

# Contemporary Slavery Back Then

*International efforts to combat traffic in persons,  
slavery and forced labour 1937-1957*

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# **Contemporary Slavery Back Then**

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IV





# Abstract

This dissertation deals with the international efforts to combat traffic in persons, slavery and forced labour from 1937 to 1957, phenomena we today recognize as contemporary slavery. It describes and analyzes the processes of the respective matters, culminating in three separate conventions; two conventions within the United Nations and one within the International Labour Organization.

In chapter one I introduce the matters, and put them into an international and historical context, and discuss existing literature, methodology and sources. In chapter two I elaborate on the origins of the matters, and how they came to be matters of international concern. In chapter three I look at the process of traffic in persons and what characterised it, starting within the League of Nations, and ending within the United Nations in 1949, with an emphasis on the role of the UK. Additionally, I look at the role of two NGOs. In chapter four I write about the processes of slavery and forced labour, the reasons for why these matters became a matter of international concern within the United Nations and the International Labour Organization. This chapter is also written with an emphasis on the UK. In chapter five I gather the matters, and look at similarities and differences with the processes.

I have found that the heritage of the League of Nations was important for all these matters, the matter of traffic in persons in particular. Moreover, I have found that there were considerable challenges in dealing with these matters within the international governmental organizations. Moreover, the reasons for why these matters were brought up were generally due to national interests. The UK and the rest of the colonial powers was mostly concerned about securing the colonial application clause, and to avoid attention to the various existing practices in its colonies. Additionally, there was a tendency that governments focused on the legal abolition rather than de facto abolition of the matters of traffic in persons, slavery and forced labour. Lastly, the Cold War influenced the processes of all these matters different ways.





# Acknowledgements

My concern for victims of contemporary slavery started some 10 years ago, when I first was shocked and moved by the brutality of this slavery that affects millions of people in the 21<sup>st</sup> century. Many books, articles and lectures later I decided to write my thesis on this topic. The process of writing this thesis has been a challenge, a lesson, and a privilege (in random order). Writing in a foreign language has not always been a walk in the park, but I am glad I did so, in order to make the topic known and available to more people.

Initially, I wanted the thesis to revolve around recent international efforts to combat this evil, but as I dug deeper, I found that the historical literature on this topic was strikingly scarce, and I changed my mind. I have received funds to visit the archives. Being a student at the teacher's program at the University of Oslo, I needed to make the most out the time available to me. This included careful early planning of the trips to the archives. After having photocopied about 8000 document pages with my iPhone from five different archives, transferred them to my computer, and finally being able to categorize these, my Mac crashed. Both the computer and myself are fine now, but this constituted an element of surprise that I could have done without.

I want to thank my supervisor Hanne Hagtvedt Vik, for her valuable insight, her extensive comments, her good mood, her patience, and her ability to be realistic on my behalf in the choice of scope for this thesis. I want to thank my fellow students at the seminar group, for their honesty, their wisdom, and their indulgence with bad Skype-receptions. Thanks to the University of Oslo for financing the majority of my trips to various archives. Thanks to Jacques, Adriano, Bjørn and Sebastien for indispensable help at the different archives. Thanks to Natalie for letting me stay at her house for half a year while doing research. Thanks to Emma for correctional reading. Thanks to the boys; you have been most handsome. Thanks to my family, and your unconditional love and support. Finally, thanks to Linda, for being supportive, for making dinners, for putting things into perspective, and for bringing my fixed Mac back to London.



# Table of contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
	Starting point .....	1
	International climate .....	3
	Ideological conflict .....	5
	Existing literature.....	7
	Research questions .....	9
	Limitations .....	11
	Methodology and sources .....	12
	Definitions.....	15
<b>2</b>	<b>Contemporary slavery and early international efforts to combat it.....</b>	<b>17</b>
	From chattel slavery to new forms of slavery .....	17
	White slavery .....	19
	The League of Nations and traffic in persons.....	22
	The League of Nations and the ILO .....	23
	The 1937 draft convention.....	26
	The characteristics of the origins of contemporary slavery .....	29
<b>3</b>	<b>Traffic in persons .....</b>	<b>33</b>
	Status quo .....	33
	The NGO comments.....	37
	A matter of urgency.....	40
	The UK line.....	44
	“The last bolt-hole” .....	46
	The Social Commission’s fourth session, May 1949.....	48
	The final decision .....	52
<b>4</b>	<b>Slavery and forced labour under the UN and the ILO .....</b>	<b>60</b>
	Transition to the UN .....	60
	Charles Greenidge and the early definition of slavery.....	61
	The enquiry on forced labour.....	64
	The ad hoc Committee of Experts on Slavery .....	67
	The enquiry on forced labour, 1949-50 .....	74
	The Mudaliar Committee, 1951-1953.....	78
	From ECOSOC to the ILO, 1954-1956 .....	81
	The 1957 convention on forced labour.....	85
	Supplementary discussions, 1953-1954.....	87
	The benefits of drafting, 1954-56 .....	90
<b>5</b>	<b>Conclusion .....</b>	<b>100</b>
	<b>Bibliography .....</b>	<b>109</b>
	Primary sources .....	109
	Literature .....	114



# 1 Introduction

## Starting point

“[L]egal abolition [of slavery] can be best understood as a qualified first step, rather than a historical endpoint”.<sup>1</sup> Joel Quirk, historian and human rights expert at the University of Witwatersand, and author of *The Anti-Slavery Project*, wrote this to convey an important message. Slavery did not disappear with the legal abolition. This thesis deals with the international efforts from 1937 to 1957 to combat the new types of enslavement that developed after the legal abolition of slavery, today known as contemporary slavery. I have chosen to write primarily from one country’s point of view, the UK, in order to make it comprehensible.

Today, in 2015, slavery is bigger than ever in absolute numbers. The estimate of the International Labour Organization (ILO) of people living in slavery today is 21 million.<sup>2</sup> Non-Governmental Organizations (NGOs), like the Walk Free Foundation, claim that the number could be as high as 36 million.<sup>3</sup> The different number embodies victims of human trafficking, slavery and forced labour.

The three types of enslavement, traffic in persons, slavery and forced labour, are all embodied in the abovementioned 21 million estimate of the ILO.<sup>4</sup> Most organizations, including the United Nations (UN) and the ILO gathers all three types of enslavement under a collective topic, but the label they use varies. Whereas the ILO gathers the types of enslavement under forced labour, the UN gathers the same three under the collective topic/term of contemporary forms of slavery.<sup>5</sup> They both agree that the three types of enslavement are embodied by the same category, but they label the category differently. Many of the scholars I have used the most in writing this thesis, have also used the term contemporary forms of slavery or contemporary slavery.<sup>6</sup> To avoid any misunderstandings, I

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<sup>1</sup> Joel Quirk, *The Anti-Slavery Project: From the Slave Trade to Human Trafficking*, (Philadelphia: University of Pennsylvania Press, 2011), 113.

<sup>2</sup> International Labour Organization, *Forced labour, human trafficking and slavery*, <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>, accessed: 9.03.2015.

<sup>3</sup> The Global Slavery Index, 2014, 7 (available at [www.walkfree.org](http://www.walkfree.org)).

<sup>4</sup> Even though the ILO estimate is perhaps the most credible estimate we have today, this estimate is also just an estimate and constitutes no absolute truth. Moreover, I do not know the methodology used to make the estimate.

<sup>5</sup> The Special Rapporteur on Contemporary Forms of Slavery: <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>. Accessed: 27.02.2015.

<sup>6</sup> Joel Quirk, Suzanne Miers, Alison Brysk and Austin Choi-Fitzpatrick, Kevin Bales and Peter T. Robbins.

will use the label contemporary slavery when I talk about traffic in persons, slavery and forced labour as a whole.

Today, adding these three types of enslavement up seems logical. There are still some judicial differences between the three aspects of contemporary slavery, but they are merely closely related parts of the same problem rather than separate issues. However, these matters have not always been as closely linked together in the past as they are today. Throughout the relatively short history of contemporary slavery various attempts have been made to define these as criminal activities under international law. Considering that it exists so little historical research on the matters of traffic in persons, slavery, and forced labour, and that the number of victims is alarmingly high, I thought it desirable to write a thesis that would shed light to the origins of the international efforts to combat these forms of slavery.<sup>7</sup> We tend to think of traffic in persons as a new phenomenon, because it has quite recently become a focal point for researchers and journalists (in the wake of the Cold War).<sup>8</sup> On the other hand, we tend to think of slavery as a closed chapter that ended with the legal abolition of slavery throughout the 19<sup>th</sup> century. None of the above is correct.

After the legal abolition of the transatlantic slavery (chattel slavery) and slave trade throughout the 19<sup>th</sup> century, ironically, a new era followed, the New Imperialism, which was to be known for the atrocities committed by Western powers against native people. This happened in Africa in particular and has symptomatically also been called “the Scramble for Africa”.<sup>9</sup> It was as if the lessons from the chattel slavery were never learned or at least suppressed and forgotten. The UK, France, Belgium and others gained new land in the Scramble for Africa, and in some ways the new imperialism paved the way for the “new” forms of slavery.<sup>10</sup> Stephanie Limoncelli, sociology professor at Loyola Marymount University, has argued that the colonies obtained by the Western powers led to the first traffic in persons.<sup>11</sup> As for slavery and forced labour, the colonies became arenas for new ways to exploit native manpower. Suzanne Miers, professor in history at Ohio University, has argued that the legal abolition of chattel slavery did not end slavery. The continuous need for labour

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<sup>7</sup> There is written a substantial amount of literature on the field of slavery, but this literatures primarily deals with the chattel slavery and the transatlantic slave trade. The number of enslaved people today is much bigger than it ever was before, but in absolute numbers. The fact that there are much more people living in the world today has to be taken into consideration.

<sup>8</sup> Quirk, *The Anti-Slavery Project*, 216.

<sup>9</sup> *Ibid.*, 100-102.

<sup>10</sup> Stephanie Limoncelli, *The Politics of Trafficking: The First International Movement to Combat the Sexual Exploitation of women*, 1st edition (Stanford: Stanford University Press, 2010), 2; Joseph C. Miller, *The Problem of Slavery as History: A Global Approach*, (New Haven: Yale University Press, 2012), 37.

<sup>11</sup> Limoncelli, *The Politics of Trafficking*, 22.

resulted in new forms of exploitation and a continuation of old slavery, disguised as regular labour.<sup>12</sup>

The initial attempts at the turn of the century to address the new phenomena might seem a bit messy in hindsight. As for the matter of traffic in persons, it was first addressed under the heading “white slavery”. Some years later a second the term, “white slave trade”, was used, and then finally “white slave traffic”. It seems plausible that the slight confusion in terms was due to the fact that the white slave traffic resembled both slavery and the slave trade, and thus they found it difficult to define the phenomenon. It was first within the League of Nations that the white slave traffic was completely disconnected from the definition of slavery.<sup>13</sup>

Also within the League of Nations, the whole spectrum of contemporary slavery was acknowledged, defined and addressed. This acknowledgement was of huge importance. Traffic in persons was addressed in a convention in 1921 (the term white slave traffic was left out). Forced labour was considered a part of the Slavery Convention of 1926, but was eventually separated from the slavery definition. As a result, the ILO adopted a separate forced labour convention in 1930. To sum up, not only did the League of Nations acknowledge the new forms of slavery, it also addressed, with the three different conventions, the magnitude of the contemporary slavery, including traffic in persons, slavery and forced labour.

