCAGLI associated himself with the reservation of M. Van Rees.

M. BELLEGARDE noted that the reference to direct compulsion or coercion was omitted from Mr. Grimshaw's text. He proposed that it should be restored.

The CHAIRMAN noted the reservations made by M. Van Rees and M. Roncagli and enquired as to the views of the members of the Commission in regard to the suggestions contained in the six paragraphs submitted by Sir F. Lugard at the morning meeting. There were members who did not wish to go beyond paragraph 1 of these suggestions.

Sir F. LUGARD said he understood that at the morning meeting paragraphs 1, 3 and 4 had been adopted. Was it necessary to re-open the question?

The CHAIRMAN noted that all the members of the Commission except M. Van Rees and M. Roncagli had accepted this decision of the Commission.

M. RONCAGLI thereupon made the following reservation:

*"Chapter VII. — Declaration by M. Roncagli concerning the Portion of the Chapter following Paragraph 1 of the Suggestions (Paragraph 112).*

"The Commission, as regards the question of forced labour, would do well to confine itself to dealing with this subject *in a special recommendation to the Council* in the sense indicated by Sir F. Lugard and M. Delafosse. This recommendation would be to the effect that the Governments should undertake to organise the use of forced labour solely with a view to public services, basing their policy on the principles of equity and humanity calculated to promote the welfare of the native population."

M. VAN REES, in response to a request from the CHAIRMAN, expressed as follows his point of view regarding paragraph 112 as adopted by the majority of the Commission:

*"Chapters VII and VIII. — Reservation of M. Van Rees.*

"In whatever form the Commission may decide to express the idea implicit in this paragraph of the report, it will be clear to every intelligent reader that the Commission wishes to invite the various colonial Powers to apply in the territories under their control, except in certain circumstances, and even in such circumstances only as an exceptional and provisional measure, the principles defined in respect of forced labour for territories administered under the B and C Mandates. Nobody could contest the generosity of these principles. I find it difficult, however, to admit that it is for the Temporary Slavery Commission to take steps officially with a view to effecting in countries not under mandate the transformation of the regime at present in force there into a regime similar to that applied to the mandated territories; whatever steps

are thus taken, they will imply a criticism of the colonial Powers. It is even more difficult for me to admit that this criticism will be justified either by a complete knowledge of the regime in force in all its details or by any statement on the part of the Commission that this regime or the method of its actual application has given or will necessarily give rise to abuses of a nature which will justify the Commission in describing this regime or these abuses as a more or less disguised form of slavery."

The CHAIRMAN, noting these reservations, said that the Commission had adopted paragraphs 1, 3 and 4 of the suggestions put forward by Sir F. Lugard. He would now ask the Commission to vote on Mr. Grimshaw's text, which would replace paragraph 5 of Sir F. Lugard's suggestions. It was understood that the amendment suggested by M. Delafosse and M. Bellegarde would be incorporated.

M. FREIRE D'ANDRADE said he was still somewhat uneasy as to the exact interpretation of the expression "indirect pressure". A colonial Administration might make a regulation requiring the natives to wear clothes; might not this be described as a form of indirect pressure with the object of compelling them to find employment?

Sir F. LUGARD said that any such regulations were obviously a matter within the competence of the Governments; there was no intention of interfering with matters of internal administration. The first resolution had explicitly stated that it would be solely in the discretion of the Government to decide what it considered to be included in the term "forced labour". The same principle applied in this case.

M. DELAFOSSE pointed out that the formula under discussion laid down that it must be the primary object of the compulsion or indirect pressure, to which allusion was made, to force the natives into private employment.

M. FREIRE D'ANDRADE said he would agree to accept the formula subject to such an interpretation. He understood it to cover only cases where the primary object of the actions or regulations of the Administration was to compel the natives to work for private employers. It did not, in his opinion, cover regulations which were designed generally to induce or encourage the natives to take up some kind of work.

*The Commission adopted the first paragraph of Mr. Grimshaw's text in the following form:*

"The Commission considers that forms of direct or indirect compulsion the primary object of which is to force natives into private employment are abuses."

The CHAIRMAN said the Commission would now pass to the second paragraph of the same text.

M. FREIRE D'ANDRADE said that the expression "indirect or moral pressure exercised by officials" used in this paragraph was of somewhat too general a character. Almost any action of the officials with a view to persuading the native population to work might fall within this description.

M. DELAFOSSE suggested an additional sentence to the effect that the Commission recommended that the authorities should be very prudent in this matter. He would point out that this paragraph, like the preceding one, was merely aimed at pressure exercised by officials to secure labour for private employment.

Mr. GRIMSHAW suggested that the paragraph should read as follows:

"The Commission considers also that indirect or 'moral' pressure exercised by officials to secure labour for private employment may, in view of the authority of such officials over the minds of natives, be in effect tantamount to compulsion, and calls therefore for prudence on the part of the administration."

*The Commission adopted the paragraph as amended.*

#### *Consular Reports and Investigations.*

The CHAIRMAN said the Commission would now take paragraph 6 of the suggestions put forward by Sir F. Lugard.

The paragraph was in the following terms:

"It is further suggested that commercial companies registered in civilised countries which employ coloured labour in countries which are not under the control of their own nation should be bound to notify their consul of the fact and forward to him their prospectus. The consul should from time to time visit their societies and factories and see that there is no abuse."

Sir F. LUGARD explained that this suggestion was based on an official "White Paper" issued by the British Government in 1913 as a result of the "Putumayo enquiry".

M. BELLEGARDE thought that, if this principle were adopted, its application should be extended. He would take the case of a British company working in Cuba and employing not only native Cuban labour but also Haitian emigrants. He thought that the Consuls of Haiti in Cuba should be authorised to inspect the factories of this British company employing Haitian labour.



M. FREIRE D'ANDRADE associated himself with the proposal of M. Bellegarde to extend the scope of the proposal.

The CHAIRMAN feared that it would be very difficult for some countries to accept this suggestion; he did not think that his own Government would be able to do so. This suggestion seemed to him to be contrary to the character given to the duties of consuls by international law. The consul could not intervene in the maintenance of public order in a country where he carried out his work. This duty belonged only to the authority of the country concerned.

Sir F. LUGARD explained that he was merely suggesting that a foreign consul in a given territory should be informed of the presence of any company controlled by his own nationals within that territory, and that he should keep in touch with the proceedings of the company, reporting, if necessary, to his Government. His Government might bring pressure to bear upon the company through its directors, who would presumably be domiciled in the metropolitan country.

The obligation to see that employees are properly treated by employers lies, of course, primarily on the local government. But the fact that the consul had knowledge of the existence of a company whose operations were controlled by his fellow countrymen in the foreign country to which he was accredited and his occasional visits would be a safeguard against abuses in case the local government took no action.

Mr. GRIMSHAW thought that the paragraph embodied a very valuable principle. It rendered possible an additional control by a Government over its own citizens in their actions abroad. He did not agree that this involved any interference with the internal government of a country. The British Government, for example, would merely instruct the consul to report cases where British citizens, as owners of factories, were using forced labour. This was no infringement of national sovereignty.

M. BELLEGARDE again insisted upon the advisability of extending the principle in the sense which he had already indicated.

Sir F. LUGARD said he thought that extension might be accepted, but he had not studied its implications.

M. DELAFOSSE thought that the proposed extension of the principle, if not the principle itself, might lead to rather serious difficulties as regards its application. In the case which had been brought forward as an example, a British Consul might report upon the enterprises of a British firm working in Cuba. The Consul for Haiti would also report on these activities, so far as they concerned workers who came from Haiti. Presumably, the Cuban administration would make a third enquiry. All this involved a system of investigation and inspection by officials of different countries, and diplomatic questions would inevitably arise. He doubted, moreover, whether the paragraph was necessary. Every Government was at liberty to instruct its consuls to keep it informed as to the activities of its own nationals. Would it be wise, however, for the Commission to suggest such measures?

Sir F. LUGARD said that he did not press for the adoption of the paragraph.

Mr. GRIMSHAW said he would be very reluctant to suppress the paragraph.

The CHAIRMAN drew attention to the inefficacy of the method proposed. He would take, for example, the case of a Belgian company operating in Great Britain. The Belgian Consul in Great Britain might report to his Government in Brussels; the Belgian Government, however, would have no means of action over a Belgian company acting in Great Britain even if its headquarters were in Belgium.

Sir F. LUGARD said that presumably the company would be registered in Belgium, and the Belgian Government would endeavour to bring its influence to bear upon the Belgian directors. His suggestion had been intended, however, to apply to the employment of native labour in undeveloped countries.

*After some further discussion, it was decided that the paragraph should be suppressed.*

#### CHAPTER VIII. — TRANSITION FROM SERVILE OR COMPULSORY LABOUR TO FREE-WAGE LABOUR OR INDEPENDENT PRODUCTION.

##### A. REVIEW OF THE SITUATION.

M. DELAFOSSE emphasised the impossibility of describing a transitional period which by its very nature did not present the stability necessary for definition. He thought that that part of Chapter VIII containing a statement of the situation (paragraphs 117-122) might be suppressed.

Sir F. LUGARD pointed out that, at the first session, three members had said that this item was the most important on the programme and two others had emphasised its importance. It could, however, be dealt with very briefly if the Commission so desired. He proposed to substitute for the draft text of Chapter VIII the following text:

"Measures to be taken to facilitate the transition from slave to free labour have already been suggested in previous paragraphs; it will be sufficient here to mention the following, which may be useful:

- "(a) The encouragement of peasant occupiers of small holdings;
- "(b) The introduction of currency, so that the labourer, instead of receiving a certain amount of produce which he cannot carry away to his village, is paid in money;

“(c) That the conditions of wage labour should be made attractive in comparison with slave labour;

“(d) The chief object is to eradicate the servile mentality, and this may be assisted by giving the native communities a share in the control of their own domestic affairs so that the freed slave may have new aspirations;

“(e) A period of apprenticeship without pay may be instituted as in Nepal.”

M. FREIRE D'ANDRADE was in favour of retaining Chapter VIII, where the difficulties of deciding upon transitional measures were explained in the most admirable manner.

M. DELAFOSSE said that his draft of Chapter VIII contained a statement but no suggestions, whereas the text submitted by Sir F. Lugard contained suggestions but no statement. The one document, however, was not in contradiction to the other. The draft of Chapter VIII was based on the conception which he personally had of the question of labour, and presumably after the discussions which had taken place it should not be maintained. It had been laid down that the Commission should not make suggestions in regard to the transitional measures to be adopted in native territories. If it were decided to retain Chapter VIII, M. Freire d'Andrade would not be satisfied, since the chapter as drafted affirmed the incompetence of the Commission to deal with the matter.

He recognised, however, that if the Commission made certain suggestions in regard to the measures to be taken to facilitate the process of transition, it would be keeping within the limits of its programme.

He was not opposed to the retention of Chapter VIII if the Commission so desired.

M. FREIRE D'ANDRADE said he attached great importance to the retention of Chapter VIII. The Commission had adopted suggestions which might be disputed by persons who were not well prepared to receive them. It had laid down, for example, that forced labour should be paid. Such an assertion might provoke a certain amount of astonishment in certain regions of the Zambesi, for example. The statement contained in Chapter VIII would have the advantage of relieving such astonishment owing to the clear explanations which it contained.

Moreover, was it reasonable for a question which had been the subject of a good deal of literature to be disposed of in the report in less than a page ?

The CHAIRMAN said he agreed with M. Freire d'Andrade that the statement in Chapter VIII was of great interest and might usefully be inserted as a preface to the suggestions submitted by Sir F. Lugard.

Sir F. LUGARD and Mr. GRIMSHAW agreed with the Chairman.

M. BELLEGARDE proposed to reserve this part of the report, connecting it, on the one hand, with the beginning of the report and, on the other hand, with the text of the suggestions presented by Sir F. Lugard.

M. DELAFOSSE supported this proposal.

*Paragraphs 117 to 122 were adopted with various amendments.*

#### B. SUGGESTIONS.

M. DELAFOSSE, following a remark by Sir F. LUGARD, drew the attention of the Commission to the extreme danger that there would be in forcing “the natives to pass from a system of collective property to one of individual property, before having provided them with the indispensable equipment to take full advantage of the latter system”.

Chapter VIII, Part B, of the draft report was read, as follows:

“Is the Temporary Slavery Commission in possession of the magic wand which will break this circle at a touch ? We are casting no slight on the competence or authority of any of its members if we venture to express the gravest doubts on this point. Moreover, the measures which can be taken to help the desired transition are mainly administrative, as Sir Frederick Lugard points out in his memorandum, and the detailed consideration of these measures, to use our distinguished colleague's words, would be ‘beyond the scope of this report’.

“As regards native agricultural production, we may express the hope that the conception of individual property will make rapid strides, which would assuredly help to put an end to the system of serfdom. But, apart from the fact that it is difficult to modify the traditional ideas of a people when they do not change of themselves under the force of circumstances, it would be extremely dangerous to force the natives to pass from a system of collective property to one of individual property, before having provided them with the indispensable equipment to take full advantage of the latter system. The work to be done requires much time and is of enormous difficulty; it varies from province to province and it would be foolish to attempt to draw up a kind of code for the use of every people and every country.