After World War II, the UN resumed the work with all three matters, though for different reasons. This resulted in conventions in 1949 (traffic in persons), 1956 (slavery), and 1957 (forced labour). As within the League of Nations, forced labour was separated from the definition of slavery within the UN, and addressed by the ILO instead. These conventions mark the culmination of the processes I have studied.

## **International climate**

Susann Pedersen, history professor at the University of Columbia, has pointed out in her article “Back to the League of Nations”, that the League of Nations for many years after its demise, was considered a failure by scholars. As an example, Zara Steiner, visiting professor of history at the Stanford University, has written in her book *The Lights That Failed* about the

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<sup>12</sup> Suzanne Miers, *Slavery in the Twentieth century: The Evolution of a Global Problem*, (Walnut Creek: AltaMira Press, 2003), 47-55.

<sup>13</sup> The 1921 International Convention for the Suppression of the Traffic in Women and Children was adopted by the League in 1921, and the 1926 Slavery Convention was adopted in 1926, thus making an explicit separation of the matters.

term “The Geneva Dream”.<sup>14</sup> She has argued that the thought that a return to a more peaceful Europe could be achieved through establishing international institutions and signing conventions turned out to be an illusion.<sup>15</sup> Moreover, Andrew Webster, professor of Sociology at the university of York, has written about the League of Nations and what many hoped the League of Nations would be, the transnational dream.<sup>16</sup> Webster has distinguished between the terms international and transnational, in that the former means “between nations” and the latter means “extending beyond or across national boundaries”.<sup>17</sup> His argument is mainly that the League of Nations failed to become transnational and remained international, due to the government’s insistence on making national interests the top priority.

However, Pedersen has claimed that the humanitarian part of League of Nations’ involvement was much bigger than first anticipated, and that the League of Nations, in the late 1930s used more than 50 percent of its total budget to deal with humanitarian concerns.<sup>18</sup> More specifically, the League of Nations emerged as a harbinger of global governance “if one notes its efforts to regulate cross-border traffics or problems of all kinds”.<sup>19</sup> Pedersen has argued that the humanitarian heritage from the League of Nations and its value for the United Nations has often been forgotten and overshadowed by its peacekeeping failure. Although the three analyses may seem contradictory, Steiner, Webster, and Pedersen are all right in some ways. First, with the outbreak of World War II, the League of Nations was a failure in its peacekeeping efforts. Secondly, as Webster has claimed, the transnational activities of the League of Nations failed to go beyond national interests. In particular, the colonial powers were able to do as they pleased.<sup>20</sup> The system of the League of Nations depended on states’ interest and willingness to be able to efficiently carry out world diplomacy, the colonial powers in particular. This view endorses the view of Vladimir Lenin, who claimed that the League was like “a stinking corpse” and “an alliance of world bandits against the proletariat”.<sup>21</sup> Perhaps not a stinking corpse, Lenin was nevertheless right in that

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<sup>14</sup> Zara Steiner, *The Lights that failed: European International History 1919-1933*, (Oxford: Oxford University Press, 2005), 349.

<sup>15</sup> *Ibid.*, 627.

<sup>16</sup> Andrew Webster, “The Transnational Dream: Politicians, Diplomats, and Soldiers in the League of Nations’ Pursuit of International Disarmament, 1920-1938”, *Contemporary European History* Vol. 14, No. 4 (2005) 494.

<sup>17</sup> *Ibid.*, 498.

<sup>18</sup> Susan Pedersen, “Back to the League of Nations”, *The American Historical Review* Vol. 112 No.4 (2007), 1108.

<sup>19</sup> *Ibid.*, 1092.

<sup>20</sup> Miers, *Slavery in the Twentieth century*, 318.

<sup>21</sup> Mark Mazower, *Governing the World: The History of an Idea*, 1<sup>st</sup> edition (London: The Penguin Press, 2012), 177.



the League of Nations was dominated by the colonial powers.<sup>22</sup> Moreover, the tension between national interests and transnationalism impacted the case of traffic in persons, slavery and forced labour, in ways that I will elaborate on in chapter two. Thirdly, Pedersen is also right. One example of this harbinger effect is the League's Health Organization and its efforts in the field of refugees, minority protection and the Mandates system.<sup>23</sup> Yet another is the Advisory Committee on Social Question, which serves as an example of the humanitarian heritage from the League of Nations. Though established as late as 1938, the Committee represented an understanding through almost 20 years of experience that it was desirable to incorporate social service, health, labour and economic conditions.<sup>24</sup> This committee could "truly be considered a precursor of the ECOSOC".<sup>25</sup> Moreover, the League of Nations planned to relocate the humanitarian functions so that they would incorporate both member and non-members. These institutions provided an important basis for the formation of the future UN bodies, and the UN effort to include their non-members.<sup>26</sup> As for the three cases of contemporary slavery, the League of Nations heritage proved to be of considerable importance. The League of Nations' contemporary slavery conventions worked both as a humanitarian point of reference, as to why the UN should make the respective cases a priority, and as a textual basis for the shaping of new conventions.

## **Ideological conflict**

When the UN was established, the international starting point differed from that of the League of Nations in some aspects, and was similar to the League in other. The Charter of United Nations made it clear that it (the Charter) did not enable the different bodies of the UN to overrule domestic jurisdiction.<sup>27</sup> During World War II an unlikely alliance of countries and ideologies was forged to fight a greater evil. However, it was soon visible that this alliance was merely a result of an utmost necessity rather than anything else. The USSR had been relatively withdrawn from the international society during the interwar years, although was a part of the League of Nations from 1934 and until it was expelled in 1939. The colonial powers had enjoyed a great deal of freedom and manoeuvring space within the League of

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<sup>22</sup> Suzanne Miers, *Slavery in the Twentieth century*, 318.

<sup>23</sup> Pedersen, *Back to the League of Nations*, 1111-1112.

<sup>24</sup> Jill Jensen, "The Fight Over Representation and Rights: Defending gendered rights through the UN Economic and Social Council, 1948-50", *Global Social Policy* Vol. 14 No. 2 (2014), 170.

<sup>25</sup> Jensen, *The fight over representation and rights*, 170.

<sup>26</sup> Pedersen, *Back to the League of Nations*, 1108.

<sup>27</sup> Miers, *Slavery in the Twentieth Century*, 317.

Nations due to the absence the US and the USSR. After World War II, both these superpowers stepped onto the international arena, and they both joined the UN. Thus, the balance of power had changed, leaving the colonial powers increasingly dependent on the US in the initial phase of the cold war. Moreover, a formation of two alliances within the UN, with two distinct ideologies, seemed inevitable. The capitalist countries, dominated by the US-UK relationship and with the other colonial powers, and the communist countries, dominated by the USSR and its satellite countries.<sup>28</sup>

Both of these alliances or blocs, as I will later call them, tried to win over the newly independent countries in the pursuit against the other. The communist ideology clashed fundamentally with the whole idea of colonization and the UK seemed to represent to the USSR the culmination of what was wrong with the capitalist ideology. On the other hand, rumours of Soviet enslavement were spreading during the World War II. As will become evident from my empirical chapters, the wrongdoings of both alliances, with an emphasis on the UK and the USSR, was going to be debated frequently and passionately.

The USSR, having grown significantly the preceding decades, and its satellite countries could now challenge the capitalist colonial powers in a way that they had not been challenged before. In particular, the USSR set out to attack the colonial application clause, which had previously enabled the colonial powers to exempt its colonies and territories from the scope of the convention countries.<sup>29</sup> Moreover, some of the new members of the UN were former colonies of the colonial powers, and were thus eager to assist the USSR in emphasizing double standard of having colonies while fighting the cause of liberty from new forms of slavery. In the context of Cold War, charges and counter charges dominated the UN and the ILO scenes, and the alliances were of crucial importance.

Of the colonial powers, the UK found itself in a particularly vulnerable situation, considering the amount of colonies it had obtained before World War II, the 1920s and early 1930s being “the heyday of the British Empire”.<sup>30</sup> Whereas the USSR could deny allegations of traffic in persons and slavery because they exercised a whole different type of control over their territories, UK was dependent on the goodwill and even the legislation of the their colonies. In the context of Cold War, being embarrassed in the UN scene could prove damaging on different levels for the embarrassed part.

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<sup>28</sup> Miers, *Slavery in the Twentieth Century*, 317-318.

<sup>29</sup> Alfred William Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the of the European Convention*, 2nd edition (Oxford: Oxford University Press, 2004), 288-89.

<sup>30</sup> Miers, *Slavery in the Twentieth Century*, 152.

## Existing literature

The literature on the subject of trafficking, slavery and forced labour is quite extensive, but the literature is and has been relatively narrow (in its features) due to certain dominant trends. Literature concerning traffic in persons<sup>31</sup> is quite common within the academic fields of law or social sciences, presumably because traffic in persons has received an increased amount of media coverage in the last decade or two. Considering the fact that scholars belonging to these respective academic fields are not primarily interested in historical events and processes, the vast majority of literature deals with the more recent developments, meaning from 1990s and onwards. Moreover, due to the general perception that traffic in persons is a recent phenomenon, and that the wave of interests in international organizations is also quite new, historians have not written much on the history of international efforts to combat the various forms of contemporary slavery. This struck me in my initial searches, when all the books relating to traffic in persons were located either at the library of law or at the human sciences library rather than that of humanities. Some of these scholars have mentioned the historical progress of traffic in persons in an initial part of their article or book, but usually moves quickly on to debating the current situation, often using the Palermo Protocols of 2000 as a starting point. Very little is written about the different 20<sup>th</sup> century conventions of the League of Nations and the United Nations.

There are some authors, however, who have written about certain aspect of the history of traffic in persons. Stephanie Limoncelli has written about the first international movement to combat the sexual exploitation of women.<sup>32</sup> In her book, she has mainly dealt with the issue of traffic in persons in the time before and within the reign of the League of Nations, leaving the United Nations almost untouched. A few articles has been written by other historians, like Eileen Scully's chapter about the Pre-Cold War Traffic in Sexual Labour in *Global Human Smuggling*.<sup>33</sup> Another example is the article by Barbara Metzger in *Beyond Sovereignty*, about the League of Nations' efforts to combat the traffic in persons.<sup>34</sup> However,

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<sup>31</sup> The United Nations is not consistent in its use of the terms traffic in persons, trafficking in persons, and human trafficking. Therefore I have chosen to use the term traffic in persons consistently, in order to avoid confusion.

<sup>32</sup> Limoncelli, *The Politics of Trafficking*.