“The supply of labour desired by European industrialists and planters and the willingness to provide that labour will increase with the increasing needs of the natives and also with improvements in pay, food and treatment. This is proved by experience. The administrative authorities are powerless as regards the first point, since the development of the natives' needs is conditional on economic development which depends, in its turn, on the number and extent of the enterprises undertaken; here is the same vicious circle as we found a moment ago. On the other hand, it is the duty of these authorities to give their closest attention to the second point; it is quite clear that they are doing their best and that any advice which might be given to them on this point would be, to say the least, superfluous. To quote only one example out of many, it would

be difficult to improve on the Decree of August 4th, 1922, regulating native labour in the French mandated territory of the Cameroons.

"Any attempt, even as a purely transitional measure, to propose a code of labour legislation for the general use of all the primitive peoples would be quite outside the competence of the Commission which was set up to study the question of slavery. It must not be forgotten that our experience is much more limited in labour matters than in regard to slavery, and that the former problem is much more difficult to solve. No entirely satisfactory solution has been found for it even in countries with centuries of civilisation. It would therefore be premature to attempt to settle the problem in new countries in an early stage of development.

"There can be no doubt, however, that this problem is one for which a solution should be sought in spite of all obstacles. Hence it is important that as much information as possible should be collected regarding the existing position and present tendencies, in order that the question may be studied to better purpose and the most promising factors for solution singled out.

"With a view to achieving this result, the Commission, without venturing to put forward any suggestion for measures to be taken to hasten the transition from compulsory to free labour, might adopt the conclusion of Mr. Grimshaw's report and recommend that an international effort should be made to ensure the collection of accurate information upon the methods employed and the results obtained by colonising Powers and other States where a subject population of lower development is to be brought forward in the scale of social welfare.

"It would be for the League of Nations, should it think it desirable, to collect and arrange this information and, if necessary, to make practical use of it."

M. VAN REES explained that a premature transition from collective to individual property had not given satisfactory results in a certain part of the island of Java, and that a return had been made here and there to the collective system.

M. BELLEGARDE observed that the same experiment had given happy and convincing results in Haiti. Negroes who had been transported as slaves to San Domingo had retained nothing of the African collectivism. There was no one more individualistic than the Haitian peasant. The distribution of a large quantity of land immediately after the country had become independent had created small peasant properties which were now the rule in Haiti.

M. DELAFOSSE represented that it was not possible to make any inferences for other territories from the experiments made in Haiti. The ancestors of the present inhabitants of Haiti had been collectivists, but they had been very soon reduced to slavery and had consequently lost their own civilisation and traditions. It was only owing to the absence of any native civilisation of their own that the descendants of the Africans, having acquired from contact with their masters the conception of individual property, had passed to an individualist system. Such conditions were not found elsewhere, and it was not to be expected that a similar evolution would take place in other countries.

The CHAIRMAN added that in Haiti the collectivist system, after the enslavement of the black population, could only have been artificially restored, whereas in Africa it was born with the family and would be developed in proportion as the limits of the family enlarged.

Sir F. LUGARD observed that one of the most effective factors in the creation of the individualist conception was the introduction of the cultivation of permanent crops. A native who planted a tree which took six or seven years to come into bearing naturally wished to be assured of his individual right in the land and the tree when it began to produce fruit. Thus, the introduction of cocoa into the Gold Coast had gone far to create the idea of individual land tenure. In Uganda, where the staple food of the people was bananas, a perennial crop (unlike the annual grain or root crop which, throughout Africa, formed the food of the people), the idea of individual ownership was more advanced.

Mr. GRIMSHAW said he had no intention of discussing the various theories which had just been described. He was not of opinion that it was necessary to suppress the part of Chapter VIII embodying suggestions. He would propose, on the contrary, to examine one by one these paragraphs and to introduce into the text, as opportunity arose, the suggestions submitted by Sir F. Lugard.

#### *Paragraph 123.*

*The Commission adopted paragraph 123 with certain amendments.*

#### *Paragraph 124.*

M. DELAFOSSE, replying to a question of M. BELLEGARDE, said that the equipment necessary for development was different in the case of small properties than in the case of a large collective property. A change in the system must therefore be accompanied by a change of equipment.

He proposed to add to this paragraph the text of Suggestion A of Sir F. Lugard.

*The Commission adopted this paragraph after some further revision.*

*Paragraph 125.*

*Paragraph 125 was adopted with certain modifications.*

*Paragraphs 126-127.*

Sir F. LUGARD observed that it would be well to add also Suggestion (b) in view of the importance of currency as a factor in the evolution of the conception of free paid labour.

M. CATASTINI said that, during the session of the Mandates Commission, M. Bonnacarrère had explained a system under which the natives shared proportionately with the white population the profits of their work. If the Commission recommended only the practice of payment in kind, it would seem to be losing sight of the Bonnacarrère plan, which was inspired by the same principle.

The CHAIRMAN said that a similar experiment had been made in the Congo, which had seemed to give good results.

M. DELAFOSSE said that the Commission could not run the risk of recommending a system which had not yet been thoroughly tested, and in regard to which, moreover, he expressly reserved his opinion.

M. BELLEGARDE asked the Commission to take account of the suggestion of M. Bonnacarrère, which must have the effect of raising the mentality of the black population while associating them with the whites. It was a recognised fact that the best means of developing the mentality of the natives was to give them a share in the economic life of the country.

M. DELAFOSSE said that he was not opposed to mentioning the system of M. Bonnacarrère, provided that the Commission did not expressly recommend it.

*The discussion of this point was adjourned to a later meeting.*

**66. Chapters VII and VIII of the Report to the Council: Declarations of M. Roncagli and M. Van Rees.**

M. RONCAGLI said he was anxious that it should be clearly understood that, according to the declaration which he had just made regarding forced labour in general, it was impossible for him to express an opinion on any part of Chapter VII following paragraph 1 of the suggestions (text submitted by M. Delafosse and approved at the previous meeting), or on Chapter VIII. He accepted paragraph 1 of Chapter VII as proposed by M. Delafosse only because of the assumption which was included therein regarding the masking of a real slavery under cover of forced labour.

M. VAN REES said he had already intimated how much he appreciated Chapters VII and VIII of the original report of M. Delafosse. If it had been decided to maintain them as a whole, he would never have dreamed of expressing his disapproval. But since M. Delafosse himself, was prepared to agree to the suppression of these chapters and to retain only the text of the note presented at the previous meeting, which contained passages which he could not accept, he no longer felt able to follow the Commission along the road which it had decided to take.

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**SEVENTEENTH MEETING**

*Held at Geneva on Wednesday, July 22nd, 1925, at 10 a.m.*

**Present:** All the members of the Commission.

**67. Examination of the Draft Report: Chapter VIII (Conclusion).**

*Paragraph 127.*

The CHAIRMAN opened the discussion on the paragraph submitted by M. Delafosse following a suggestion made by M. Catastini and drafted as follows:

“ The most important object in view is to get rid of the servile attitude of mind among the backward races. The realisation of this ideal will be promoted by permitting native communities to participate in the conduct of their own domestic affairs and in the working of enterprises conducted by the more advanced races.”

The CHAIRMAN added that M. Freire d'Andrade wished that mention should be made of the influence of schools and missions in contributing towards getting rid of the servile attitude of mind among backward races.

M. VAN REES, referring to the declaration he had made at the end of the last meeting, feared that the Commission would find that the method it was adopting was becoming more and more dangerous. On the one hand, it would become involved in the survey of the whole administrative programme of a colonial country, which was certainly not its duty, and, on the other hand, it would inevitably see that the more it endeavoured to complete the work on this subject the more it would feel that that work was incomplete.

An exchange of views took place on the subject of M. Freire d'Andrade's suggestion.

M. DELAFOSSE proposed that the Commission should mention that good results might be expected from "education adapted to local circumstances".

Sir F. LUGARD cordially supported M. Freire d'Andrade. Education of the right kind was the best way of eradicating the servile attitude of mind. It was necessary, however, to distinguish clearly between the education of a very limited class in the large cities by methods which produced an imitation of Europeans and the education of the village communities by methods which would fit them for their natural life and remove superstition, etc. It was this latter class of education which would assist in removing the slave mentality and in facilitating the transition to the proper exercise of freedom.

M. BELLEGARDE wished to remove a misunderstanding that might arise from the expression "education adapted to local circumstances". He recalled that certain authors holding the opinion that natives should not be given education with a view to their adopting Western ideas based their opinion on a supposed inequality or fundamental difference between the races. It should not be thought that the Commission recommended the indefinite confinement of the natives within the narrow limits of their present civilisation. He was also of opinion that education should be adapted to the needs of the population, but that it should be conducive also, by permitting of the necessary selection, to the improvement, to the greatest possible extent, of the mind of the native.

The CHAIRMAN said that all the members of the Commission shared this opinion. He recalled that the question of native education was being studied in most countries and that the British Government, in particular, had created an advisory committee, to which Sir F. Lugard belonged.

*The Commission decided to add to the text proposed by M. Delafosse the following phrase: "... by encouraging education which was adopted to the circumstances of native life".*

*The paragraph was finally adopted in the following form (see paragraph 127 of the report to the Council):*

"The most important object in view is to get rid of the servile attitude of mind among the backward races. The realisation of this ideal will be promoted: (1) by encouraging a system of education fully adapted to the conditions of native life; (2) by permitting native communities to participate in the conduct of their own domestic affairs; (3) by allowing them to participate in the working of enterprises, conducted by the more advanced races and giving them a share in the profits."

*Labour Legislation for Backward Peoples and the International Labour Organisation (Paragraph 128).*

The following text, proposed by M. Delafosse, for the last paragraph of Chapter VIII of the report was read:

"To propose a labour legislation to be applied to so-called primitive peoples in general, even if it were given a transitory character, would be to undertake a task completely beyond the competence of the Temporary Slavery Commission as laid down in paragraph 98 of the present report."

M. BELLEGARDE agreed that the Commission could not draw up a draft regulation for native labour to be applied to all peoples. He wished to explain the suggestion which he had submitted on this subject in his report. He had not intended to ask the Commission to draw up this regulation itself. He only wished that it should submit a recommendation to this effect. It would doubtless be extremely difficult to draw up a labour charter complete and elastic enough to be applicable to all peoples, to all races in all countries. However, it was to such tasks as these that the International Labour Conference devoted itself when it drew up conventions with a view to regulating certain situations created by the progress of industry. He thought, however, that it would be possible, if not easy, to co-ordinate in a general regulation certain principles and certain methods regarding native labour. These principles and methods would be followed by all States in applying them according to individual needs and circumstances in each sphere. When the Powers agreed, in a convention, on certain general principles, they undertook to adapt to those principles their internal legislation, but each Power remained its own judge of the method of reform and the details of application in its own territory. This regulation, which M. Bellegarde upheld, was evidently within the scope of the International Labour Organisation. As it had done for the question of white lead and hours of labour, this Organisation could, as regards native labour, codify in a general convention the principles and methods already applied in certain countries, for example, in the mandated territories.

M. DELAFOSSE agreed entirely as to the value of the different States coming to an agreement on general measures concerning native labour and studying elsewhere than in the present Commission the drawing up of a general charter on this subject. The point to which he wished to draw the



special attention of his colleagues was that this question was not within the competence of the Slavery Commission, not only because it would be unable to draw up such a charter, but also because the Commission had decided not to include in its programme the question of labour. A general charter of native labour would have to legislate not only for forced labour but also for free labour, that is to say, on the general labour system which was outside the programme of the Commission. The Commission had therefore nothing to do with this question nor should it submit suggestions on the subject.

The Commission had studied the question of forced labour and it had considered certain transitory measures leading from forced labour to free labour. The report should stop at this point. The Commission would be gravely exceeding its powers even by saying that it would be desirable that labour legislation should be adopted or by suggesting that this duty should be entrusted by the Council to any particular organisation. Further, if the report were to conclude with this suggestion, the Commission would give the impression that its work was tendentious. It was very natural that the International Labour Organisation should ask to be specially entrusted with collecting documentation on labour in backward countries with a view to drawing up a regulation for native labour; but it was not for this Commission to propose this, just as it was not called upon to give an opinion on the traffic in liquor and the traffic in women, etc.

In regard to the contradiction which seemed to exist between this proposal and the original text of his draft report, he wished to explain that he did not then know the ideas of his colleagues on the question of labour. It appeared to him, especially after the vote regarding paragraph 6 to which he had alluded, that the Commission was clearly of the opinion that it should leave aside all questions except the question of forced labour.

M. GRIMSHAW said that references had been made to the International Labour Organisation and to the part that it might play in securing international agreement regarding the conditions of native labour. He recalled that the Organisation had been specially requested to appoint a member to that Commission, and he considered that the idea behind this request was that the problem of slavery was in reality a labour problem. It might be held, in fact, that Part XIII of the Treaty of Peace of Versailles covered slavery. In his own view, however, so many political and social questions were involved in the abolition of slavery that it was well that the matter should be discussed by the League. In the session of last year, when the proposal had been made to limit the Commission's enquiry to slavery defined in a strictly juridical way, he had opposed the proposal on two grounds: in the first place, he believed that an enquiry so limited would leave untouched matters which were, in his view, even more evil in their effects than was slavery so defined; secondly, he hoped that from the work of the Commission there would emerge suggestions of principles that would give moral support to the International Labour Organisation in its future work.

The indications laid down in the last chapter discussed by the Commission were precisely suggestions of this nature. He was in agreement with them, and he agreed also with Commander Roncagli and M. Van Rees that the enumeration of these measures could be largely extended.

He asked permission to recall the terms of the Treaties of Peace which outlined the work of the Organisation, and quoted the Preamble of Part XIII of the Treaty of Versailles. Article 421 further provided that the States Members of the International Labour Organisation should consider the application of the conventions adopted by the annual Conference to the non-self-governing areas under their charge. Thus the Organisation influenced directly such areas as the Commission was now considering, and the principles of some of the labour conventions had already been applied in certain cases. As the Commission was aware, the conventions so far adopted had dealt for the most part with modern industrial conditions; nevertheless, it was open for the Conference to take up the question of native labour, and indications were not wanting to show that there was a desire in some quarters that this should be done at an early date.

Further, and no doubt in preparation for such an eventuality, the International Labour Office had been instructed by its Governing Body some years ago to commence the study of native labour conditions, and a considerable amount of material had been collected and examined.

The members of the Commission would agree that there was urgent need for such an investigation, and he thought that they would agree also that there was need for international collaboration, both as regards the dissemination of information and as regards action. In connection with the former, he recalled that the report of the East Africa Commission, recently issued, called attention to the ignorance in each of the territories under British rule in East Africa as to what was being done in the others. This ignorance must be still greater when contiguous territories were administered by different Powers. It was clear, therefore, that the more complete collection and dissemination of information concerning native labour conditions and legislation was highly desirable; and one of the functions of the International Labour Office was to do this. Secondly, there was the question of international action. It was impossible, or at least very difficult, for one colony to secure progress in social welfare if its neighbours which were commercial rivals did not make the same effort. Backward colonies were a permanent danger to their neighbours, and international agreements concerning labour conditions were perhaps even more necessary in colonies than they were in Europe.

He recalled these matters because he gathered that it was the intention of the Commission to conclude this chapter of its report without any reference to them.

The Commission had spent a considerable time on this question and had said so much in its report regarding native labour that, if it concluded the report without making any reference to that branch of the League of Nations which dealt especially with labour questions, it would appear curious. It would seem that the Commission had definitely decided not to refer to the International Labour Organisation, which would give the most regrettable impression. He



suggested that the Commission should recall that the International Labour Organisation existed for this purpose and was qualified to deal with these matters. For this purpose, he had drafted the following text, which would give the moral support of the Commission to the International Labour Organisation in the work which it must sooner or later undertake in regard to native labour.

“ In this connection, the Commission recalls that the Treaties of Peace have assigned to the International Labour Organisation, among other functions, that of collecting and distributing information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly in connection with the examination of subjects which it is proposed to bring before the Conference of the Organisation with a view to the conclusion of international conventions.

“ The Commission considers that the conditions of native labour are matters in regard to which the conclusion of international conventions is particularly desirable, and expresses the hope that it will be found possible by this means to secure the general adoption by the Powers concerned of minimum standards in this connection by which the welfare of the native populations under their charge will be effectively assisted.”

In the way thus indicated, it would be possible to arrive at international agreement upon the standards to be adopted regarding the conditions of native labour in regard to other matters than forced labour, the standard for which was laid down in the B and C Mandates. It would also be possible to reach the “ charter of native labour ” desired by M. Bellegarde and M. Freire d'Andrade.

M. VAN REES wished to remind Mr. Grimshaw that the previous year he (M. Van Rees) alone had proposed to the Commission to limit its study to slavery in all its forms, with the exclusion of labour, and from the first meeting he had demanded that the Commission should find a formula expressing clearly and legally what it understood by slavery and its disguised forms. He was unable to change this point of view and he could therefore not accept the proposal of his colleague. Further, during the discussion on the previous day, he had made a clear declaration of his attitude on this subject.

Mr. Grimshaw wished the Commission to repeat in some form or another that the International Labour Office was already provided with certain powers under the Treaty of Versailles. He recalled the terms of the first paragraph of Article 396 and said that he did not see how the intervention of the Commission could add to the scope of the International Labour Office, which had already collected an important documentation. The International Labour Conference had the power to make any suggestions or conclusions and even to conclude conventions. He did not understand what further role the present Commission could suggest. The General Rapporteur had stated that the system of labour was not within the competence of the Commission, which could not, without being illogical, make a suggestion of this nature. Further, he did not see what need the International Labour Organisation had of the moral support of the Commission. He did not clearly understand the meaning of Mr. Grimshaw's observations on this subject.

M. RONCAGLI, replying to Mr. Grimshaw, recalled that M. Van Rees at the first session had insisted that the Commission should only consider slavery proper and had proposed that a real definition of slavery should first of all be drawn up. This definition not having been established, the Commission had decided to propose to the Council the examination also of the question of forced labour and the methods of transition from forced labour to free labour. Personally, he was of entirely the same opinion as M. Van Rees, and his reason for not insisting last year was the prejudicial fact that the Commission had decided that it was not competent itself to determine the limits of its programme, and that its proposals should constitute not a programme but only a draft programme to be submitted to the Council.

The Commission knew what had happened subsequently; the Council had submitted the question to the Assembly, which decided that it had complete confidence in the wisdom and tact of the Commission. He considered that this resolution of the Assembly amounted to a declaration of confidence, if not of full power, and because of that he had expressed very clearly and completely in his own report the opinion that the Commission should not consider questions concerning forced labour in general. His opinion on the matter had not changed at all during the present session. In his view, the Commission could only deal with the question of forced labour in the event of it having proved from incontrovertible facts that this labour had become a “ camouflage ” for slavery properly so called. The documentation at the disposal of the Commission, however, did not contain a single instance as a result of which the Commission could say that this had happened. In reality, the Commission had before it nothing more than a mere presumption which seemed to him to be very inadequate as a basis for any suggestion whatever as to the measures which it would be advisable to take to prevent this “ camouflage ”. This was the reason for his attitude towards the question of forced labour, as he had stated at the meeting of the day before.

In regard to Mr. Grimshaw's proposal, he wished to assure his colleague that he fully appreciated his feelings and that he personally hoped that the Powers would find the means of coming to an agreement for improving as far as possible their legislation in the interests of the native and civilisation, as these two elements were inseparable. On the other hand, as a member of the Commission, he could add nothing to the declaration that he had made that he must abstain from the examination of the question of forced labour.

M. BELLEGARDE stated that Mr. Grimshaw's views coincided with his own, since he himself had proposed the drawing up of a general regulation for labour. It did not seem to him to be absolutely correct to say that the Commission could not deal with the question of labour, because,

as Mr. Grimshaw had justly shown, slavery was a form of labour. The object of enslaving a man was not to make an ornament of him but to make him work. For this reason, hundreds of thousands of African negroes were transported to America during the period from the 15th to the 18th centuries. Slavery was established on the day when the conqueror realised that it was more to his advantage to make his prisoner of war work in his place than to kill him.

The mandate of the Commission went further than the examination of slavery in the strict sense of the word. In the Convention of St. Germain it was a question of slavery *in all its forms*. These disguised forms of slavery were what was called forced labour. The Commission had examined the most striking, the most obvious, forms of this, but a form of forced labour existed which was disguised to have the appearance of free labour and nobody could deny that it was amongst the natives that this could be most successfully hidden. It was for the Commission to investigate and track this down as was required by the Convention of St. Germain. Doubtless, it could not consider the system of labour in general, but it was its duty to point out the importance of adopting a regulation preventing slavery reappearing in different forms amongst the backward populations.

He did not entirely support the text proposed by Mr. Grimshaw because, as M. Van Rees had said, it was useless to recall to the Assembly that the Treaty of Versailles had laid down the duties of the International Labour Organisation. However, though recognising that the Commission had not the right or power to deal with the general question of labour, he considered that, by reason of the close connection between the task of the Commission and the general problem of native labour, it might make the following suggestion:

“Although it was considered desirable for the competent organisation to draw up a draft international Convention containing the fundamental principles on which legislation to protect native labour might be based, the Commission thought that this task was outside its special scope as laid down in paragraph 98 of the present report.”

M. RONCAGLI said that M. Bellegarde, in quoting the example of the introduction of African negroes into America, was referring only to history. Nothing was more true than that at that time the only idea in mind was negro labour. America herself had set an example by suppressing slavery. It appeared that in that continent there only existed peonage. The Commission had studied this question separately because it possessed irrefutable documentation on the subject. It was certain, however, that peonage sometimes served to disguise a real state of slavery. The existence of slavery properly so called and of true slave-dealing had only been pointed out in part of North Africa and Western Asia. Was it also certain, as had been said, that the only object of slavery in Africa was to obtain labour? It enslaved the whole material and moral life of the individual. It could not therefore be concluded that at the present time slavery only existed for the purpose of obtaining labour. The Commission had examined the problem under all its possible aspects — pledging, dowry, peonage, etc. These were facts which had been brought into evidence by the documentation of the Commission and it was for this reason that the Commission had examined them. On the other hand, as regards forced labour, no basis could be found in the facts stated in the documents.

Sir F. LUGARD pointed out that there was very little time left at the disposal of the Commission. The preceding speeches referred largely to questions that had already been discussed and decided. The question was whether a clause should be added in regard to the International Labour Office or not.

He, personally, was not averse to something of the sort and in this connection he would propose the addition of words to the following effect:

“The Temporary Commission on Slavery has every confidence that the International Labour Office, in the fulfilment of the duties assigned to it under Articles 396 and 421 of the Treaty, will use every effort to see that labour conditions among backward races are such as will in no way approximate to slavery.”

The CHAIRMAN supported Sir F. Lugard's suggestion as to the necessity of hastening on the work of the Commission.

M. FREIRE D'ANDRADE said that, on principle, he was entirely in agreement with Mr. Grimshaw; he considered, however, that the Commission was not competent to express the recommendation suggested by Mr. Grimshaw. It might, however, as Sir F. Lugard suggested, mention in some way the International Labour Organisation, if only to the effect that the Commission had, as one of its members, a representative of the International Labour Office.

The CHAIRMAN thought that the Commission should be consulted as to the principle of the suggestion that had been made. Personally, he thought that the Commission was not competent to consider the question any more than it was competent, as M. Delafosse had said, to deal with the liquor traffic or any other question outside its terms of reference. He noted that M. Bellegarde and Sir F. Lugard supported the principle of Mr. Grimshaw's suggestion. M. Roncagli, M. Van Rees and himself were opposed to it.

M. FREIRE D'ANDRADE proposed a compromise.

M. DELAFOSSE observed that in his report he had mentioned a special organisation without expressly naming the International Labour Organisation.

Mr. GRIMSHAW said that he would regret if a vote was taken on this question. He was astonished to find so much opposition to his point of view in the Commission. He wished to

point out that when, the previous year, M. Van Rees had proposed to restrict the enquiry to slavery proper, he had not supported the proposal because it was the universal policy of the International Labour Office to seek collaboration from all authoritative quarters, and he thought that the Commission would be performing very useful and urgently needed work as regards the conditions of servile labour by extending its considerations.

His proposal consisted of two parts. The first part merely recalled that the International Labour Organisation was empowered under the Peace Treaties to deal with these matters. He thought that all members of the Commission would agree to this, which was only intended as a preamble. The second part stated that the Commission agreed that international action was desirable. He thought that the Commission was agreed on this point also. It was in no sense a mandate, as M. Delafosse seemed to think, but merely an expression of the Commission's moral support of the idea of international conventions concerning the conditions of native labour. The League of Nations and the International Labour Organisation required all the moral support they could get, and he appealed for the moral support of this Commission of international experts for the work of the International Labour Organisation under the Treaties of Peace.

M. DELAFOSSE suggested that the text that he had proposed should be completed in the following manner : " all the more because the Peace Treaties had entrusted a special organisation with the duty of dealing with these questions".

Mr. GRIMSHAW pointed out that M. Delafosse had had no hesitation, in another passage of his report, in mentioning specifically another organisation of the League, namely, the Advisory Commission on the Traffic in Women.

M. DELAFOSSE replied that in that case the question was one of fact concerning both slave-dealing and the traffic in women. He wished to add that he was far from entertaining any mistrust in regard to the International Labour Office. He only thought that it was outside the programme of the Commission to suggest that the International Labour Organisation should be asked to undertake this question. The text which he had proposed was merely intended to give satisfaction to Mr. Grimshaw and to show that the Commission did not wish to disregard the International Labour Organisation.

M. VAN REES wished to say that, speaking personally, he himself and the other members of the Commission would be glad to see concluded, if possible, a Convention regulating native labour in its main lines.

Mr. GRIMSHAW asked, if this were the case, why they did not say so distinctly.