<sup>33</sup> Eileen Scully, "Pre-Cold War Traffic in Sexual Labor and Its Foes: Some Contemporary Lessons" in *Global Human Smuggling: Comparative Perspectives*, edited by David Kyle and Rey Koslowski (Baltimore: The John Hopkins University Press, 2001), 74-106.

<sup>34</sup> Barbara Metzger, "Towards an International Regime during the Inter-war Years: The League of Nations' Combat of Traffic in Women and Children", in *Beyond Sovereignty: Britain, Empire and Transnationalism, c. 1880-1950*, edited by Kevin Grant, Philippa Levine and Frank Trentmann (Basingstoke: Palgrave Macmillan, 2007), 54-79.

for some reason she does not include the 1937 draft convention, which marks the start of the empirical research of this dissertation. The PhD thesis in the field of Law written by Elisabeth Ivana Yuko, *Theories, Practices and Promises*, was useful in writing about the initial instruments for the suppression of white slavery and the traffic in women and children in chapter two of this thesis.<sup>35</sup> Her thesis was, however, limited to the criminal law aspects of the instruments.

There is a lot of existing literature on the subject of slavery, but this literature is almost exclusively on the old eras of slavery, meaning the transatlantic slave trade or slavery in ancient Greece or Rome. Literature on slavery in the twentieth century is rather rare. As is the case with traffic in persons, scholars of the social sciences and law dominate the literature depicting slavery in the twentieth century. However, Joel Quirk, quoted initially in this introduction, has written quite extensively about the contemporary slavery in his book *The Anti-Slavery Project*.<sup>36</sup> His book provides an important overview on the transition between chattel and contemporary slavery, but he did not, however, make it a priority to go into detail on the political processes of the different forms of contemporary slavery. Suzanne Miers has written quite detailed on the process of slavery in her book *Slavery in the Twentieth century*, but rather cursory on the processes of forced labour and traffic in persons (or adult trafficking and forced prostitution, to use Miers' words for traffic in persons).<sup>37</sup> Still, this book is the one with which my thesis will have the most in common. Not only was it written with an emphasis on the UK, Miers also wrote quite detailed on the progress towards the supplementary slavery convention within the UN. Thus, the slavery part of this thesis will, to a certain extent, confirm parts of her work, but it will also provide a considerable amount of additional information.

Historian David Maul has written on forced labour, but from an ILO perspective. His articles have usually been written, it seems, to provide a look at some specific development within the ILO or to depict a longer part of ILO's history. These articles have definitely been an interesting read, but they put little emphasis on the joint UN-ILO effort. When I have written about forced labour in my thesis I have put more emphasis on the governments involved, who benefited from what, and why forced labour was eventually outsourced to the ILO. However, the article *The ILO and the Struggle Against Forced Labour from 1919 to the*

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<sup>35</sup> Elisabeth Ivana Yuko, *Theories Practices and Promises: Human Trafficking Laws and Policies in Destination State of the Council of Europe*. PhD Dissertation. Dublin City University, 2009.

<sup>36</sup> Quirk, *The Anti-Slavery Project*.

<sup>37</sup> Miers, *Slavery in the Twentieth Century*.

*present*<sup>38</sup> in addition to his book *Human Rights, Development and Decolonization: the International Labour Organization 1940-70*<sup>39</sup> are the ones of direct relevance to my thesis.

In addition to providing an overview of the several kinds of international efforts in the period at hand, my most significant contribution to the literature will be the part of the thesis concerning the matters of traffic in persons and forced labour, using the work of the League of Nations and their draft convention as a starting point, showing how this work proved a basis for the later 1949 Convention, and displaying what issues the UK faced during the negotiations of the convention in the initial years of the UN. I have found very little, if any, of the sort of description in the existing literature. Moreover, my tripartite thesis will provide a new way of viewing the UN attempts on addressing contemporary slavery. By linking the three matters together I have equated the respective political processes and tried to view the three matters as one transnational attempt to suppress the resurgence of the old slavery and slave trade. Although Suzanne Miers has written quite detailed on the process of slavery, I will go more into detail on the negotiations preceding the convention than her, and try to shed light to new aspects of the process. Lastly, I have made connections between the accomplishments of the League of Nations regarding these matters and those of the United Nations.

## **Research questions**

The main question that I have answered in this thesis is: “What characterised international efforts from 1937 to 1957 to combat the phenomena we today recognize as contemporary slavery?” As there is so limited research available, the main aim has been to map the various international efforts. Moreover, I have written primarily from the perspective of the UK, although I have been cautious to preserve an international perspective as well. The UK was not a random choice of country. The UK played a leading role in all of the negotiations, and their role before and into the cold war is helpful in displaying how the political climate changed from 1937 to 1957. Also, several of the important NGOs in the processes were based in London. However, in order to maintain an international perspective, I wanted to include different governments’ opinions on the matters in order to depict the existence of different kinds of challenges, and also to include the challenges that displayed within transnational

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<sup>38</sup> Daniel Roger Maul, “The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present”, *Labor History* Vol. 48, No. 4 (2007), 477-500.

<sup>39</sup> Daniel Roger Maul, *Human Rights, Development and Decolonization: the International Labour Organization 1940-70*, (Basingstoke: Palgrave Macmillan, 2012).

organizations. I realized, almost instantly, that the Cold War was highly present, and that the UK was concerned about colonial application in conventions. Lastly, I learned that the processes revolved mainly around conventions. These considerations led me to the following sub-research questions. In what way did the Cold War influence the processes of the matters? In what way was the UK affected by its colonies the UN and the ILO? Who were the main advocates of the international conventions? Which were the main divisive points of the conventions of the respective matters?

I have chosen a time span that starts in the League of Nations and ends in the United Nations. I initially wanted to write about these matters only within the United Nations, but changed my mind for two equally important reasons. I chose to include the League of Nations partly because of the unfinished convention of the League of Nations that was continued by the United Nations, and partly because I found it very interesting to look at the continuation from the League of Nations to the UN. This led me to the additional sub-research questions: How did the heritage of the League of Nations affect the work with matters within the United Nations? Why did these issues become a matter of international concern? In addition to being a thesis that depicts and discuss the procedural history of the different international processes in dealing with the contemporary slavery, I have put an emphasis on explaining these processes in the light of the cold war and the current international climate. I also came up with a research question that was originally meant exclusively for the traffic in persons part, but that I have used, though to a lesser extent, in the processes of forced labour as well: “How did the NGOs contribute to the fight against traffic in persons (slavery, and forced labour)?” The many sub-research questions will be dealt with, but as stated above will a main emphasis lie on the UK.

Some of my initial questions, which I really believed to be of a strong and inquiring character, I had to let go because they became less relevant as my research progressed. For example, the question “Was the convention successful?” was one of the questions that stayed with me for quite some time, but that I eventually had give up; it did not serve the thesis’ purpose, although I found the question interesting. This was due to both the fact that it was extremely difficult to determine the success of a convention, when there were so many factors involved, and the fact that this was not as interesting as negotiations and the drafting of the convention. All conventions inside of the UN framework depend on national legislation and implementation in order to be truly successful. I do discuss this topic in my thesis, but it is far from one of main points.

## Limitations

John Gaddis explained that the historian, when writing, faces an impossible task of not making a choice of what events, processes or people are more important than others.<sup>40</sup>

Having accepted both the inevitability of selectivity it seemed natural to at least reflect on why I have made these selections, and to reflect on other possible selections. In my thesis I will not be evaluating or debating the United Nations' enforcement strength or look into what happened after the conventions were adopted. This would be very interesting, but it would also be too space and time consuming. Instead, I hope my thesis can work as a foundation for people wanting to look further into these matters. I will not look into related themes like human smuggling, rights of the child, genocide, or rights of indigenous people. These are all highly important matters and there are good arguments for their inclusion: Smuggled/illegal immigrants are and were especially vulnerable to forced labour and slavery, and the rights of the child is and was connected to a lot of the same problems as with adults in traffic in persons, slavery and forced labour. It would also be relevant considering the emphasis in this thesis on colonial powers and their treatment of native and indigenous people. I also choose not to view human rights in general, but have rather made a grounded selection of three processes, two of which have been treated as human rights matters.

My starting point for this thesis was traffic in persons alone. Since I am involved with the abolition of the present day contemporary slavery, I knew that the traffic in persons, slavery and forced labour were treated as different aspects of the collective term contemporary slavery. As I got to reading about the history of traffic in persons, I became curious why traffic in persons was not considered as a part of slavery. Phrasings like “the continuous exploitation of a person” and “the exploitation of the prostitution of others” clearly constituted slavery. Moreover, I learned that several of the analogous forms of slavery that was discussed a being included in the slavery definition resembled exploitation of the prostitution of other. The procuring of prostitutes constituted de facto slavery and fitted the slavery definition from 1926. Thus I decided to include slavery into my thesis. As I learned more about the process of slavery and, especially having been to the National Archives of the UK, where slavery and forced labour were almost treated as one matter, I was curious as to why forced labour was not considered a part of slavery. Moreover, I learned that forced labour as discussed as being a part of slavery both in the League of Nations and in the UN.

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<sup>40</sup> John Lewis Gaddis, *The Landscape of History: How Historians Map the Past*, (Oxford: Oxford University Press, 2002), 22-23.

Suddenly, I felt that writing about “only” traffic in persons and slavery would leave many questions unanswered, especially regarding the USSR, the ILO and the cold war. I decided to include forced labour into the thesis as well. I thus felt that reasons for the scope of this thesis were due to present-day definitions of the matters, the previous de facto resemblance of the matters, and the fact that force labour was discussed as being a part of slavery.

## **Methodology and sources**

The thesis I have written is within the field of international history, and is based on a multi-archive study. The material used belongs to five different archives in two different countries. The time span lapses from the League of Nations to the United Nations, with a distinct emphasis on the latter.

I visited two different archives in Geneva, namely the League of Nations archives and the United Nations archives. For most of the sources obtained in the archives of Geneva, I used a camera to photocopy the different documents, as I did not have time to process the documents fully then and there. The UN sources I have used comprise documents from several of the different UN commissions, committees and councils. If the document starts with an E/, this means the document is a document of the Economic and Social Council (ECOSOC), which accounts for some 95% of the UN sources I have used in my thesis (examples being E/1782, E/CN.5/SR71 and E/AC.33.10). The documents comprise reports of different kinds, summary records, and memorandums. Documents starting with other letters, e.g. A, are documents from outside the ECOSOC. The documents I have obtained from the League of Nations Archives are all digitalized, and consist mostly of annual reports of the Advisory Committee or the Committee of the Traffic in Women and Children, publications, and reports from conferences.

When I first arrived at the National Archives in London, I used some time just to get to know the system. Remnants from the old system, the UN/US/UNE system, are still in use to locate the exact file, and needed to be translated into the new FO-system. As a result, all the sources that I have found and used at the National Archives start with FO. As an example, FO/371/78952 describes the folder and the UN324 specifies the exact document within the folder. The documents I have used comprise interdepartmental correspondence between the British Foreign Office and the Colonial Office, the Home Office, and the UK delegation to the UN. Moreover, it served as a useful source to look at correspondence between the Foreign



Office and organizations outside the British governments, such as the Anti-Slavery Society, the Association for Moral and Social Hygiene, and the ECOSOC.