M. VAN REES replied that, on the contrary, as a member of the Commission, he was bound to say that the question was outside his competence. This was a distinction which should appear in the Minutes. No member of the Commission in his individual capacity was opposed to Mr. Grimshaw's idea, but the Commission as a whole, in view of the programme assigned to it, could not record an expression to this effect.

M. RONCAGLI, solely in order to be consistent, said he was in complete agreement with M. Van Rees.

M. DELAFOSSE made the same statement.

M. BELLEGARDE wished to record that he did not accept the opinion according to which the question of native labour was unconnected with that of slavery.

The CHAIRMAN hoped that Mr. Grimshaw would be satisfied by the statement that the various members of the Commission were unanimous in raising no objection against the International Labour Office and that their sole intention was to avoid expressing a suggestion which was outside the programme laid down for the Commission.

M. FREIRE D'ANDRADE added that neither was there any opposition to Mr. Grimshaw's opinion in itself.

After some further discussion *the Commission decided* to refer by name to the International Labour Organisation in this paragraph.

#### *General Conclusions.*

The CHAIRMAN stated that the Commission had concluded the examination of its general report. He consulted his colleagues as to the procedure to be followed in drawing up the general conclusions.

M. DELAFOSSE recalled that it had been decided to insert, in the letter to the Council, the list of suggestions appearing at the end of the report. The original draft of the general report had been modified and this list would accordingly have to be modified also.

The CHAIRMAN proposed to entrust a Sub-Committee with the preparation of the draft of the covering letter to the Council, to draw up, according to the report, the list of suggestions to be inserted in the letter and to revise the text of the report. The final texts would be adopted by the plenary Commission.

M. VAN REES observed that some members of the Commission might have to revert to certain suggestions, and proposed that the Commission should take up immediately the question of the General Convention.

After an exchange of views, the Commission decided to proceed to the discussion of the question of a General Convention and to appoint a Sub-Committee to revise the text of the general report which would be annexed to the covering letter to the Council.

68. Examination of the Proposal for a General Convention on Slavery.

Sir F. LUGARD said he was strongly in favour of proposing a new Convention. He suggested that the proposal should be contained in the covering letter of the Commission to the Council, and proposed the following draft:

"Finally, the Commission very strongly recommends that the Council should propose to the Assembly that a new Act, Convention or Protocol should be concluded between civilised nations with the object of carrying a step further the provisions of the Brussels Act and making them applicable to the whole world.

"Since the clauses of such a Convention would probably be discussed in detail by the Assembly or by a Conference of Powers, it appears unnecessary for this Commission to attempt to make any proposals for the exact terms, and it considers that it will suffice to indicate which of the above suggestions are, in its opinion, suitable for inclusion in the proposed Convention."

The CHAIRMAN opened the discussion on the question of principle raised in Sir F. Lugard's proposal. The Commission had to decide whether it should or should not recommend the conclusion of a General Convention on Slavery.

M. BELLEGARDE recalled that he had also proposed in his report that the drawing-up of a general regulation in regard to slavery should be recommended. Article 11 of the Convention of St. Germain was a notable step forward as compared with the previous agreements, that of Berlin and that of Brussels, since it concerned the suppression of slavery in *all its forms*. Unfortunately, it did not indicate any practical measures for rendering efficacious the campaign against slavery; it included only a simple declaration of principle. M. Bellegarde would therefore like to see a new Convention concluded bringing up to date the Act of Brussels extending to all parts of the world the fight against all forms of slavery. For this purpose it would not be necessary to convene a Conference: the Convention on Slavery could be prepared under the same conditions as the new Convention on the Traffic in Women and Children.

M. DELAFOSSE recalled that Sir F. Lugard had suggested the discussion of the future Convention by a Conference or otherwise.

M. VAN REES said he was opposed to any suggestion either for the conclusion of a general Convention on Slavery or for the summoning of a Conference, or any other similar measure, for the two following reasons:

(1) The report to be addressed to the Council showed from beginning to end that the question of slavery no longer presented the appalling aspect which it formerly had. On the contrary, the Commission had recognised, in various passages of its report, that the problem about which so much had been said had no longer the importance which was attributed to it. It would be illogical, after these statements, to suggest to the Council that it was advisable to conclude a general international Convention on Slavery.

(2) According to Article 15 of the Convention of St. Germain, the signatory Powers had agreed to reassemble at the expiration of a period of ten years from the date when the Convention came into force "in order to introduce into it such modifications as experience may have shown to be necessary", that was to say, in 1929 or soon after. If the Commission wished to emphasise certain aspects of the question it might at least, in view of the coming reassembling of the signatory Powers, recommend that its suggestions should be taken into consideration during the revision of the Convention of St. Germain. A proposal such as that of Sir F. Lugard or M. Bellegarde, suggesting a new general Convention applicable to the whole world, would have no real basis.

Doubtless the Brussels Act contained a whole series of proposals regarding slave-dealing, whereas the Convention of St. Germain contained only a statement of principle stated in the following terms in Article 11: "The Signatory Powers... will, in particular, endeavour to secure the complete suppression of slavery in all its forms and of the slave trade by land and sea". If the Powers in 1919 thought that they could limit themselves to this simple phrase, their reason was explained in the Preamble to the Convention, which said that "the territories in question are now under the control of recognised authorities, are provided with administrative institutions suitable to the local conditions, and the evolution of the native populations continues to make progress". These considerations seemed to explain sufficiently why the Powers had refrained from inserting in the Convention of St. Germain detailed provisions concerning slavery similar to those occurring in the Acts of Berlin of February 26th, 1885, and of Brussels of July 2nd, 1890.

Mr. GILCHRIST (Acting Secretary of the Commission) pointed out that Article 15 provided that the Powers would reassemble ten years after the coming into force of the Convention. It would appear that the reassembling would not, however, take place at as early a date as M. Van Rees had suggested, for the Convention had not been ratified until 1920 by some Powers and not until 1921 and 1922 by others.

M. FREIRE D'ANDRADE supported M. Van Rees' observations and added that the Acts of Berlin and Brussels had become obsolete as regards the signatory Powers of the Convention of

St. Germain and he did not see how they could be asked to enlarge the scope of treaties which were no longer in force as far as they were concerned.

M. BELLEGARDE insisted on the necessity for concluding a Convention responding to the new conceptions in the Treaty of St. Germain. The previous acts only mentioned slavery in the strict sense of the word and only as regards African territories. The Convention of St. Germain showed some progress by referring to slavery in all its forms but, again, only as regards Africa. On the other hand, as he had already said, no reference was made as to the means of suppressing slavery. The discussions which had taken place in the Commission had shown that slavery might exist in different forms in other regions than Africa; peonage, for example. According to M. Van Rees, the report showed that slavery had not to-day the appalling character attributed to it and that there was not so much reason to be agitated about it.

M. Bellegarde said that, if he had the impression that the report signified that such slavery as still existed was no longer of great importance, he would not sign such a document. A few sentences or words had been devoted to the question of peonage and slave-dealing, but how could one picture from these brief phrases the numberless crowd of persons still living in servitude? How many were transported each year on the dhows which so cleverly defied the vigilance of the patrols? How many were there in impenetrable countries where the scourge of slavery was present in the most brutal form? How many unhappy debtors were there who, as a result of the greed of their ferocious creditors, were kept in the most abject misery? No documentation could supply information on this subject.

In 1921 it had been proposed to conclude a new Convention on the white slave traffic. The draft was extended to cover women of all colours and children. In the same way, he now proposed to recommend to the Powers concerned the adoption of a general Convention regulating the problem of slavery in all its forms, as stated in the Convention of St. Germain, but indicating the means to be employed for putting it into execution so as to make it effective and extending it to cover the whole world so as to make it universal. Seven Powers, including the most important from the colonial standpoint, had signed the Treaty of St. Germain, and, as far as they were concerned, the Acts of Berlin and Brussels were no longer in force. It could not be said that these seven Powers considered that the questions of slavery and slave-dealing were settled, since they had considered it necessary to undertake to combat them. Moreover, under the terms of the various treaties signed at the end of the Great War, Germany, Austria, Hungary, Bulgaria and Turkey were formally bound to adhere to those Conventions concluded between the Allied and Associated Powers which referred to the Acts of Berlin and Brussels.

The question therefore remained open and was still as important as at the beginning. Doubtless, in proportion as the Powers extended their occupation of the regions inhabited by backward populations, the struggle became more efficacious, but slavery still existed in many forms, and in order to stamp it out the means of repression must be increased.

M. FREIRE D'ANDRADE said that he had often heard it said that peonage was a form of slavery or worse than slavery. He could not permit such an allegation to be made without submitting an observation which he asked to have inserted in the Minutes.

The system called peonage had been adopted in various countries in one form or another and could not give rise to the criticisms justifying an opinion regarding it such as that to which he had alluded. It was only the abuses of the system that were open to criticism and which might create a situation similar to slavery. He understood that certain of the countries which might have been referred to were considering this situation and were taking the necessary measures.

Sir F. LUGARD agreed with M. Bellegarde that the Treaty of St. Germain only applied to Africa. The suggestions of the Committee contained many new and precise points which might be included in a new Convention. The Powers had already decided to remove the question of the traffic in arms from the scope of the Brussels Act and had drawn up a new Convention. The Treaty of St. Germain dealt with other subjects besides slavery, such as navigation of rivers, freedom of commercial opportunity, etc., and that had probably been the reason why many Powers had not been able to ratify it.

He thought that, if a new Convention was adopted dealing solely with slavery, most of the Powers would be able to adhere to it. Although he was not entitled to speak for his Government, he thought it was highly probable that it would support a Convention dealing only with slavery. M. Delafosse had made a similar declaration in regard to the French Government. M. Van Rees has said that the Convention was not necessary, but this seemed to show that certain Governments considered that it would be useful. The Convention would deal with slavery in all its forms, and the report of the Commission would contain new suggestions and go further than the Treaty of St. Germain, especially as regards the question of treating slave dhows as pirates. He was therefore strongly in favour of a new Convention.

M. VAN REES noted that the British and French Governments were disposed to accept a new Convention dealing solely with slavery. He asked why, if these Governments considered such a Convention necessary or opportune, the Commission did not leave it to them to take the initiative. The Convention of St. Germain undoubtedly only applied to Africa, but it contained a clause empowering any State to adhere to it. It had been said further that this latter Convention did not contain detailed provisions, but he did not think that this was sufficient reason for a new Convention. The suggestions of the Commission would be published at once, and the Governments, if they considered it of value to apply them in their territories, might do so, so to speak,

morrow. He recalled that, in accordance with the official documentation supplied by the Governments in reply to the requests for information regarding slavery made by the Secretary-General of the League, he had inserted at the end of his memorandum a statement of the present situation — a statement which had been reproduced word for word in the general report of M. Delafosse, who had agreed with it. If the Commission also accepted it, it would be illogical to insert after it the conclusion required by Sir F. Lugard, for it resulted from this statement that at the present time an international convention was not urgent.

The CHAIRMAN proposed that the conclusion of the discussion of Sir F. Lugard's proposal should be adjourned to the following meeting, when the French text of the proposal would have been distributed to the Commission.

*This proposal was adopted.*

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## EIGHTEENTH MEETING

*Held at Geneva on Wednesday, July 22nd, 1925, at 3 p.m.*

Present: All the members of the Commission.

### 69. Examination of the Proposal for an International Convention (*continued*).

The Commission continued the discussion of the paragraph proposed by Sir F. Lugard for insertion in the covering letter to the Council.

M. VAN REES said he would like to explain further the opinions which he had expressed at the morning meeting. He was opposed to the idea of an international convention, not for any reason of principle but simply because it was difficult for him to believe that such a convention was necessary. Moreover, the Commission, in its report, had suggested a certain number of subjects on which the various Powers might usefully conclude local and special conventions. In his opinion, all the proposals of the Commission might, if need be, be dealt with locally by means of such separate conventions, and there appeared to be no real need of a general convention.

The CHAIRMAN proposed the following text in order to meet the views of the various members of the Commission:

"In the event of the League of Nations thinking that an international convention on slavery were desirable, the Commission would recommend that the following suggestions should be embodied in this convention", etc.

M. DELAFOSSE pointed out that some of the proposals adopted by the Commission might suitably be dealt with in local agreements but that there were certain general questions in regard to which an international convention might be desirable. There was, for example, the suggestion that the legal status of slavery should be universally abolished and the suggestion that the transport of slaves should be regarded as an act of piracy. He would limit the suggestions proposed for inclusion in the general convention to a specific list of subjects enumerated in the covering letter.

Sir F. LUGARD said he would prefer a more definite text than that proposed by the Chairman. In his opinion, the Commission should recommend the conclusion of a general convention.

M. BELLEGARDE agreed with Sir F. Lugard. He would ask the Commission to make an express recommendation to the Council in favour of a general convention dealing especially with slavery. Sir F. Lugard had at the morning meeting pointed out that the Convention of St. Germain regulated different questions. Many States had not ratified this Convention because they had not felt that they should adhere to some of the provisions other than those of Article 11 dealing with slavery. It had been felt necessary to frame an international convention regulating the traffic in women and children. M. Bellegarde did not consider that that question was more important than the one now before the Commission, and he therefore did not see why an international convention on the subject of slavery should not also be recommended. The information at the disposal of the Commission was not less complete or less definite than that on which the international convention regulating the traffic in women and children had been based. The Brussels Act no longer existed so far as the Powers signatory to the Convention of St. Germain were concerned. It was entirely within the limits of the competence of the Commission to recommend an international convention, and it was, of course, open to the Council to accept or to reject this recommendation.