I have chosen to display the role of the British government in general, and in doing so I might have overlooked the importance of individuals within the British government, though I have been aware of this danger. Accordingly, I do not introduce the different persons belonging to the different offices, as that would take up unnecessary time and space. I am also aware that this might have led me to think and to portray the UK being more of a unity than what was really the case. Therefore I include disagreements between the offices if the disagreements were of importance to UK's role within the UN.

The archives of both the International Bureau for the Suppression of the Traffic in Women and Children (IBS) and the Association for the Moral and Social Hygiene (AMS) were located at the Women's Library at the London School of Economics. Every source regarding the Association for Moral and Social Hygiene starts with 3AMS, whereas every source regarding the International Bureau for the Suppression of the Traffic in Persons start with 4IBS. Also, the Association for Moral and Social Hygiene was the British branch of the International Abolitionist Federation, so sources regarding the International Abolitionist Federation will also start with 3AMS.

All the sources obtained at both the National Archives and the archives of the IBS and the AMS are not published sources. I have been aware of the fact that these sources were not meant for others to read, and that they were not tried with same criteria of objectivity as the published sources of the UN. Due to this, I encountered a missing page or a missing annex from time to time, but I have not considered this as having influenced my main findings or arguments.

British historian E. H. Carr has written that the historical figures that we are researching had already started a form of selection when they wrote their letters or minutes. Thus, the documents do not reveal to us an objective truth, but only what the author "thought had happened, or what he wanted others to think, or perhaps what he wanted himself to think, had happened".<sup>41</sup> I had to be aware of the risk of intentional writing from the different authors. This was partly why I wanted to include documents originating from more than one involved actor in my thesis. By visiting the archives of NGOs, the United Nations, the League of Nations, and Britain's National Archives, I hope to have avoided the bias that visiting only one archive would be in danger of producing. However, only the traffic in

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<sup>41</sup> Edward Hallett Carr, *What is history?*, 2nd edition (Basingstoke: Palgrave, 1986), 12-13.

persons part was built on all the abovementioned archives, whereas the slavery and forced labour parts was built on the documents from the National Archives of the UK and the UN archives. I have tried to compensate by using sources from the National Archives between the British Foreign Office and different NGOs in order to get some NGO material. The fact that I chose not to visit the archives of the NGOs involved in the matter of slavery and forced labour have resulted in a lesser focus on the NGOs in these two processes. This needs to be kept in mind when reading the thesis.

The width of themes and the several years discussed in the thesis forced me to adopt a slightly more shallow approach to each of the respective processes than what a thesis focusing on only of the matters would have. Although I consider my primary contribution to be the parts on traffic in persons and forced labour, the way I have chosen to depict the processes of slavery will add new aspects and reflections to the process towards the slavery convention. Moreover, having put more emphasis on one country than the others, the UK, the three processes might point to different characteristics of international policy of the UK within the given period of time.

My way of using a recent definition to explore “old” processes necessitated the use of caution. I needed to understand that the contemporaries from 1937 to 1957 involved probably did not view the respective processes as a three-step way to eradicate contemporary slavery. Furthermore, the term contemporary slavery was unknown to them. The fact that the UN, the ILO and many more use this definition today, however, serves as a reason both to include all the three matters in the thesis, and to look at how and why these were separated.

I have previously mentioned the phenomena of transnationalism. It has been of utmost importance for me to remember within what format these international efforts were made. The attempt to address traffic in persons, slavery and forced labour all happened in the realm of international governmental organizations, whether it was the League of Nations or the International Labour Organization (the latter had a tripartite structure of governments, trade unions, and employers’ organizations). Both of these organizations, as well as the UN comprised many member states with a very different histories, cultures, economies, and territories. Working under the auspices of these organizations were a host of committees of experts. The tension between national interests and transnationalism within these committees became visible with the League of Nations in the interwar period, and was highly visible in the initial phase of the UN. Moreover, as Patricia Clavin, professor of history, has pointed out, transnational organizations faced the challenge of staying true to its transnational

nature.<sup>42</sup> It seems almost impossible for a unit, e.g. an ad hoc committee, to avoid completely the national bias that every member in some degree carries with it. In writing this thesis, this has been a concern of mine. Whenever I read about the appointment of some sort of ad hoc committee or body of experts, I was not able to detect on what premises these people were selected. Moreover, certain governments, the USSR and its satellite governments in particular, seemed to constantly blame the different committees for being biased and corrupt, and thus rejecting the findings or conclusions of the committees. Regardless of the committee's findings and conclusions, there might be some truth in the allegations of bias. It would of course be impossible to measure the results of such bias. However, in hindsight, it seems unlikely that Charles Greenidge, who was both a member of a NGO and in close dialogue with the UK, managed to stay neutral in his task as an appointed expert of the ad hoc committee of slavery. Additionally, the ILO was also accused of being capitalist by the USSR. I will not speculate very much into the effect of these transnational challenges in my thesis, and I have not been able to fully explore and analyze such for the topics at hand. I will, however, shed some light on the challenges of methodology when approaching such transnational organizations, in order to show that I have been aware of these challenges when I have written my thesis.

## Definitions

As previously mentioned I use the term contemporary slavery, consisting of the three processes of, respectively, traffic in persons, slavery and forced labour. Thus, in my thesis, contemporary slavery is exclusively used as a collective term, and is not a particular kind of slavery on its own. As for slavery, as a part of contemporary slavery, I will distinguish between slavery and chattel slavery, the latter referring to the transatlantic slavery, which was more or less abolished by law throughout the 19<sup>th</sup> century. Slavery thus refers to a new form of slavery that both the 1926 and 1956 slavery conventions dealt with. As for forced labour, the problem is not the possible confusion with using different terms. What could be confusing however is that it was discussed to be as a part of slavery two times, but both times it was singled out due to different reasons.

One of the challenges when reading this thesis is to be aware of the different terms and definitions. I will use the term traffic in persons consequently as long as I do not speak about the specific of a previous convention. When I talk about all the instruments for the

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<sup>42</sup> Patricia Clavin, "Defining Transnationalism", *European Contemporary History* Vol. 14 No. 4 (2005), 426.

suppression of the traffic in persons, I mean all the instruments and conventions, although the name for the matter (e.g. the white slave trade) and the scope of convention varied.

## 2 Contemporary slavery and early international efforts to combat it

In this chapter I describe the origins of the contemporary slavery, and how the three matters were treated initially. Traffic in persons, slavery and forced labour, although portrayed alongside each other, were not viewed as particularly related matters by their contemporaries (as previously mentioned). Traffic in persons was never related to slavery, and forced labour was eventually exempted from the slavery definition. I have, however, chosen to depict the matters in one chapter. This will potentially make the chapter a bit more challenging to read, but I think the reward of displaying the processes alongside each other is greater. This way it is easier to spot general trends, as well similarities and differences between the respective matters. What were the origins of contemporary slavery? What characterised the first efforts to combat these phenomena? How were these defined?

### From chattel slavery to new forms of slavery

Throughout the 19<sup>th</sup> century, many colonial countries abolished by law the transatlantic slavery, also known as chattel slavery. The chattel slavery had created a reliance on workers who, with the emancipation, were free, and accordingly there was a crucial need for continued labour.<sup>43</sup> In a lot of places, slavery continued, disguised as regular labour. Moreover, as the colonial powers initiated the process of occupying parts of Africa, new forms of slavery developed, which were often worse than the chattel slavery.<sup>44</sup> At the time of World War I, only two African countries remained independent polities.<sup>45</sup>

Attempts to address the (internal) African slave trade were made. The Berlin Declaration of 1885 was the first multinational agreement to outlaw the slave trade on land. However, practical measures on how to enforce the provisions of the declaration were lacking in its entirety. In practice it was a declaration designed to avoid quarrel between the colonial powers rather than protecting the natives.<sup>46</sup> The Brussels Act of 1890 was a more comprehensive treaty against the African slave trade. Moreover, the Brussels Act concluded that “native welfare” was an international responsibility. However, it contained clauses like

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<sup>43</sup> Miers, *Slavery in the Twentieth Century*, 48.

<sup>44</sup> Ibid.

<sup>45</sup> Quirk, *The Anti-Slavery Project*, 92.

<sup>46</sup> Miers, *Slavery in the Twentieth Century*, 19-20.

“as far as possible” and was of a tentative character. Moreover it did not contain provisions to address the primary problem, which the slavery and the labour practices within the colonies. Thus it did not limit the colonial behaviour in any considerable way. Furthermore, the Brussels Act was not initiated by solidarity, but by British fears of losing control of the anti-slavery movement.<sup>47</sup>

Perhaps most importantly, the mentality of the chattel slavery had not changed. Colonial rulers still believed that “if the black man did not willingly take up his designated role - the provision of unskilled labour, then in his own interest he must be forced to do so.”<sup>48</sup> Finally, there was no transnational organization (like the later League of Nations or the United Nations) to hold colonial powers responsible for their conduct. The colonial powers, as the leading powers of the world, passed international legislation to allow themselves to do as they pleased in their own colonies.

It seems as though alleged emancipation of slaves and the abolition of the slave trade thus worked as a disguise for the colonial powers to invent new ways of exploiting the native people of Africa (primarily). Domestic slavery as opposed to slaves being captured, transported and forced to work at plantations in another country became the issue of slavery.<sup>49</sup> The anti-slavery movement managed to abolish the chattel slavery, but can also be blamed to have paved the way for “further expansion of a variety of other highly coercive labor practices”.<sup>50</sup> A British anti-slavery activist claimed they had done much to abolish the overseas transfer of African slaves, but that it often resulted in a new form of bondage, “a bondage often more irksome than to them [former slaves] than the older slavery, those whom we take credit for having rescued.”<sup>51</sup>

New forms of slavery developed in colonies not only in Africa, but also in regions in South America and Asia. An example of this is the case of a British rubber company, “The Peruvian Amazon Company” located at the borders of Peru and Columbia. Reports were made that the rubber collectors working for the company were de facto slaves, but the existing legal framework could not judge the company because the alleged slavery differed substantially from the chattel slavery and did not imply movement of slaves. However, the Anti-Slavery Society claimed in 1914, on the background of the Peruvian Amazon Company-

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<sup>47</sup> Miers, *Slavery in the Twentieth Century*, 20-23.

<sup>48</sup> *Ibid.*, 48.

<sup>49</sup> Quirk, *The Anti-Slavery Project*, 98.

<sup>50</sup> *Ibid.*, 103.