M. FREIRE D'ANDRADE said that M. Van Rees, in objecting to the proposal for an international convention, had pointed out that the circumstances which had led to the framing of the Brussels Act had now disappeared. If the Commission recommended an international convention dealing



with slavery, it would imply that conditions were worse than at the time when the Convention of St. Germain was framed. He did not see how it was possible to escape this implication.

M. CATASTINI emphasised the fact that the collaboration of the United States of America, which was not a Member of the League, had been secured in the framing of a convention on the trade in arms. This convention had not therefore been restricted to the Members of League in the way that a convention on slavery ran the risk of being restricted, under present circumstances.

M. BELLEGARDE represented that it would be open for non-Members of the League to adhere to a special international convention dealing with slavery. The Commission had been invited to make suggestions for the combating of slavery. It had come to the conclusion that concerted action was necessary. All the action of the League of Nations was directed to securing co-operation by means of international agreements, and such agreements were necessary before anything effective could be accomplished. These agreements must obviously be as universal as possible.

Sir F. LUGARD pointed out that the Brussels Act had dealt with various matters besides slavery, such as the arms traffic, etc. The arms traffic had now been made the subject of a special international convention [which was not confined to Members of the League. Other States, such as the United States, Germany, Turkey and Egypt, had subscribed to this convention. There was no reason why a similar procedure should not be followed in dealing with the question of slavery. His proposal included all civilised nations.

The CHAIRMAN proposed, in order to meet the views of the members who desired to recommend the conclusion of an international convention, that the text which he had proposed should read as follows:

"In the event of the League of Nations thinking it desirable to frame an international convention on slavery, a *measure which seems to the Temporary Slavery Commission to be desirable*, the Commission would recommend that the following suggestions should be embodied in the convention," etc.

Sir F. LUGARD said he would accept this text.

M. FREIRE D'ANDRADE said that Sir F. Lugard had alluded to the International Convention on the Trade in Arms. In this case, however, it had been ascertained in advance that certain States non-Members of the League were prepared to participate. Would it not be necessary to obtain similar assurances before undertaking to frame an international convention on slavery?

The CHAIRMAN said that he was in favour of recommending an international convention. Otherwise, he did not quite see what would be the practical effect of the suggestions of the Commission. The Commission proposed, for example, that the transport of slaves should be regarded as an act of piracy. It would be necessary, before any action could be taken on this suggestion, for an international agreement to be reached in regard to measures applicable to such acts of piracy. It would, of course, be necessary to secure the collaboration of States outside the League. He would submit that the text he had proposed appeared to meet the views of the Commission.

M. RONCAGLI said he was extremely sceptical as regards the practical utility of an international convention. Such a proposal would, in his opinion, have the effect of retarding the application of the suggestions of the Commission regarding local and special agreements. The Colonial Powers would perhaps be led to postpone the conclusion of these local agreements while awaiting the General Convention. In his view, it would be much easier to agree upon local conventions than to draw up a general one.

M. BELLEGARDE wondered whether some members of the Commission were not rather too diffident and distrustful of the attitude which the Council and the Assembly of the League might adopt regarding the work of the Commission. The Commission had been expressly invited by the States Members of the League to study the question of slavery and to make proposals. It had acted in accordance with the directions of the Council and Assembly of the League. He did not see why these bodies would receive with disfavour a resolution to the effect that an international convention might usefully be concluded.

If the Council and Assembly thought that this suggestion were premature, they would merely put it on one side. He did not think that the Commission, in view of the importance of the question, should hesitate to recommend a step which it considered so desirable. The Assembly had decided that a genuine effort should be made to abolish slavery, and was keenly interested in the important question of the protection of undeveloped races. This was in fact one of the most important tasks of the League.

A special chapter in the Treaty of Versailles was devoted to the international effort which it was necessary to make in order to settle labour conflicts and to establish peace between the various social classes. Further, this problem of the treatment of native races was intimately bound up with the more general question of social peace. It was a problem which presented the gravest dangers, as the element of race was also involved. It was the duty of all the nations to collaborate in abolishing slavery. Slavery was on the decrease, owing to the development of industry in native territories inhabited by backward peoples, but the development of industry might lead also to the introduction of new forms of slavery, and it was the duty of the Commission to recommend measures in order to meet this danger.

It was laid down in Article 11 of the Convention of St. Germain that it was the duty of civilised nations to protect the natives; States could not fail to take into consideration a recommendation for the establishment of an international agreement with a view to ensuring this protection.

Mr. GRIMSHAW said he had come to the conclusion that the existing conventions on slavery, namely, the Brussels Act and the Treaty of St. Germain, were inadequate to meet the situation which had been revealed as a result of the enquiry of the Commission. These Conventions did not cover the entire ground, and had not secured universal acceptance. He was accordingly in favour of recommending a new international convention, embodying some of the conclusions of the Commission and open to the signature of all States.

The CHAIRMAN said he would put to the vote of the Commission the text which he had proposed, including an amendment to the effect that it should extend to all States. The text as amended was as follows:

"In case the League of Nations should consider useful an international convention on slavery extended as far as possible to States not Members of the League, a measure which seems to the Temporary Slavery Commission to be desirable, the Commission is of the opinion that the following suggestions might form the subject of clauses to be embodied therein."

M. RONCAGLI said he could not vote for the clause: "a measure which seems to the Temporary Slavery Commission to be desirable", which was as good as a suggestion.

Sir F. LUGARD said he must insist on maintaining a formula which expressed a desire on the part of the Commission.

The CHAIRMAN asked the various members of the Commission to indicate whether they desired this clause to be retained or not.

*There voted against the retention of the clause:* M. Freire d'Andrade, M. Roncagli and M. Van Rees.

*There voted for the retention of the clause:* M. Delafosse, Sir F. Lugard, M. Bellegarde, Mr. Grimshaw and the Chairman.

*The Chairman declared the complete text to be adopted by 5 votes to 3.*

The CHAIRMAN then enquired whether the members of the Commission who had voted against the retention of the clause would have been prepared to accept the text which he had proposed without the clause.

M. VAN REES said he would have been prepared to accept this text if the above phrase had not been added, since in that case the question would have been submitted to the Council and the Assembly without a previous expression of opinion on the part of the Commission.

M. FREIRE D'ANDRADE and M. RONCAGLI agreed.

The CHAIRMAN noted therefore that the text had been adopted with the inclusion of the clause on which a special vote had been taken, and that those members who had voted against the retention of the clause were in accord with the rest of the paragraph.

#### 70. Enslavement of Armenian Women in the Near East.

The CHAIRMAN said that certain correspondence had been submitted to him concerning the alleged enslavement of Armenian women in the Near East. This correspondence had been originally addressed to Sir F. Lugard by Mr. Baskett, of the League of Nations Union at Bath, and by Mr. Lancaster Smith, Director of the *Slave Market News*. He submitted that these communications dealt with a question which seemed to fall within the competence of the Special Committee of Enquiry into the Traffic in Women and Children, and he proposed that the correspondence should be forwarded to that Committee by the Secretariat.

*This proposal was adopted.*

#### 71. Slavery in the Sudan: Communication from Major Diggle.

Mr. GILCHRIST, Acting Secretary of the Commission, read the reply to the communication from Major Diggle which had just been received from the Governor-General of the Sudan. The Governor-General had forwarded a memorandum on the situation and stated that, on returning to the Sudan, he would give his most careful consideration to the problem and that he would do his utmost to obtain as soon as possible a complete suppression of slavery in the Sudan.

#### 72. Communications from Private Sources.

The Commission desired to put on record that it had received valuable information from private sources. It wished to express its gratitude for this information.

*It decided that, in referring to the information from private sources in its covering letter to the Council, express reference should be made to the fact that this information had been of considerable*

*use and that it had been carefully studied by the individual members of the Commission and used as much as possible in the course of its work.*

### 73. Publication of the Individual Reports of the Members of the Commission.

Mr. GRIMSHAW drew the attention of the Commission to the fact that it had not yet decided which of its documents should be annexed to the General Report and subsequently published.

Sir F. LUGARD said that, if it were decided to publish the reports of the individual members, it would be necessary to leave out of those reports the paragraphs dealing with questions which the Commission had decided to put on one side, as, for example, the question of labour conditions. So far as his own report was concerned, he had at the first sitting of the present session stated that he wished to withdraw all paragraphs dealing with labour conditions as being outside the scope of the Commission's work. These he would suppress if the report were published.

The CHAIRMAN said he doubted the wisdom of publishing individual reports which had been intended only for the use of the members of the Commission. Certain expressions in these reports might be removed from their context and used in support of theories to which the Commission did not subscribe.

Sir F. LUGARD suggested that it might be left to each member to decide which portions of his report should be published. He would point out that there would be a difficulty in regard to the report of M. Delafosse. M. Delafosse had acted as General Rapporteur to the Commission, but had not submitted any separate report of his own. His report embodied the views and suggestions of all the members and it would be unnecessary to publish it since it had now been revised. The Commission would therefore be without the personal views of M. Delafosse.

M. DELAFOSSE saw no objection to publishing the report which he had presented to the Commission in its original version. This report contained his own personal views. Further, he left it to the Commission to take a decision in the matter.

Mr. GRIMSHAW suggested that each member might indicate such passages or make such extracts from his reports as he desired to retain for publication.

Sir F. LUGARD enquired whether a member would be at liberty to alter his report in regard to any matter concerning which his opinion had been modified as a result of the discussions of the Commission.

The CHAIRMAN said he did not think this was possible. Passages might be suppressed, but could hardly be amended.

M. VAN REES said he would prefer that none of the reports of the individual members should be annexed or published. The publication of these reports would provoke criticisms which might or might not be just and which might certainly be used tendenciously. The members of the Commission had not drafted their reports with a view to publication and would have expressed themselves differently had they realised that publication was intended.

M. BELLEGARDE thought it would be useful to annex individual reports to the general report. These reports contained valuable information. He thought it would be regrettable if they were lost in the archives of the Secretariat. They represented a general collection of information of which the general report of the Commission was only a summary. He did not fear any criticism of the work of the Commission made in good faith. He thought that public discussion of the problem of slavery would assist in solving it. People who merely sought an opportunity to criticise would find it as well in the general report as in the individual reports. Naturally, it would be open to any member to suppress any passages in his report which he considered should not be retained in view of the explanations given during the meetings.

Sir F. LUGARD said he would be quite prepared to suppress the whole of his report or to indicate such passages as might usefully be retained. He hoped that M. Delafosse would mark such passages in his report as represented his own individual views and contribution to the elucidation of the subject.

M. DELAFOSSE said it would obviously be absurd to publish the general report and to annex an individual report attributed to himself which was drafted in almost exactly the same terms. He did not think the proposal that he should indicate special passages would meet the position. This implied that he would only reproduce passages in his report which had not been adopted by the Commission.

The CHAIRMAN asked whether it was for the Commission to decide which of its documents should be published. Was not this a question for the Council ?

M. CATASTINI said that the Commission had at its disposal to cover all its expenses the sum of 15,000 francs. An increase would be required if it were necessary to publish all these reports, but such an increase was possible.

Mr. GRIMSHAW thought it was certainly for the Commission to decide how it should present the results of its work to the Council. In order that a decision might be reached, he proposed that the individual reports, or extracts from these reports, should be annexed to the general report.

M. BELLEGARDE said that it would be for the Council, on receiving the general report with its annexes, to decide whether it would be useful to publish them.

The CHAIRMAN pointed out that there were two questions at issue: one was the question whether the individual reports should be annexed to the general report; the other was the question of publication.

Mr. GRIMSHAW agreed that the first question to decide was the form in which the results of the work of the Commission should be submitted to the Council. There was a covering letter, the general report and some seven or eight individual reports. He was opposed to submitting all these reports to the Council, as to a large extent they necessarily covered the same ground. There were, however, passages in the individual reports, not included in the official report, which were of great value and which should, if possible, be retained and submitted for the consideration of the Council and the Assembly.

He proposed that individual members should annex only such extracts of their reports as appeared worthy of general attention. He did not think there was the slightest difficulty as regards the expenses of publication. It was obviously necessary that the Commission should obtain the maximum of result from the work with which it was entrusted.

He would point out that another question would arise in connection with documents from private sources. Should these documents be annexed or not?

The CHAIRMAN said he was quite definitely opposed to the individual reports being in any way made public.

In his view, the Commission should submit its opinion as a whole, and it should not forward to the Council the reports of individual members, which were merely the expression of a particular point of view. Moreover, several of these reports had not been drafted with the idea that they would be published. On several points they might contradict the general report of the Commission, and, owing to the information, sometimes from private sources, which they contained, they might give to certain ill-disposed persons an opportunity to attack the work of the Commission. He accordingly thought that neither the individual reports nor extracts from these reports should be published.