<sup>51</sup> *Ibid.*

case, that the existing legal framework should cover peonage and forced labour as well. The claim was halted by the outbreak of the war.<sup>52</sup>

## White slavery

The origins of traffic in persons dates back to approximately the same time as the origins of the other forms of contemporary slavery, and traffic in persons was becoming increasingly visible throughout the second half of the 19<sup>th</sup> century. As the abolition of slavery led to new forms of exploitation, especially in Africa, so did the stationing of white men in garrisons and military ports within colonies lead to the first traffic in women. Moreover, in order to protect their men from venereal diseases, state officials saw the need for establishing and regulating brothels, including compulsory health checks of the prostitutes. It was the fight against these types of state-regulated brothels that initiated the first campaign against white slavery.<sup>53</sup>

White slavery was originally meant to address the work situation of factory workers in England, but the term was adopted and given new meaning by Josephine Butler and others in the 1870s to address the fight against state-regulated brothels and white women in prostitution.<sup>54</sup> Butler and others claimed that regulated brothels equalled slavery, and that a considerable proportion of the women held in these brothels were white.

In order to gain momentum from previous abolitionists, the term “slavery” was used as a rhetorical device, creating a link between the prostitutes in the regulated brothels and the previous chattel slavery.<sup>55</sup> Moreover, although the majority of the white prostitutes were not forced into prostitution, in order to get momentum, the campaigners emphasized the few white women that abducted, and forced into prostitution and sexual servitude. Thus the term white slavery became ambiguous, and mixed the concept of state-regulated brothels with women being abducted and forced into prostitution.<sup>56</sup> This lack of definitional clarity made it difficult to distinguish between voluntary and forced prostitution, and the campaigners made use of this to advance their abolitionist view on prostitution in general.<sup>57</sup> Moreover, the news concerning white (as opposed to the black victims of the chattel slavery) women communicated in an exaggerated way by the campaigners shocked the population and created

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<sup>52</sup> Miers, *Slavery in the Twentieth Century*, 53-55.

<sup>53</sup> Limoncelli, *The Politics of Trafficking*, 7-8; Barbara Metzger, *Towards an International Human Rights Regime during the Interwar Years*, 55-56.

<sup>54</sup> Quirk, *The Anti-Slavery Project*, 218; <sup>54</sup> Nora Demleitner, “Forced Prostitution: Naming an International Offense”, *Fordham International Law Journal Volume 18*, Issue 1 (1994), 165-166.

<sup>55</sup> *Ibid.*, 218.

<sup>56</sup> *Ibid.*, 219.

<sup>57</sup> *Ibid.*

quite a massive opposition to the white slavery. Additionally, contemporary writers added into the mix their imagination and their taste for sensationalism. As Quirk has pointed out, this hysteria was visible in the passage from the writer Ernest A. Bell: “[m]urderous traffickers drink the heart’s blood of weeping mothers while they eat the flesh of their daughters, by living and fattening themselves on the destruction of the girls.”<sup>58</sup>

As prostitution both domestic and multinational, entailing the traffic in women and children, was growing and becoming increasingly visible, the phenomenon was also called “the white slave trade” and “the white slave traffic”.<sup>59</sup> The focus was still on white women and girls, in spite of the fact that 99 percent of the women trafficked were women of colour. However, foreign prostitutes did not arouse any sympathy with the white populations; “they were a class to be despised but tolerated as necessary for sexual stability and military readiness.”<sup>60</sup> The focus on the campaigners on the white women was thus due to a wish to achieve support by state officials. However, this led to agreements that sat out to address the white slavery and the white slave trade, which only constitutes a microscopic part of the real problem.

The first international agreement to address the problem of white slavery was based on two meetings in Paris, respectively in 1899 and in 1902, which led to the agreement of 1904.<sup>61</sup> (The French phrase “traite des blanches” was translated as “white slavery” in the United States.<sup>62</sup>) The agreement did not require a commitment from the governments to do much. For example, article 2 urged the governments to “have a watch kept [...] for persons in charge of women and girls destined for an immoral life.”<sup>63</sup> This excerpt from article 2 was also the one which focused in the most detail on punishing the traffickers, i.e. those who recruited and/or transported the women; needless to say that the agreement was not very effective in punishing the traffickers. Moreover, it was optional for the twelve signatories whether or not the agreement should apply to their colonies or foreign territory. The British government, for instance, excluded their colonies from the agreement.<sup>64</sup>

Six years later a new agreement was adopted, due to “the perceived continued impact of the trafficking of white women”.<sup>65</sup> The 1910 International Convention for the Suppression

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<sup>58</sup> Quirk, *The Anti-Slavery Project*, 220-21.

<sup>59</sup> Scully, *Pre-Cold War Traffic in Sexual Labor*, 83-84.

<sup>60</sup> *Ibid.*, 87.

<sup>61</sup> Yuko, *Theories, Practices and Promises*, 45.

<sup>62</sup> Nora Demleitner, “Forced Prostitution: Naming an International Offense”, *Fordham International Law Journal Volume 18*, Issue 1 (1994), 166.

<sup>63</sup> The 1904 International Agreement for the Suppression of the White Slave Traffic, Article 2

<sup>64</sup> Yuko, *Theories, Practices and Promises*, 46.

<sup>65</sup> *Ibid.*, 47.



of the White Slave Traffic (1910 Convention) still concerned only white women and girls, and each nation had to state explicitly whether it wanted the agreement to apply for its colonies or not.<sup>66</sup> As opposed to the 1904 International Agreement for the Suppression of the White slave Traffic (1904 Agreement), the 1910 Convention called for the punishment of the traffickers. At the Madrid conference, where the agreement was discussed and drafted, the term white slavery was challenged. However, they decided not to change it, as the term had grown to be quite well known.<sup>67</sup> Thus, the slightly ambiguous term white slavery, which both addressed the state-regulated the brothels in the colonies and the forced prostitution of innocent girls recruited by criminals continued to be used, and it was not disposed of until after World War II. Not only was it ambiguous, it was also misleading, because forced prostitution did not affect only white women, but also women of colour.

As campaigners rose against the white slavery, two interpretations as to what was the best way of addressing the problem became visible. Josephine Butler, as previously mentioned, was abolitionist in her view, meaning she wanted to abolish the state-regulated brothels. A movement of social purity reformers fronted the competing view, and this movement accepted state regulated brothels as an efficient way of controlling and limiting the prostitution.<sup>68</sup> Thus, there was a big debate inside the movement as to what terms white slavery best could be dealt with. The Association for Moral and Social Hygiene and the International Bureau for the Suppression of the White Slavery<sup>69</sup> (the IBS changed its name various times, but the abbreviation remained) were both London-based organizations, represented one side each.<sup>70</sup> The AMS believed that the state-regulated brothels constituted the main incentive for the traffic in women and children. The IBS believed in the state's ability to control various sexual activities and thus also the state's ability to regulate brothels.<sup>71</sup> This divide in the belief on how to best deal with White Slavery<sup>72</sup> existed in both between voluntary organizations and governments. Based on the view of Limoncelli that these two organizations were the most considerable organizations of its time, representing

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<sup>66</sup> The 1904 International Agreement for the Suppression of the White Slave Traffic, article 11.

<sup>67</sup> Demleitner, *Forced Prostitution*, 169.

<sup>68</sup> Metzger, *Towards an International Human Rights Regime during the Interwar Years*, 56.

<sup>69</sup> The organization constantly changed its name according to the scope of the convention. It was only the last part of the name that was changed. Therefore I will stick to the abbreviation IBS.

<sup>70</sup> Limoncelli, *The Politics of Trafficking*, 8.

<sup>71</sup> *Ibid.*

<sup>72</sup> The name of the matter, traffic in persons, was in constant development, and changed according to the scope of the convention; from white slavery/white slave traffic, to traffic in women and children, to traffic in women of full age, to, finally, traffic in persons.

contrasting views, I decided to use the AMS and the IBS to represent the NGO dimension of the process of the matter of traffic in persons.

## **The League of Nations and traffic in persons**

In the aftermath of World War I, the League of Nations was created. Though many associate the League of Nations with failure in peacekeeping, it did a much better job in the field of social, economic and humanitarian affairs.<sup>73</sup> It assumed international responsibility on the field of trafficking and prostitution explicitly in the League of Nations covenant.<sup>74</sup> This was partly due to the influence of women's groups and partly due to officials' wish to "ensure coordinated policy for overseeing existing international conventions already signed by member states [...]".<sup>75</sup> With the 1921 Convention for the Suppression of the Traffic in Women and Children (1921 Convention), the League had created a different scope, and made several additions. A significant change which occurred when the League of Nations assumed this responsibility was that it did not discriminate in matters of race or colour. The term white slavery was replaced by the term traffic in women and children.<sup>76</sup> In addition to not being racially discriminating, the convention of 1921 also concerned children of both sexes (but still excluded adult men).<sup>77</sup> Thirdly, a committee of experts, the Traffic in Women and Children Committee, was appointed in the aftermath of the 1921 Convention. League of Nations state delegates were to, in close cooperation with representatives from a wide range of NGOs, oversee the work of the League of Nations in preventing traffic in women and children. Now, the states had to submit annual reports to the committee. The Traffic in Women and Children Committee was to become a battleground for both international feminists and purity reformers.<sup>78</sup> Lastly, more countries ratified the 1921 Convention than did the 1904 Agreement and the 1910 Convention.<sup>79</sup> However, colonial powers were still able to decide whether the convention should apply to its colonies or not. A similar convention was adopted in 1933, the Convention for the Suppression of the Traffic in Women of Full Age.

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<sup>73</sup> Limoncelli, *The Politics of Trafficking*, 71.

<sup>74</sup> The League of Nations Covenant, Article 23 C.

<sup>75</sup> Limoncelli, *The Politics of Trafficking*, 73.

<sup>76</sup> The 1921 International Convention for the Suppression of the Traffic in Women and Children.

<sup>77</sup> *Ibid.*, Article 2.

<sup>78</sup> Limoncelli, *The Politics of Trafficking*, 72.

<sup>79</sup> Demleitner, *Forced Prostitution*, 169.

This convention actually signified a setback in scope, as it included girls and women only, excluding boys, as opposed to the 1921 Convention.

Six years earlier, in 1927, the League appointed a special body of experts to investigate the link between traffic in women and children and prostitution.<sup>80</sup> However, this was also proposed in 1921 by the Netherlands delegate, but was rejected, as some feared the reactions from the governments that practiced the system of regulation.<sup>81</sup> The enquiry was conducted in twenty-eight countries in North America, North Africa and Europe. The result of the enquiries concluded as follows “The existence of licensed houses is undoubtedly an incentive to traffic, both national and international”.<sup>82</sup> This was, of course, a major victory to the AMS, whose main opinion finally was confirmed. The IBS, on the other hand, lost a bit of momentum after this discovery.<sup>83</sup> Additionally, the League of Nations Commission of Enquiry into Traffic in Women and Children in the East concluded with something similar in 1932 and also added “particularly the brothel in the place of destination of the victim”.<sup>84</sup> Thus they concluded that licensed brothels exacerbated the traffic in women and children.

## The League of Nations and the ILO

In the wake of World War I, two organizations of major importance for the matters of slavery and forced labour was formed, the League of Nations and the International Labour Organization (ILO) respectively. The ILO was created “to find ways to improve living and working standards for labor throughout the world.”<sup>85</sup> More specifically, the ILO regarded forced labour as one its topmost priorities.<sup>86</sup> When the League of Nations was formed, it was not formed primarily to address neither slavery nor labour conditions. However, the issue of slavery was placed formally under the Sixth Committee’s authority.<sup>87</sup> Moreover, although the Covenant of the League of Nations did not explicitly mention slavery, signatories committed themselves to treat domestic workers as well as foreign workers within their commercial sphere in a just and fair way.<sup>88</sup> Though with very little or no elements of enforcement, the

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<sup>80</sup> Demleitner, *Forced Prostitution*, 170.

<sup>81</sup> Conference of Central Authorities in Eastern Countries, 5 December 1937, C.476.M.318.1937.IV, 7.

<sup>82</sup> Advisory Committee, C.221.M.88.1934.IV, 5.

<sup>83</sup> Limoncelli, *The Politics of Trafficking*, 91.

<sup>84</sup> Advisory Committee, C.221.M.88.1934.IV, 5.

<sup>85</sup> Miers, *Slavery in the Twentieth Century*, 62.

<sup>86</sup> Daniel Roger Maul, *The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present*, 479.

<sup>87</sup> Miers, *Slavery in the Twentieth Century*, 58.

<sup>88</sup> The League of Nations Covenant, article 23.

Covenant started questioning the existing conditions of native labour.<sup>89</sup> In 1922 the League of Nations started collecting information on slavery from all the member governments because the delegate from New Zealand raised the issue.<sup>90</sup> In 1923 answers were received and in 1924 the League agreed to appoint the Temporary Slavery Commission based on the findings.<sup>91</sup> Though the colonial powers wanted to make sure that nothing of substance came out of it, the secretary-general insisted that members of the Commission were to be elected by the League itself.<sup>92</sup> Although the colonial powers did not like it, the League decided to begin the drafting of an international treaty to fight slavery.<sup>93</sup>

According to ILO-specialist and Professor at the Aarhus University, David Maul, colonial atrocities concerning coercive use of indigenous labour during the 19<sup>th</sup> century and the early 20<sup>th</sup> century, culminated with the “roaring” 1920s and the huge demand for manpower. Moreover, the building of infrastructure in the obtained colonies “required a level of manpower that was simply not to be had on a voluntary basis”. This was carried out by various methods of coercion, e.g. fake military service, innovative legislation or blunt kidnapping carried out by the colonial police.<sup>94</sup>

During the drafting of the 1926 Slavery convention, there was a heated discussion regarding the definition of slavery, and whether forced labour and other slavery-like conditions should be included.<sup>95</sup> Eventually, the colonial powers managed to adjust the draft convention during its revision, so that forced labour was exempted from the definition of slavery.<sup>96</sup> However, to avoid rebuke from colony sceptics, the ILO was asked to look further into the question of forced labour. The slavery convention was, the first of its kind, pioneering the field of international treaties to combat slavery. In spite of the colonial powers’ largely successful efforts to weaken the treaty and the fact that it failed to establish a body to monitor that measures to abolish slavery were taken, the convention marked a moral shift in terms of slavery and made clear its intention to combat slavery.<sup>97</sup>

As mentioned, forced labour was not included in the definition of slavery. As with slavery, the forced labour debate was characterised by an emphasis on practices in the

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<sup>95</sup> Miers, *Slavery in the Twentieth Century*, 59.

<sup>90</sup> Zoglin, *United Nation Actions against Slavery*, 308.

<sup>91</sup> Miers, *Slavery in the Twentieth Century*, 102.

<sup>92</sup> *Ibid.*

<sup>93</sup> *Ibid.*, 121.

<sup>94</sup> Maul, *The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present*, 479-80.

<sup>95</sup> Miers, *Slavery in the Twentieth Century*, 122.

<sup>96</sup> *Ibid.*, 128.

<sup>97</sup> *Ibid.*, 130.

colonies.<sup>98</sup> Maul has pointed out that the forced labour conditions in the colonies in the interwar period represented a new form of forced labour. The efforts made by the colonial powers to make a distinction between European labour and native labour enabled the colonial powers to coerce natives and use their manpower in a new way.<sup>99</sup> The ILO conducted a study into the colonial labour conditions, but the colonial powers were unwilling to expose their wrongdoings. In the task of addressing these practices the ILO needed to be cautious. The colonial application clause in their own constitution enabled colonial powers to avoid exempt their colonies from the conventions adopted.<sup>100</sup> However, this was precisely where the majority of the problem was centred. Underlying of this train of thought, was the general thought that the colonies needed education, stemming from the social Darwinist idea of the White Man's burden, on which many empires were built. Thus, the main area of controversy was not whether or not forced labour existed, but whether or not "forced labour and related phenomena helped or hindered the performance of this duty of education".<sup>101</sup> As a compromise, so that the colonial powers were pleased, at the same time as the convention addressed the colonies, the ILO created the Native Labour Code. This Code claimed that the forced labour in the colonies was a different and permitted form of labour. Although the colonial powers experienced that it was harder to sabotage the ILO than the League of Nations, they thus managed to exempt their colonies from the application of the 1930 convention.<sup>102</sup>

In 1931, the League of Nations work on getting a permanent committee of experts on slavery began.<sup>103</sup> A permanent group of experts was achieved, and it held meetings every two years up until the outbreak of the Second World War.<sup>104</sup> The problem was that it was a committee with "a small, exclusively European membership, limited mandate (forced labour was explicitly excluded), and no enforcement powers".<sup>105</sup> It was further limited by its reliance on government for information, which was most likely biased or absent, by powers assuring them that slavery was dead and its struggle to define the various types of slavery<sup>106</sup>.

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<sup>98</sup> Maul, *The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present*, 479.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid., 480.

<sup>101</sup> Ibid., 480-81.

<sup>102</sup> Miers, *Slavery in the Twentieth Century*, 143-146.

<sup>103</sup> Bales and Robbins, *A Critical Analysis of the International Slavery Conventions*, 22.

<sup>104</sup> Quirk, *The Anti-Slavery Project*, 146.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

## The 1937 draft convention

The League of Nations report of 1927 had proved that the existence of brothels was the main incentives for, and thus exacerbated, the traffic in women and children. Because of this finding, the League of Nations wanted to address the exploitation of prostitution explicitly, and not just the means of recruiting prostitutes, which the 1904, 1910, 1921 and 1933 Agreements and Conventions set out to do. Based on the report from 1927, the Advisory Committee, in 1931, prepared a draft convention to punish *soutenours*, i.e. pimps, who benefited from the prostitution of others. It was sent around to the League of Nations member states, and most member states were in principle for the convention.<sup>107</sup> The governments were also asked to submit their observations regarding the draft convention, and these observations were later collected and processed by a Sub-Committee, including experts from two regulationist NGOs, the International Police Commission and the International Bureau for the Unification of Penal Law.<sup>108</sup> Meanwhile, the Committee on the Traffic in Women and Children followed up the report of 1927 with a second study, published in 1934.<sup>109</sup> The 1934 study showed that many countries had abolished the system of regulation due to the exposed link between traffic in women and children and regulated brothels. The report comprised a very detailed case study of 15 major cities in Europe.<sup>110</sup> Additionally, minor studies had been in 1929 and 1930, and a commission was set up in 1932 to conduct an enquiry, in the Far East. I will not elaborate on the Far East enquiry in my thesis because of my limited time and space.

The work of the committee resulted in a draft convention in 1935 that made it possible for those countries that wanted to maintain the system of regulated brothels to sign the convention.<sup>111</sup> Considering the NGO of the committee, the regulationist outcome was not surprising. The International Bureau for the Unification of Penal Law had a regulationist approach to the matter, meaning that they deemed desirable to control and regulate prostitution. This was primarily due to the fact that it was easier to control the spread of venereal disease by the system of regulation. Regulated brothels implied the allowance of compulsory health checks of the prostitutes, which was convenient both to the police and to

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<sup>107</sup> Report by the Secretary-General to the Social Commission, 10 February 1948, E/CN.5/41, 7.

<sup>108</sup> The Sub-Committee consisting of delegates from Belgium, France, Italy, Poland, Romania and Spain in addition to two experts from respectively the International Police Commission and the International Bureau for the Unification of Penal Law.

<sup>109</sup> Abolition of Licensed Houses, 15 June 1934, C.221 M.88.

<sup>110</sup> *Ibid.*, 10-59.

<sup>111</sup> Report by the Secretary-General to the Social Commission, 10 February 1948, E/CN.5/41, 8.

those concerned with the penal law. However, in 1936, the League of Nations decided to prepare a new draft convention entirely on the abolitionist principle.<sup>112</sup> This slight turn seems reasonable when considering the findings of the 1927. It seems as if the Advisory Committee wanted to postpone the exclusion of the regulationist countries for as long as it could, but was in 1936 finally able to make the tough decision, in order to be true to the 1927 and 1934 reports.

This being the intention of the Advisory Committee, it still wanted the regulationist countries' signature, such as France, Chile and Greece, and knew that it had to be cunning and not too strict in the phrasing of the different articles. Thus it was (at this point) willing to let certain countries make reservations regarding some of the articles. With this in mind, another draft was prepared in 1936 for government commentary. The thought that regulationist countries might be able to sign the convention through reservations made the Government of the UK and Australia terribly upset. They felt that if the regulationist countries were able to dodge the main principles on which the convention was drafted, they might as well drop the whole convention. Particularly interesting was the UK's opinion, speaking about regulationist countries being able to sign the convention, that "[s]uch a procedure would be a violation of the principle that States should not become parties to Conventions which they are unable to carry out in effect."<sup>113</sup> Later, they would be one of two countries that voted against the convention, primarily because of the lack of a colonial application clause.

In 1937 the Advisory Committee, together with representatives from the International Police Commission and the International Bureau for the Unification of Penal Law, studied the answers given by the member governments.<sup>114</sup> Unfortunately, I have not been able to find out why it was only those two NGOs that was consulted, and why they chose only organizations with a regulationist view. Experts from both the NGOs represented the same view, i.e. a regulationist approach in that they valued to be able to control the prostitutes and emphasized the aspect of law in the debate. A sub-committee appointed by the Advisory Committee prepared a draft with minor changes, and it was this draft that was in 1947 picked up as the 1937 draft convention. It was agreed that the convention was to fill in the gaps of the previous convention. More specifically, the convention was to protect persons of full age of both sexes against "procurator for profit", regardless of their consent or whether they

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<sup>112</sup> Report by the Secretary-General to the Social Commission, 10 February 1948, E/CN.5/41, 8.

<sup>113</sup> Ibid., 9.