*The Commission decided, with the exception of M. Bellegarde, that the special reports should neither be published nor annexed to the general report, but that they should be preserved in the archives of the Secretariat.*

#### 74. Action to be taken regarding Information received from Private Sources.

Mr. GRIMSHAW said that the Commission had not yet decided what should be done with the information from private sources to which it had been possible to apply the complete procedure of the Commission. He proposed that these documents also should be kept in the archives of the Secretariat.

*The Commission agreed.*

Mr. GRIMSHAW proposed that at the end of the report a list should be inserted of the documents which had been placed at the disposal of the Commission. This was the list which was to have been inserted immediately after the Preamble.

*The Commission agreed.*

#### 75. Situation regarding Slavery in Abyssinia: Memorandum by Sir F. Lugard on this Subject.

Sir F. LUGARD reminded the Commission that it had intended to devote a special passage of its report to Abyssinia. He would therefore draw attention to Annex 3 of his personal report. This annex was a report on the question of slavery in Abyssinia, which he had prepared at the special request of the Commission. He had pointed out in this report that the steps which H.H. Ras Tafari had announced that he hoped to take for the suppression of slave-dealing would require many years before they could be put into effective operation. The report also contained various suggestions. He asked whether the Commission intended to take any note of this communication, and, if so, what steps it proposed to take in connection with it, or whether, on the contrary, it decided to suppress it with the rest of his personal report.

M. VAN REES thought that the Commission might confine itself to what had already been said in its report. The question of Abyssinia had already been dealt with on several occasions, and he thought that it had been adequately treated.

M. RONCAGLI agreed with M. Van Rees.

Sir F. LUGARD explained that he had raised this question owing to the decision taken by the Commission not to publish the individual reports. He did not express any personal view in the matter, but would like to have a definite decision recorded by the Commission.

M. DELAFOSSE thought that there was no need to devote a special passage to Abyssinia. He was quite willing, however, though he had voted against the proposal to annex the individual reports to the general report, for the note by Sir F. Lugard to be attached to the general report.

The CHAIRMAN said that, personally, he did not think it was desirable to devote a special chapter to Abyssinia. Sir F. Lugard's object was to assist H.H. Ras Tafari. The publication of the note by Sir F. Lugard would perhaps have a contrary effect. Would it not suffice to mention in the Minutes the suggestions put forward by Sir F. Lugard ?

M. VAN REES said that there was another reason for not adopting the suggestion of M. Delafosse. If the note of Sir F. Lugard were annexed to the report, it would be necessary to insert in the report a reference to the annex, otherwise there would be no justification for attaching it. If, however, reference were made in the report to Sir F. Lugard's note, it would also be necessary to state that this note had not been taken into consideration by the Commission.

Mr. GRIMSHAW said he regretted the decision taken by the Commission not to print anything from the individual reports, irrespective of the fact that certain passages of these reports had a considerable importance. The special annex to Sir F. Lugard's report which dealt with Abyssinia was precisely one of the cases he had in mind when suggesting that extracts from the reports should be published.

Sir F. LUGARD said that he had never maintained that his note had any special importance. He had merely submitted the question for the approval of the Commission.

The CHAIRMAN proposed that a statement should be put into the Minutes to the effect that the Commission, having noted the report of Sir F. Lugard, had not thought it necessary to deal at greater length in its own report with the case of Abyssinia.

Mr. GRIMSHAW feared that, in this case, the uninstructed reader would have the impression that the Commission disapproved the suggestions of Sir F. Lugard.

Sir F. LUGARD suggested that the Commission could, if it so desired, say that it had noted his memorandum, but that it had not had time to examine it.

M. FREIRE D'ANDRADE observed that Sir F. Lugard had stated that H.H. Ras Tafari would do his utmost to combat slavery, and that it was the duty of the Commission to assist him in this enterprise. It was accordingly, above all, important that the Commission should publish nothing which might have the effect of making the position of Ras Tafari more difficult. If Ras Tafari needed any assistance, he could inform the League of Nations of his requirements. He thought it would be imprudent to embarrass him by a premature intervention.

M. RONCAGLI pointed out that Abyssinia had asked for the support of the States in the suppression of slavery. He was not aware in detail of the suggestions made by Sir F. Lugard in his annex, but, as the initiative in requesting the help of the Powers had come from Abyssinia, information on the steps to be taken would also be furnished by Ras Tafari if the Powers decided to assist him. There was no need, in his opinion, to insert in the report a special note on the position in regard to slavery in Abyssinia.

Sir F. LUGARD said he was merely asking for a decision by the Commission. If the Commission decided not to deal with this annex, there was an end to the matter.

M. BELLEGARDE proposed that the Commission should officially take note of the memorandum of Sir F. Lugard.

The CHAIRMAN, after having consulted the members of the Commission, noted that it was the general feeling that the question of Abyssinia had already been adequately dealt with in the report. The Commission would accordingly confine itself to noting the communication of Sir F. Lugard.

M. VAN REES suggested that it should be indicated in the Minutes that the Commission had noted the memorandum by Sir F. Lugard on the situation as regards slavery in Abyssinia, and that the memorandum was annexed to the minutes (Annex 2).

*The Commission approved this proposal.*

#### 76. Appointment of a Drafting Committee.

The CHAIRMAN proposed that a Drafting Committee should be appointed, composed of M. RONCAGLI as Chairman, M. DELAFOSSE and Sir F. LUGARD. This Committee would establish the final text of the general report and take from this report the suggestions which should be embodied in the covering letter to the Council.

*The Commission accepted this proposal.*

77. Examination of the Revised Text of the Draft General Report to the Council.

M. VAN REES said that he intended to propose certain amendments to the text of the general report as at present drafted.

*Paragraph 29.*

Paragraph 29 was as follows:

"The Commission considers that an important step would be taken towards the suppression of slave-raiding if the States concerned should provide for the infliction of the severest penalty known to their respective codes upon all persons convicted of having taken part in a raid or in the transport of slaves by land or sea."

M. Van Rees wondered whether the Commission could make such a suggestion before ascertaining whether the laws of the States concerned did not already provide for the severest penalty for crimes covered by the paragraph.

M. DELAFOSSE did not think that it was expressly stipulated in any code that the severest penalty should be exacted for the crimes covered by paragraph 29. It sometimes happened that the severest penalty was actually enforced in such cases, but he did not know if this principle had already been taken as a basis for any legislation.

*Paragraph 46.*

This paragraph was in the following terms:

"From a more general point of view and in order to promote co-operation, it would be desirable that all information which can be obtained regarding the origin and destination of freed slaves and their transport by sea or land should be centralised."

M. VAN REES observed that the Commission had only adopted this paragraph provisionally, since the institution of a central bureau had not yet been decided upon.

M. DELAFOSSE said that the Commission had not wished to make the execution of the measures contemplated in paragraph 46 dependent on the institution, as yet hypothetical, of a central bureau. It had been agreed that suggestions should be presented at the end of the session for the establishment of this bureau.

M. VAN REES drew attention to the vague terms in which the paragraph was drafted. The suggestion appeared to be greatly lacking in precision. Moreover, where would the information referred to be centralised? Could not the depot to which allusion was made in the previous paragraph serve as a central office for this purpose?

The CHAIRMAN thought it would be difficult to entrust a private depot with this task. He thought it advisable to leave the designation of the central bureau to the Council.

Sir F. LUGARD said that consuls, for example, in the Hedjaz, or ships of war which had liberated slaves, required some depot to which they could send or deliver them and from this depot they would be repatriated to their own countries, wherever they might be. The bureau of information was an entirely different matter and must necessarily be in Europe — probably at Geneva.

M. VAN REES said that the slave would reach the depot provided with certain papers. He would leave the depot provided with other papers, a fact which implied that the repatriation bureau would retain his original papers.

Sir F. LUGARD said that the depot would have the minimum of clerical work. It should be in one of the countries bordering on the Red Sea — for instance, the Sudan.

The CHAIRMAN thought that the centralisation of this information should be the task of a special body.

M. VAN REES insisted that the suggestion contained in paragraph 46 was too vague, and that it was necessary to state more precisely what the central bureau would be.

The CHAIRMAN proposed that the paragraph should be completed by the words "in a bureau designated by the Council".

Sir F. LUGARD approved this suggestion.

*The amendment proposed by the Chairman was adopted.*

*Paragraph 48.*

Sir F. LUGARD proposed to add to this paragraph the following words: "Vessels and slaves captured should be brought before the Courts of the country which effected the capture and all slaves should be set free."

The CHAIRMAN observed that it was not necessary to insert this stipulation, since it was already included in the recommendation that such vessels should be treated as pirates.

*Paragraph 75.*

M. VAN REES observed that the proposals contemplated in paragraph 75 were only applicable in the case of legislation with a retroactive effect.

The CHAIRMAN said that, failing a constitutional clause forbidding it and stipulating to the contrary, any law might be retroactive.



M. DELAFOSSE said that, in his opinion, it was not necessary to introduce legislation with a retroactive effect, since the contracts to which allusion was made were not recognised by the State. Had not the Commission declared that, according to information in its possession, such contracts only existed outside the knowledge of the Governments? Nothing was easier than to annul them, since they had not been recognised.

M. VAN REES said that, in this case, the contracts in question were non-existent in law.

The CHAIRMAN replied that the Governments were merely asked to contemplate the possibility of annulling certain contracts. It seemed to him that, whether the contracts in question were legal or illegal, the Commission might recommend the Governments to consider the possibility of annulling them.

Mr. GRIMSHAW reminded the Commission that he had himself drafted the text of paragraph 75. He had foreseen the objection of M. Van Rees and thought that he had dealt with it in advance.

M. VAN REES drew attention to the following phrase: "It may be recalled in this connection that by Article 58 of the Portuguese law", etc. Had Article 58 of this law a retroactive effect?

The CHAIRMAN said it would be very difficult to decide this question.

M. VAN REES thought that if Article 58 had no retroactive effect it would be better not to quote it in support of the preceding considerations.

M. DELAFOSSE replied that the article was only given as an example of a transitional measure.

The CHAIRMAN, as the result of an observation of Mr. GRIMSHAW, proposed to delete the reference to legislative action. States might reasonably be left to decide for themselves as to the most appropriate means of realising the object in view.

**78. Forced Labour : Insertion of a Note by Sir F. Lugard as an Annex to the Minutes.**

M. CATASTINI said that Sir F. Lugard had asked that his note on forced labour should be annexed to the Minutes.

*The Commission agreed (see Annex 1).*

**79. Communication from the Bureau pour la Défense des indigènes concerning Peonage (contd.)**

M. CATASTINI said that Professor Claparède, in a telephonic communication, had indicated the countries to which that part of the memorandum for which his organisation assumed responsibility referred. These countries were Mexico, Colombia and Peru. Professor Claparède had added that he intended to send in some further information at a later date.

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## NINETEENTH MEETING

*Held at Geneva on Friday, July 24th, 1925, at 4 p.m.*

Present: All the members of the Commission except Sir F. Lugard.

**80. Documentation of the Commission: Question of Principle (continuation).**

The CHAIRMAN reminded the Commission that it had at its sixth meeting noted the following declaration of M. Delafosse: "M. Delafosse said that during the adjournment he had had private conversations with Sir F. Lugard and M. Van Rees," etc. (see minutes of the sixth meeting, page 31).

There had been further conversations in regard to this question on the previous day, and it had been realised that the decision recorded in the minutes of the sixth meeting would be difficult to carry out in practice. He would accordingly propose that the following declaration should be substituted for that adopted at the sixth meeting:

"The Commission decides that, when new information, in regard to questions relating to slavery, etc., which cannot at the moment be communicated to the interested States, is submitted by one of the members of the Temporary Slavery Commission, this information shall only be taken into consideration after the Commission has assured itself that it is founded on the personal knowledge of the member, or that it comes from a source of unquestionable authority."

M. DELAFOSSE said it had been pointed out to him that it was impossible to indicate, in the list which it was proposed to draw up, references to information communicated to members of the Commission by their respective Governments as confidential information. The list, therefore, could not fail to be incomplete, and for this reason it was thought that it would be more prudent to suppress it.

*The Commission approved the formula submitted by the Chairman.*

**81. Legislation on Slavery applicable to the Dutch East Indies.**

Mr. GILCHRIST, Acting Secretary of the Commission, informed the Commission that the Secretary-General of the League had received from the Netherlands Legation at Berne several copies

of the text of the legislation on slavery applicable in the Dutch East Indies. This text was submitted in Dutch, and would be held by the Secretariat at the disposal of the members who wished to consult it.

82. **Examination of the Revised Draft Report to the Council** (*continued*).

The CHAIRMAN recalled the fact that the Commission had decided to request a small Drafting Committee to revise the text of the report to the Council. This Committee, which consisted of M. Roncagli (Chairman), M. Delafosse and Sir F. Lugard, had sat almost continuously since the last full meeting of the Commission on Wednesday afternoon, and had thoroughly revised and co-ordinated the text as adopted at the previous meetings.

The Commission then proceeded to give final consideration to this revised text.