<sup>114</sup> Ibid., 10.

were taken abroad or not.<sup>115</sup> Thus, for the first time, the regulation of brothels within a country was addressed as a crime. Article 2 of the 1937 draft convention set out to punish “[w]hoever keeps or manages a brothel”. The committee also decided that the purpose of gain clause was necessary in order to avoid criminalizing the prostitutes, and to attack the conscious and commercial exploitation of the prostitutes.<sup>116</sup> Governments’ answers to the draft convention were expected no later than May 1938, and the Secretary General was also instructed to call for a conference on which they could conclude the convention. At the session of September 1938, twenty-seven governments had replied.<sup>117</sup>

Out of a total of 26 governments, 19 were generally in favour of the draft convention. Of those seven not in favour, one claimed it was not relevant as it did not exist within its territory, and the remaining six, although in favour of some of the principles of the draft, said that they would not be able to sign the convention.<sup>118</sup> Although those in favour of the draft convention consisted of a majority, there was a clear division of opinion as to whether the abolitionist principle was the preferred solution to combat the exploitation of prostitution or not. It seemed impossible to draft a convention that would make it possible for the regulationist governments to sign it and at the same time avoid upsetting the abolitionist.

Moreover, there was also a lack of consensus within the two groups of countries. Their suggestions of improvement clearly show this. The government of Chile merely stated that it would be impossible to sign the convention at the being, and that its special system of regulation enabled it to take particularly good care of the prostitutes. They did, however, also state that they would be able to close down all licensed houses “within a reasonable period”.<sup>119</sup> France suggested that the convention be split into two parts: one being part exclusively abolitionist, and the other being regulationist friendly.<sup>120</sup>

Despite of these disagreements between the regulationists and the abolitionists, there was considerable consensus among the governments that responded to the 1937 draft convention. At a meeting in September 1938, the League of Nations Assembly decided to hold a conference in 1940 to conclude the convention. The conference would also consider the proposal to divide the convention into two parts. However, this conference never took

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<sup>115</sup> Advisory Committee on Social Questions ”Report of the sub-committee’s Paris session, 16 August 1937, 4IBS/8/B1/3 Box 351.

<sup>116</sup> Ibid.

<sup>117</sup> Report by the Secretary-General to the Social Commission, 10 February 1948, E/CN.5/41, 11.

<sup>118</sup> Ibid., 55.

<sup>119</sup> Ibid., 57.

<sup>120</sup> Ibid., 57-58.



place due to the outbreak of World War II.<sup>121</sup> As a side note; at the time when the matter of traffic in persons was called white slavery, the conventions did not address the exploitation of the prostitutes, i.e. sexual slavery. However, at the time of the 1937 draft convention, which set out to address the continuous exploitation of the prostitutes, i.e. a form of slavery, slavery was not a part of the title.

In spite of this, the Committee on the Traffic in Women and Children continued its work to address the situation of traffic in persons and prostitution. In 1943 the Committee published a study on the prevention of prostitution.<sup>122</sup> In this report, the focus was largely to focus on the rehabilitation of the prostitutes, about protection, and about recreation. Interestingly, the report also concluded that the prostitutes “are comparatively poorly equipped by nature, and the course of their lives is usually predestined to a mediocrity which is neither interesting, nor thrilling, nor romantic, but sad, colourless and deserving of pity.”<sup>123</sup> Whether or not it was this pity that motivated the Committee to work for the prevention of prostitution and traffic in women and children, its work for the promotion of this matter was of utmost importance, and persisted throughout the war.

## **The characteristics of the origins of contemporary slavery**

To sum up, as campaigners rose against white slavery, two interpretations as to what was the best way of addressing the problem became visible. Josephine Butler, as previously mentioned, was abolitionist in her view, meaning she wanted to abolish the state-regulated brothels. A movement of social purity reformers fronted the competing view, and this movement accepted state regulated brothels as an efficient way of controlling and limiting the prostitution.<sup>124</sup> The League of Nations became an area where both movements lobbied their cause. At the time being, however, the connection between prostitution and traffic in women and children was confirmed, though assumed by the abolitionists.<sup>125</sup> Moreover, prostitution was up until this point considered a domestic matter, traffic in women and children an international one.<sup>126</sup> Additionally, the 1927 and 1934 report showed that it was in general a positive effect of the abolition of licensed houses. The 1937 draft convention sat out to

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<sup>121</sup> Report by the Secretary-General to the Social Commission, 10 February 1948, E/CN.5/41, 11-12.

<sup>122</sup> Prevention of Prostitution ”A Study of Measures Adopted or Under Consideration Particularly With Regard to Minors, 1 November 1943, C.26.M.26.1934.IV.

<sup>123</sup> Ibid., 47.

<sup>124</sup> Metzger, *Towards an International Human Rights Regime during the Interwar Years*, 56.

<sup>125</sup> Ibid., 66-67.

<sup>126</sup> Limoncelli, *The Politics of Trafficking*, 73.

address this situation, but was halted by the outbreak of the war. Though the IBS started to approach the abolitionist in the late 1930s, the tension between the abolitionist and the regulationist, including both NGOs and state officials, was eminent throughout the League of Nations period.<sup>127</sup> Lastly, the Committee on the Traffic in Women and Children continued to promote the cause and to hold responsible the member states of the League of Nations.

The NGO view of this thesis will be based on documents from the Association of Moral and Social Hygiene (the AMS) and the International Bureau for the Suppression of Traffic in Women and Children (the IBS).<sup>128</sup> Stephanie Limoncelli is perhaps the scholar who has most thoroughly written about the first movement to combat the traffic in persons, and it is mainly her view of the NGOs that I have used as a starting point.<sup>129</sup> The AMS and the IBS were not consulted in the drafting of the 1937 draft convention, but they were specialised in this field, and was to be important within the United Nations when the work of the 1937 draft convention was continued. Moreover, both the AMS and the IBS had general correspondence with the League of Nations and was consulted in relevant matters throughout the 1920s and 30s.<sup>130</sup> Lastly, they had committees all around the world, and these were important in the national lobby.<sup>131</sup> Limoncelli has written about the ideological differences between the IBS and the AMS, was that the IBS was fixed on addressing the traffic of women and children rather than regulation of prostitution.<sup>132</sup> Although she has mentioned that the Bureau lost some momentum after the report of 1927, she has given the impression that these NGOs represents two different stands on how to deal with prostitution and traffic in persons.

In the matters of slavery and forced labour, it is clear that the efforts of governments and the anti-slavery movement to abolish these matters led to new forms of slavery. The Scramble for Africa was hugely contradictory to the recent anti-slavery efforts made. The new forms of slavery was either hidden or disguised as accepted forms of labour. Due to the colonial powers' dominance within the League of Nations, they were able to exempt various questionable practices from the conventions that was adopted. Forced labour was exempted from the definition of slavery by the colonial powers. The ILO was given the mandate to study the field of colonial labour, but the colonial powers did not want this labour to be

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<sup>127</sup> Limoncelli, *The Politics of Trafficking*, 78.

<sup>128</sup> *Ibid.*, 42.

<sup>129</sup> Notably, the AMS was the British wing of the International Abolitionist Federation, and it is the AMS that I have used in my thesis, not the IAF in general.

<sup>130</sup> See 4IBS/7 for communication between the IBS and the League. See 3AMS/B/11 for communication between the AMS and the League.

<sup>131</sup> Limoncelli, *The Politics of Trafficking*, 45.

<sup>132</sup> *Ibid.*, 73.

neither exposed nor addressed by a convention. The Native Labour Code enabled the colonial powers to exempt colonial labour from the scope of the convention.

The 1930 ILO Forced Labour Convention regarded forced labour explicitly, as opposed to the convention from 1926, which regarded slavery. This trend of clearer definitions in addressing slavery was frightening to the colonial powers, because it meant that they could not hide in the mist of vaguely defined articles. However, in the interwar period, the UK and others made sure they got provisions within the conventions to avoid unwanted attention to the various colonial practices. Both the 1926 Slavery Convention and the 1930 Forced Labour Convention was thus a result of colonial permission. As a result, many forms of slavery and forced labour were left unaddressed. Moreover, an implicit distinction between permitted forced labour and illegal forced labour was made.



## 3 Traffic in persons

In this chapter I look at the matter of traffic in persons, and the characteristics of the international efforts culminating in the 1949 Convention for the Suppression for the Suppression of the Traffic in Persons and of the Exploitation of others (1949 Convention). I look at the origins of the 1937 draft convention, and the transition between the League of Nations and the UN. I analyze the role of the UK in particular, but I also look at other governments' perspectives and the role of the UN as an international governmental organization. What characterised the international efforts to combat the traffic in persons? In what way did the colonies affect the UK? Which were the main divisive points in the drafting process? What role did the heritage of League of Nations play? How did the NGOs affect this process?

In reading this chapter, it can be helpful with one or two guidelines regarding the different drafts that finally led to the 1949 Convention. In order to depict this development neatly, I will clarify the names of the three main drafts. Firstly, the convention that was drafted in 1937 in the League of Nation and that was not implemented due to the outbreak of World War II; I will call this the 1937 draft convention. Secondly, in March 1947, the UN revised this convention in order to bring it up to date; I will call this the revised draft convention. Thirdly, in August 1947, the UN decided to make a draft convention embodying all the pre-existing instruments for the suppression of the traffic in women and children; I will call this the consolidated draft convention. Looking at the different drafts is important in order to fully capture the main debates and the development within the matter of traffic in persons.

### Status quo

After the end of World War II, the UN was established. In short, it came into being to maintain world peace, to promote and protect human rights, and to “promote social progress and better standards of life in larger freedom”.<sup>133</sup> This meant that it assumed many of the responsibilities from that of the League of Nations. In March 1947, the UN assumed responsibility of the matter of traffic in women and children, previously exercised by the League of Nations. More specifically, the Secretary-General (SG) was instructed to continue

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<sup>133</sup> The Charter of the United Nations, Preamble.

the work with the 1937 draft convention, which was left unimplemented by the outbreak of the War. Ten years had passed since the 1937 draft convention was finished. Therefore, in order to bring the draft up to date, the SG was also requested to collect information from governments on the post-war situation of prostitution.<sup>134</sup> The UN had thus formally assumed the responsibility for the matter of traffic in persons from the League of Nations. To the UK, however, it quickly became clear that it needed to play a bigger role in these proceeding negotiations than it had previously assumed.

The previous conventions<sup>135</sup> had emphasized the act of leading away women and girls for immoral purposes, but did not address the continuous exploitation of the prostitution of others, which the 1937 draft convention set out to do. The title of the 1937 draft convention was “International Convention for Suppressing the Exploitation of the Prostitution of Others”, and did not explicitly mention traffic in women and children or persons.<sup>136</sup> The exploitation of the prostitution of others was not connected to traffic in women and children. Moreover, up until this point prostitution had been considered a domestic matter, but as League of Nations research<sup>137</sup> had proved, state regulated brothels worked as an incentive for traffickers and catalyzed the traffic in persons. Subsequently, it was hard for the regulationist countries to continue to deny the link between the exploitation of prostitution and traffic in persons.