*Chapter I.*

M. DELAFOSSE observed that the title of this chapter was as follows: "The Status and the Legal Status of Slavery".

*The Commission adopted the revised draft of Chapter I, with one or two amendments of form.*

*Chapter II.*

*The Commission adopted, with certain amendments of form, Chapter II of the revised draft of the report to the Council, with the exception of the following paragraph, which was suppressed:*

"France, in particular, has taken and continues to take very active measures against the last of these raiders. The greater part of the Sahara is under French rule and the importance of this responsibility cannot be overestimated. Each year, France sacrifices the lives of a large number of her citizens — officers, non-commissioned officers and soldiers of its Camel Corps — in the pursuit of raiders across the desert, with a view to re-taking the prisoners and restoring them to their homes."

A reference to France alone might make it appear that Italy was inactive. This was not the intention of the Commission.

*Chapters III, IV and V.*

*The Commission adopted, with amendments of form, Chapters III, IV and V of the revised draft of the report to the Council.*

*Chapter VI.*

The following paragraphs were suppressed:

"When the mandatory Powers took over the administration of the former German colonies, they found serfdom existing as an officially tolerated institution, sometimes regulated with a view to its disappearance. One of the first steps was to suppress the legality of this institution. In the mandated territories, it still, in some cases, exists but without legal recognition."

"The situation is the same in the colonies and protectorates belonging to the different European nations"—

and the following single paragraph was substituted:

"In the colonies and protectorates under the control of the different European nations, as in the mandated territories, serfdom is not legally recognised: it may exist *de facto* but not *de jure*."

*Chapter VI, thus altered, was adopted, with various amendments of form.*

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TWENTIETH MEETING

*Held at Geneva on Saturday, July 25th, 1925, at 10 a.m.*

Present: All the members of the Commission except M. Freire d'Andrade.

83. **Examination of the Revised Text of the Draft Report to the Council** (*continued*).

The Commission continued the examination of the revised draft of the report to the Council and adopted Chapters VII and VIII with certain amendments.

84. **Examination of the Draft Covering Letter to the Council, submitted by Sir F. Lugard and M. Delafosse.**

The Commission examined the draft of the covering letter to the Council and, subject to certain amendments, adopted the first four paragraphs.

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TWENTY-FIRST MEETING

*Held at Geneva on Saturday, July 25th, 1925, at 2.30 p.m.*

Present: All the members of the Commission, except M. Freire d'Andrade.

85. **Examination of the Draft Covering Letter to the Council** (*continued*).

*Communications from Private Sources.*

Arising out of paragraphs 5, 6 and 7 of this letter there was an exchange of views between the members of the Commission regarding the extent to which the Commission had succeeded in carrying out its programme.

Sir F. LUGARD observed that, so far as he was aware, only two of the memorials which had been submitted to the Commission had arrived in time for the agreed procedure to be carried out, viz., that an enquiry as to the reliability of the person or body submitting the memorial should be addressed to the State in which he (or it) was domiciled, and, if this reference were not unsatisfactory, that the memorial should be submitted to the State concerned for its observations. The two memorials which had been so dealt with were: (a) The allegations made by Mr. Morton regarding Portuguese Colonies in Africa, and (b) the allegations made by Major Diggle regarding conditions in the Sudan. The former might well be deferred until replies had been received to the other memorials concerning Portuguese Africa. That would be a very reasonable course to adopt. To the latter (Major Diggle's allegations) a full and complete reply had been received from the Sudan Government explaining the circumstances, and promising particular attention to the district in which they were alleged to have occurred. There was nothing further that the Commission could do in this case, and it could be formally dealt with in five minutes.

Sir F. Lugard suggested, therefore, that the Commission should deal with these two cases in the way he had proposed, and record the reasons why it could not at present deal with the remainder. There would then remain only the replies from the various States which had responded to the enquiries distributed by the Secretariat of the League, and the examination of the conditions as regards "slavery in all its forms" in each country. If the Commission considered this to be a part of its task and programme, it would have to be deferred to a later session.

M. DELAFOSSE pointed out that statements of considerably more importance than the Morton charges had been made in regard to the administration of the Portuguese colonies, and that it had not been possible to secure a reply to these communications from the Portuguese Government. The Commission had accordingly quite reasonably decided not to deal with the allegations of Mr. Morton until it was in a position to deal in their entirety with the allegations brought against the Portuguese administration.

The CHAIRMAN represented that it was the duty of the Commission to collect all possible information in regard to the position of slavery in the world, and to make suggestions with a view to its entire suppression in all its forms. He submitted that it was not the duty of the Commission to deal with charges brought against specific Governments. All information from private sources should be considered only in so far as it helped the Commission to form a general view of the position in regard to slavery. The Commission was not a tribunal investigating charges or allegations brought against any specific Government, but a Commission of Experts which was endeavouring to ascertain the facts so as to be able to draw from them practical proposals.

The procedure of the Commission in regard to the allegations made by Mr. Morton was strictly in accordance with this conception of its duties.

M. VAN REES said he thought that the views of the Chairman in regard to this matter were entirely right, and that they accorded with the views of the Commission.

After some further discussion, *paragraphs 5, 6 and 7 of the covering letter to the Council were adopted.*

*Lists of Suggestions.*

The Commission then dealt with paragraph 8 and *approved the list of suggestions to be included in the covering letter.*

It then proceeded to consider the final paragraph of the covering letter dealing with the suggestion for an international convention.

The CHAIRMAN read the text of the resolution concerning an international convention which was adopted by the Commission at its eighteenth meeting.

He reminded the Commission that at its eighteenth meeting M. Van Rees, M. Roncagli and M. Freire d'Andrade had voted against the clause in which the Commission mentioned as desirable the framing of an international convention. He had since been informed that these members of the Commission were prepared to agree not to make any adverse declaration, provided it was stated in the resolution that the convention seemed desirable to the majority of the Commission.

*The Commission unanimously adopted the paragraph of the covering letter to the Council based on the text adopted at the eighteenth meeting, the clause expressing the desire of the Commission being modified in accordance with the above suggestion.*

The Commission then proceeded to indicate among the list of suggestions contained in the covering letter to the Council those which it thought suitable for insertion in the Convention. Certain of these suggestions were not retained as being matters for local agreement between particular States.

There was an exchange of views between the various members of the Commission in regard to the desirability of including the suggestion concerning the right of asylum (paragraph 43).

Sir F. LUGARD wished to include this suggestion among those to be embodied in the Convention in the hope that certain States in which slavery still existed might be induced to sign the Convention and in view of the immense benefit the exercise of this right had proved in the Hedjaz.

The CHAIRMAN represented that it was impossible to induce any Government to recognise the right of asylum if it were unwilling to do so.

Sir F. LUGARD said that several Mohammedan States had preferred to sign the Brussels Act of 1890, rather than to isolate themselves by refraining from doing so, though it was obvious that they could not be in hearty sympathy with it. For the same reasons, he hoped that these States (and others similarly situated) might be induced to sign a new Convention which contained a clause worded in very general terms regarding the right of asylum. He recognised that it would no doubt be opposed when the Convention was discussed by the Powers, and possibly they might decline to insert it, but he thought it desirable to bring the question to their notice. He pointed out that Article 71 of the Brussels Act had been interpreted as giving a qualified right of asylum in Turkish possessions in Arabia, and its exercise had resulted in the freeing of a very large number of slaves. The new Convention should not be less liberal.

*After some discussion, the Commission decided to omit the suggestion from the list of suggestions proposed for the international Convention.*

The Commission invited its Chairman to represent it before the Council and the Assembly, and decided that a paragraph to this effect should be added to the covering letter.

*The Commission approved an introductory paragraph submitted by Mr. Gilchrist.*

**86. Conditions in Portuguese African Colonies : Letter from Mr. Morris concerning the Report of Professor Ross.**

The Commission noted a letter from a Mr. Morris from London referring to certain allegations made by Professor Ross against the Portuguese administration in Mozambique and Angola, and decided that this letter should be acknowledged and deposited in the files of the Secretariat.

**87. Close of the Session.**

M. DELAFOSSE, on behalf of the Commission, thanked the Chairman for the ability and tact with which he had presided over its meetings. He also expressed, on behalf of the Commission, its thanks to all those members of the Secretariat who had assisted the Commission in carrying out its programme.

The Commission adjourned *sine die*.

## Annex I.

### NOTE ON FORCED LABOUR.

*Submitted by Sir F. LUGARD.*

Geneva, July 20th, 1925.

1. The B and C Mandates contain a clause as follows:

The Mandatory "shall prohibit all forms of forced and compulsory labour except for essential public works and services, and then only in return for adequate remuneration".

The fact that the mandates were drawn up with the object of giving full effect to the Covenant of the League (itself a part of the Versailles Treaty) and received the approval of the Allied and Associated Powers (including the United States) gave to this dictum a certain international sanction, and I should like to see this sanction embodied in the new Slavery Convention.

2. The Treaty of St. Germain used a very remarkable and novel phrase. Hitherto, international Acts had been mainly concerned with the suppression of the slave trade, and the abolition of the status of slavery was a subsidiary matter. The new Treaty, however, used the phrase "slavery in all its forms", obviously inferring that it was the intention of the signatories to include something more than what has been called "slavery proper". The words I have quoted from the mandates which were drafted about the same time as the St. Germain Convention give a clue to what was meant by "slavery in all its forms", viz., the use of compulsory unpaid labour, or even compulsory paid labour for other than necessary works and services.

It is left to the sovereign Powers to decide what they consider to be "essential public works and services".

3. It has been suggested that if compulsory unpaid labour for an essential public work or service is imposed as a tax *prestation* it is permissible, more especially if it is commutable for money, and applicable to all classes. I submit that, if forced unpaid labour can be imposed on the grounds that it is a fiscal measure, the principle laid down in the mandate is abandoned. There is not even any reason why it should be for essential works. There appears to me to be no reason why labour which is employed on an essential work or service should not be remunerated. If for fiscal reasons it is necessary to impose a tax, the labourer can pay it out of the wages he receives for his compulsory work. The native is apt to regard forced unpaid labour (even though imposed as a fiscal measure) as a white man's slavery. The late slave-owner is apt to think the white man inconsistent in freeing his slaves, when the white man himself exacts this servitude without any of the obligations which devolve upon the slave-owner. The late slave-owner and the labourer alike realise the distinction between forced labour and a tax. The wages would usually be paid by the engineer or other person in charge of the work. The tax would be received by the administrative office. There would be no confusion between the two<sup>1</sup>. The enforcement of the "fiscal labour levy" can only be defended as a means of employing forced unpaid labour for works which are not of importance in the public interest.

4. A second aspect of this question arises in the case of forced unpaid labour exacted by native chiefs. I personally hold the view that the principle for which I contend should apply equally in this case and that native chiefs should be prohibited from employing forced unpaid labour. The sanction of native custom is not sufficient for native custom sanctioned slavery itself. Here again it will rest with the Administration to give its own interpretation in practice to the general principle. The clearing of the tracts which lead from one village to another, the sanitation of the village and similar tasks which are for the common benefit and in no way personal to the chief will probably, by most Governments, be regarded as not coming under the definition of forced labour. It is impossible for the more primitive savage to regard these as in any way a "form of slavery". They do not interfere with the liberty of the individual. As the community advances in social organisation such tasks will tend to be performed by paid gangs.

5. Finally, there is the case of compulsory unpaid labour when enforced solely and entirely for the personal benefit of the individual labourer himself — as when a man is compelled to work on his own land to produce an adequate food supply instead of leaving the work entirely to the

<sup>1</sup> Incidentally, the system has a great indirect advantage — the primitive savage learns the meaning of a currency. He finds that, in addition to paying his tax, he can buy with the coins he has received the little luxuries he desires — tobacco, fresh meat, cloth, etc. New wants are created which induce him to volunteer his labour for wages and gradually his standard of life is raised by the articles he purchases. This, however, is outside the question I am discussing.

women, or producing so little food that there is a danger of shortage and hunger before the next harvest is ready. This is a purely educative measure. It is not in the same order of ideas as the forced unpaid labour referred to in the previous paragraphs. In my personal experience, such compulsion is rarely or never required in Africa, but it is conceivable that in a country, like New Guinea, with an extremely apathetic people, it may be desirable. It should not be included in the term "forced labour" and the Administration must be the sole judge whether such a course is necessary.

6. Much controversy has arisen regarding indirect pressure such as high taxation, stringent vagrancy laws, inadequate land, pressure by administrative officers or native chiefs to induce natives to come forward for work. I do not consider that this question is one which should be included in the subject under discussion; such labour is remunerated and it is not required for urgent public works or services. It falls under the category of general labour conditions.

7. I propose, therefore, that any recommendations which this Committee may make in regard to the subject-matter of the clauses of a new Slavery Convention should include a recommendation that the words of the mandate which I have quoted should appear in the convention.

It may perhaps be considered useful to add words to the following general effect, viz., that such essential works and services should be defined by local laws by each State, together with the maximum duration of the compulsory service in the year. Unpaid compulsory service by native chiefs, especially of a personal nature, should also, as far as possible, be restricted.

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## Annex 2.

### NOTE ON CONDITIONS IN ABYSSINIA.

Annex to Sir F. LUGARD's *Memorandum*<sup>1</sup> on "*Slavery and Systems Restrictive of Liberty*"  
for the *Temporary Slavery Commission*.

1. It was, I think, understood that I should undertake the task of submitting a brief report on conditions in Abyssinia. I regret that my absence when attending the session of the Mandates Commission in Geneva prevented me from personally meeting His Highness Ras Tafari when he was in England last summer, as I had hoped to do when the subject was discussed by the Commission.

I submit the following Memorandum, based chiefly on the documents sent to the League — more especially the French report — printed in A.18.1923.VI., together with some suggestions regarding that country.

#### *Allegations in 1922.*

2. In consequence of allegations regarding the state of things prevailing in Abyssinia, which had appeared in the Press in January 1922 and seemed to be confirmed by the capture of a dhow by H.M.S. *Cornflower*, in July 1922, containing 26 Abyssinian slaves, the delegate for New Zealand (Sir A. Steel-Maitland) suggested (September 14th, 1922) that the Assembly should ask the Council of the League to enquire into the alleged revival of the slave trade in Abyssinia; he added that the enquiry should, with the help of competent African administrators, be extended to the whole question of slavery in that Continent<sup>2</sup>. The ultimate result, as regards slavery, was the appointment of the present Committee.

#### *Abyssinia enters the League.*

3. The aspect of the matter was, however, entirely altered in regard to Abyssinia by her application to become a Member of the League and her admission to membership on September 28th, 1923. As a condition of admission, she agreed to adhere to the Convention of St. Germain of September 10th, 1919 (amending the Berlin Act of 1885 and the Brussels Act of 1890, especially Article VI, and she also signed a special declaration to the effect that she would provide any information required, and take into consideration any recommendations made by the League in regard to the fulfilment of the obligations she had undertaken. She further gave an undertaking

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<sup>1</sup> The Memorandum has not been printed by the League of Nations.

<sup>2</sup> One result of the attention which had been directed to the state of affairs in Abyssinia was that the French and British Legations emancipated all slaves in the possession of their native staffs, and the Italian Legation directed that they should be regarded in future as servants and not slaves (A. 18. 1923. VI, page 11, note 2, and A. 60. 1923. VI).



in regard to the importation of arms, to which it is unnecessary to refer here, since the matter has been dealt with in the recent Arms Convention.

#### *New Slavery Edicts.*

4. H.H. Ras Tafari, the Heir-Apparent, just prior to the admission of his country into the League, had issued (September 21st, 1923) an Edict affirming the abolition of slave-dealing and enacting heavy penalties for contravention. This was followed on March 31st, 1924, by a more elaborate law, which was transmitted to the League with a report dated April 12th, to which reference will be made later. The Edict has two important clauses. By Article 16 all children are henceforth free at birth, and by Article 7 slaves gain their freedom seven years after the death of their master. (The latter would be exceedingly difficult to carry out in practice.) In order to put the Edict into effective operation, a new body of officials is to be created, as well as various institutions and schools. This will take time, and meantime the infliction of the death penalty, in isolated cases when slavers are caught, has a negligible effect.

#### *Proposed Scheme by the Ras.*

5. H.H. Ras Tafari's plan for putting an end to the raids and the slave-trade in the South was published in the Press by a correspondent, who stated that it was personally communicated to him by the Ras. I am aware of his identity, and he was to my knowledge constantly with His Highness during his stay in Europe. His statement may be accepted as absolutely accurate. Ras Tafari (he stated) proposes to select a number of slaves from the borders, and bring them to the capital, where they would be freed and trained for several years and then returned to the disturbed districts to act as border police. This plan would obviously take many years to mature, since, like the Edict, it requires the creation of training schools and of a new body of officials. It would obviously be ineffective unless the border police controlled sufficient armed forces to overawe the raiders. These Edicts and plans are evidence of the sincere desire of His Highness (which is amply corroborated from other sources) to suppress these abuses. He states that he "hopes to come to an agreement with the States which administer the neighbouring countries for taking combined action" to suppress the slave trade on the frontiers of Abyssinia. It would be of interest to learn the result of these negotiations.

#### *Abuses in the Past.*

6. No useful purpose would be served by recalling the deplorable conditions which existed prior to the entry of Abyssinia into the League. The very admirable and impartial report submitted to the League by the French Government as an annex to its reply of June 1923<sup>1</sup> states that the terrible indictment drawn by the writers in the *Westminster Gazette* (January 1922), though exaggerated, "is unfortunately substantially true". A similar indictment was made by M. G. Montandon (of the Swiss League for the Protection of Natives) and M. Schrenk, the latter from recent observation (March 1922), and their account is described by the French report as being impartial.

The question of practical importance and interest is to ascertain how far the claim that "the present Government has succeeded in almost totally suppressing the trade" can be substantiated by the evidence at our disposal, and, in the second place, *to determine in what way H.H. Ras Tafari can be supported and assisted in his undoubtedly sincere efforts to effect reform.* Finally, by what means the League can satisfy itself that the pledges which were the condition of admission to membership are being carried out.

#### *Present or Recent Conditions.*

7. In the report to which this memorandum forms an annex, I have expressed the view that slave-trading and the organised slave trade can only be suppressed by force. That force is not as yet at the disposal of the Regent, and the scheme he has himself devised — as already described — goes to show that it will not be available for several years, and that in his own judgment the abuses cannot be dealt with effectively until it is. "So long", says the French report — from which I quote freely as being the only full report made on the authority of a great Power to the League — "so long as certain of the higher chiefs indulge in slave raids, in order, as they pretend, to put down rebellion, or punish refusals to pay taxes . . . the evil may become less but it will not disappear."

The writer of the report describes the route taken by the caravans to avoid ports and embark slaves for Arabia, the trade to which is proved by the fact that the British and Italians have found it necessary to strengthen their preventive service in the Red Sea, while the French have made a permanent naval station there. It is reported that several captures have been made at sea, and that raids have occurred subsequent to September 1923 (date of entry of Abyssinia into the League). An Italian report dated September 8th, 1923, while referring to a slave caravan of 150

<sup>1</sup> See A. 18. 1923. VI.

slaves, asserts that the Chief of Aussa levies a tax per head. These reports show that up to a comparatively recent date — the French report is dated just prior to the entry of Abyssinia into the League — the difficulties in the way of reform were still very great, and the abuses had not, as His Highness hoped, been almost totally suppressed<sup>1</sup>. There is reliable evidence of recent date that many thousands of slaves (an estimate which appears to be trustworthy says 10,000) are brought by Abyssinian traders to the north-western districts, where slaves are purchasable at any time in the markets.

#### *The Action Necessary.*

8. The necessary conditions for the suppression of slave-raiding and slave-dealing would seem to be:

(a) That the officials and soldiery, hitherto unpaid and largely dependent on the profits of slave-dealing, should receive salaries sufficient to enable them to dispense with such methods.

(b) The French report says that one customary method of obtaining slaves is that they are handed over to the authorities in payment of taxes. Revenue must be raised by other means. There is nothing at present to show how far the Government has been able to effect these two financial reforms, so vitally necessary before the slave trade can be eradicated.

(c) A better organised force is required. This, as we have seen, is recognised by the Ras as necessary.

These three vitally necessary matters all depend on the command of adequate financial resources. Though the country is potentially very rich, the revenue at the disposal of the Government is wholly inadequate. It can only be satisfactorily increased by radical reforms in the Administration.

(d) The ports of destination must be closed, especially those of the Hedjaz and South Arabia

(e) An Edict dated April 10th, 1924, was issued with the object of effecting the registration of all fire-arms, of which M. Michel-Côte says that there are more than 300,000 in the country. This, with an effective control of ammunition, would be a useful step, and the local Government should be able to count on the assistance of States with coterminous frontiers to assist in checking smuggling.

#### *Slave-dealing and Slavery.*

9. I turn to the problem of slavery as an institution, including illicit dealing in slaves (as distinct from the organised slave trade). I agree with the Government's report (of April 12th, 1924) that the abolition of domestic slavery must be gradual. The measures prescribed in the Edict of March 31st, 1924, are, it is claimed, a stage towards final suppression. But His Highness is probably not aware that the notices posted in the country districts are not known to illiterate slaves, and can indeed only be read by very few Abyssinians.

His task is an immensely difficult one, in which he will need all the support which it is possible for other Members of the League to afford. I personally have special grounds for appreciating and sympathising with his difficulties, since in 1900 I was faced with the same task in Northern Nigeria. There powerful Moslem rulers had for decades devastated and depopulated the country by slave raids, and slavery was, as in Abyssinia, sanctioned alike by the religious and the social law. There, as here, the first task was to organise a force capable of suppressing the raids, and the next was to devise some means whereby the ruling class should receive an adequate income, to relieve them of the necessity of using slaves as currency and for all purposes of production and domestic labour. The third step — still gradually and slowly being evolved in Nigeria — is the education of the masses to an appreciation of liberty and the right use of freedom.

#### *Nature of Slavery in Abyssinia.*

10. The distinctive features of the problem in Abyssinia, according to the high authority of the French report and other reliable evidence, are:

(a) That opposition to reform "comes principally from the priesthood, which considers itself the guardian of the Mosaic law and regards slavery as an institution decreed by Jehovah".

(b) That the slaves are not of the same race as their owners, belonging generally to subject tribes. The dominant race, comparatively small in numbers, is a fighting caste, unused to and very averse to any form of manual labour. This in every country is a condition which accentuates the difficulty of the problem of emancipation. These conditions involve a twofold difficulty. On the one hand, the League must be assured that in strengthening and assisting in any way it can the Central Power it is not lending itself to the continued enslavement of the subject tribes and their taxation for the benefit of the ruling class alone. On the other hand, the difficulties of the period of transition from slavery to freedom are increased, for the gulf between the slave and the free-born is much greater. The freed slave is less able to become a peasant landowner when he is an alien in a country where the land belongs to the ruling caste and owners are less ready to free their slaves. The attempt to abolish property in slaves, and to carry out the terms of the Edict, must involve a complete change in the social life of the people of Abyssinia. This in any country

<sup>1</sup> See C. 209. M. 66. 1924. VI.

would be strongly opposed by the owners of slaves, and by all who resent any change in old customs, even if liberal compensation were given. But the Edict does not apparently provide for any compensation. That there will be fierce opposition to the enforcement of the Edict is beyond all possibility of doubt, and it is well known that in Abyssinia this opposition will be practically universal. "We will die rather than give up our slaves" a chief is reported to have said to a European. Reform in such circumstances can only be effected by the selection of reliable governors of provinces pledged to support reform, and knowing that their retention of office depends on their doing so. Possibly by prolonging their tenure of office, or even by making it permanent (subject to loyal and efficient work), the opportunity and the incentive for abuses of power would be lessened, and the central Government would be able to place greater reliance on its deputies.

(c) When applying for admission to membership of the League, the Central Government claimed to exercise effective control over the whole country, and it was on this understanding that its pledges on entering the League were accepted on behalf of the whole of Abyssinia. But it appears that territorial chiefs, though maintaining large armed retinues, have no salaries or regular authorised sources of revenue. Until such means of maintaining themselves and their following are provided by the Central Government, it will be impossible to make the Edict operative and to introduce effective reforms.

11. The duty is laid upon this Commission of recording conclusions impartially (according to the evidence at its disposal) as to "slavery in all its forms" in different countries, and of suggesting such action as may be desirable.

(a) The evidence shows that slavery, slave-dealing and occasional slave-raiding still exist in Abyssinia.

(b) That H.H. Ras Tafari, though sincere and eager for reform, has not the means at his command to carry it out, in face of the strong opposition which is inevitable.

(c) The claim that "the present Government has succeeded in almost totally suppressing the trade" (C.209.M.66.1924.VI.) requires corroboration by means of an independent investigation by the League itself.

The conditions of admission to membership of the League have not therefore been carried out, and in present circumstances there seems little prospect of their fulfilment. The League therefore has no option but to ascertain for itself the true facts, with a view to assisting the Government to fulfil its pledges.

#### *Recommendations.*

12. It is suggested that this task should be entrusted to a commission consisting of nominees of two or three Powers not immediately concerned with Abyssinian affairs under the presidency of a national of a disinterested country, say, Holland. Its duty would be to report on existing conditions in regard to slavery and forced labour, and to make recommendations.

The first step would be to inform His Highness Ras Tafari that, since continued membership of the League must depend on the fulfilment of the stipulated conditions, it has become necessary for the League to satisfy itself in this regard; and, secondly, that, fully recognising the exceptional difficulties with which he has to contend, the League desires to ascertain by independent and impartial enquiry in what way it may be possible to render him assistance in carrying out the great task to which he has pledged himself; and to adapt the usages of an ancient civilisation to modern needs and standards.

The acknowledgments of the League and of the Temporary Slavery Commission as its instrument are due to the French Government for its detailed and authoritative report. Reliable information may also be found in Mr. C. F. Rey's book and in the British Official Handbook on Abyssinia.

(Signed) F. LUGARD.