As previously mentioned, the SG was to bring the convention up to date. When this task was completed in September 1947, the document E/574 was sent out to the UN member states. The E/574 contained propositions and comments by the SG on different articles of the 1937 draft convention. The SG argued that the convention should be broader in its scope, according to recent developments, and that it should include “provisions for certain measures of a social character for the prevention of prostitution and the rehabilitation of prostitutes.” One of the new main points was the deletion of the term “exploitation”. The SG explained that this word implied an aspect of gain on the part of the person who exercised the

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<sup>134</sup> Memorandum by the Secretary General “Draft Convention of 1937 for Suppressing the Exploitation of the Prostitution of Others”, 4 September 1947, E/574.

<sup>135</sup> 1904 International Agreement for the suppression of the white slave trade, 1910 International Agreement for the Suppression of the White Slave Traffic, 1921 International Convention for the Suppression of the Traffic in Women and Children, and 1933 International Convention for the Suppression of the Traffic in Women of Full Age.

<sup>136</sup> Memorandum by the Secretary General, “Draft Convention of 1937 for Suppressing the Exploitation of the Prostitution of Others”, 4 September 1947, E/574.

<sup>137</sup> Ibid., 1-2

exploitation, and that a gainful intent, in many cases, could be difficult to prove.<sup>138</sup> Another important addition to the 1937 draft convention was the proposal that it should be a punishable offence to offer oneself in public places for prostitution.

In total, twenty-two governments and five NGOs responded to the E/574. However, only six countries (including the UK) and three NGOs had responded within the given time limit. Thus, in general, the response to the convention was lukewarm.<sup>139</sup> The response of different governments reflected their concerns and worries, and can be seen in what articles they focused on. Some countries, like Norway, worried that the revised draft convention was too involved with deciding the amount of punishment of the offenders.<sup>140</sup> This, however, was a minor concern regarding the degree of the UN interference in domestic law when administering punishment. The real dividing issue was whether or not the system of regulation, i.e. state regulated brothels, should be abolished. Like within the League of Nations, there were prominent countries belonging to both sides of the debate. Countries with an abolitionist ideology towards prostitution, including countries like the UK, the Philippines, and New Zealand, and NGOs like the AMS, all wanted to abolish regulated prostitution. They did not, however, agree on every aspect of how abolition could be best accomplished. A good example of this is the abolitionist response relating to article 4 of the revised convention, which criminalized the prostitutes. The Philippines agreed that the revised convention should hold guilty all parties of the offence (prostitution), the prostitutes themselves as well as maintainers, promoters and customers.<sup>141</sup> They held that this was the only efficient way to “wipe from the face of the earth the trade of human flesh”.<sup>142</sup> New Zealand agreed, saying that “loitering and importuning is already a punishable offence in New Zealand”.<sup>143</sup> The UK did not comment on this article. The Association for the Moral and Social Hygiene (the AMS) and the International Bureau for the Suppression of Traffic in Women and Children (the IBS), however, criticized the proposal of the Secretariat. They strongly opposed making prostitution itself an offence, and did not believe that criminalising the prostitutes was the right way to achieve the abolition of prostitution and brothels. Thus, there was a chasm between the NGOs and the abolitionist governments.

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<sup>138</sup> Memorandum by the Secretary General, “Draft Convention of 1937 for Suppressing the Exploitation of the Prostitution of Others”, 4 September 1947, E/574.

<sup>139</sup> Report of the Secretary General, “Draft Convention of 1937 for Suppressing the Exploitation of the Prostitution of Others, 10 February 1948, E/CN.5/41.

<sup>140</sup> *Ibid.*, 50.

<sup>141</sup> *Ibid.*, 51-52.

<sup>142</sup> *Ibid.*, 51.

<sup>143</sup> *Ibid.*

On the other side were the regulationists<sup>144</sup>, wanting to keep the state regulation of brothels. Greece was one of the regulationist countries that had submitted its reply. The Greek reply emphasized that unless the French proposal from 1937 was adopted (a convention with two parts, the first part being in line with regulationist ideas) it would be unable to sign the convention. Bolivia was also one of the regulationist countries. It conveyed its willingness to adopt measures that did not interfere with its system of regulation. However, it was impossible for Bolivia to implement the convention as it was when the whole scope of the convention interfered with domestic law. France did not comment the revised convention at all. However, all the regulationist governments involved showed more or less willingness towards gradual abolition. It would have been difficult to do otherwise, given that the findings of the League of Nations connected regulated brothels to the traffic in persons.

It seems as if both the regulationist and abolitionist governments lacked one, agreed-upon idea on how to best deal with the matter of prostitution. There was an ideological divide within both the regulationist governments/NGOs and the abolitionist countries/NGOs. This seems to be due to the fact that the different national interests were so strong and overshadowed their common view of whether or not the regulation of brothels should be abolished. Thus, it seems as if there were no real abolitionist and regulationist blocs. The reason why it might have appeared to be so was merely due to partly coinciding national interests. Accordingly, it was apparent from the responses that the governments worried about different matters regarding the convention. Whatever article or phrasing conflicted with the respective governments domestic legislation was undesirable. This was due to the diverse situations of the countries that each government represented. All of the world's continents were represented, meaning that a range of penal codes, morals, attitudes, cultures, and histories were to unite in one convention. The only two things that every government and NGO agreed on was that action had to be taken to address the situation of prostitution, and that the title of the revised convention, "International Convention for Suppressing the Promotion of Prostitution", was too vague.

The UK was one of the six countries that submitted its reply on time. It recorded a minor disagreement with some of the articles, article 1 in particular, but all in all it was an acceptable draft. Moreover, the UK stated that it welcomed the initiative taken by the

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<sup>144</sup> Note that I do not distinguish between those countries who wanted to keep up a system of regulation and those countries who wanted had started to gradually abolish the state regulation of brothels, but were unable to accept the convention at the time of consultation.



Secretary to revise the 1937 draft convention. The UK commented that it would like to elaborate its comments on the different articles on a later stage, but that it would take time to process it.<sup>145</sup> It did not express any preference of the 1937 draft convention, or express worries that the new provisions in the revised draft convention would delay the implementation of a new convention. This is important to keep in mind when the UK changes its stance later on in the chapter.

## **The NGO comments**

In order to fully depict the NGOs' stand on the revised convention, it is useful to return to the League of Nations for a short moment. In the first rounds of drafting the 1937 draft convention, in 1934-37, there were only two NGOs that were consulted as experts, respectively the International Police Commission and the International Bureau for the Unification of Penal Law, as I have previously mentioned. Both by the nature of the organisations and by what the League of Nations wrote themselves, it seems as if two NGOs had pulled the League of Nations in a regulationist direction.<sup>146</sup>

In 1947, several other NGOs were consulted and asked to comment on the revised draft convention. These NGOs were not of the regulationist belief as were the two NGOs consulted in the drafting of the 1937 draft convention. The United Nations received letters from the following NGOs after publishing the revised draft convention: The AMS, the IBS, the International Abolitionist Federation and the International Alliance of Women. As I have mentioned earlier, the outbreak of the Second World War prevented the convention from being adopted within the League of Nations. When commenting on the revised draft convention, the AMS and the IBS both stressed that the scope and the provisions of the 1937 was long overdue, and that the 1937 draft convention should be implemented without any amendments. Furthermore, the revised draft convention was much bigger in its scope, and would consequently take a long time to complete; meanwhile, prostitutes continued to be exploited within brothels. The AMS and the IBS knew that the 1937 draft convention had been supported by a considerable majority in the Advisory Committee of the League of

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<sup>145</sup> Report of the Secretary General, "Draft Convention of 1937 for Suppressing the Exploitation of the Prostitution of Others, 10 February 1948, E/CN.5/41.

<sup>146</sup> *Ibid.*, 8.

Nations, and that they would avoid lengthy discussions if the 1937 draft convention was implemented.<sup>147</sup>

Already at this point a unity between the AMS and the IBS was visible. They both commented on and fought for the rewriting of the articles that either suggested criminalising prostitutes explicitly or were written ambiguously and could be interpreted that way.<sup>148</sup> The IBS commented that the alterations made in the revised draft “will prove so controversial that to secure universal agreement might be impossible”.<sup>149</sup> It concluded that the UN should adopt the convention as it was in its original condition in 1937, and instead make a separate and new convention that would embody all the new matters. This way they would not have to rush to ensure that the new matters were included in the convention; matters that deserved more time and attention than they had been so far. The AMS also complimented the willingness of the UN to make amendments to the convention, but that these amendments, “excellent as is the intention behind them [...], must inevitably delay the signing of international legislation [...]”.<sup>150</sup>

Interestingly, those who wanted a revised draft convention and those who wanted to implement the 1937 draft convention, both used the developments since 1937 as an argument as to why their solution was the right one. The difference, however, lay in their respective interpretation of the new situation. On one hand, the majority of governments in the ECOSOC felt that the situation had not only the war exacerbated the matter, but also changed its character so that the 1937 draft convention would prove insufficient to deal with these matters. The AMS and the IBS, however, felt that the war had exacerbated the matter without changing character and that there was no reason that the 1937 draft convention not should be implemented straight away.

It does not seem as if the IAF/AMS feared the IBS or even disagreed with it, like the interpretation of Limoncelli mentioned in chapter two suggests. On the contrary, the IBS did not even comment on article 2 in the revised draft convention, which made the act of keeping a brothel a punishable offence. According to Limoncelli, the IBS had supported regulationist governments’ insistence on managing the brothels.<sup>151</sup> Moreover, judging from the material from the archives of both the AMS and the IBS, there seems to have been an agreement

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<sup>147</sup> Note by the Secretariat “Chart of Observations by Governments and Non-Governmental Organizations on the Revision of the 1937 Draft Convention Suppressing the Exploitation of the Prostitution of Others”, 22 December 1948, E/1072 Annex 2.

<sup>148</sup> Ibid.,

<sup>149</sup> Ibid., 12.

<sup>150</sup> Ibid., 13.

<sup>151</sup> Limoncelli, *The Politics of Trafficking*, 26.

between the two NGOs regarding the most aspects of the proposed revised draft convention. However, it seems as if the AMS feared another, more powerful NGO, namely the World Health Organization (WHO). In the correspondence folders of the AMS, I found a significant amount of letters concerning the WHO. These letters showed the AMS concern regarding the World Health Organization's stand on prostitution, and thus regarded the elements of prostitution in resolutions and possibly also in the upcoming the convention. In a letter from the AMS to the International Abolitionist Federation, the writer expressed his fear towards the WHO, and correctly pointed out that the WHO had an almost unique position within the UN. The WHO was allegedly able to, singlehandedly, adopt regulations that all member states automatically would have to accept unless they reserved themselves from it within a certain short period.<sup>152</sup> Moreover, the WHO favoured compulsory health checks for the prostitutes. Moreover, in a proposed resolution the WHO wanted a "rejection of prostitution as a means of livelihood." The AMS feared that this would lead to the criminalizing of prostitution.<sup>153</sup>

The reason for the broad scope of the revised draft convention and also the resulting NGO disagreement with its content could be due to the influence of a mysterious group of American experts.<sup>154</sup> The work group's influence was discovered after the NGOs had submitted comments on the revised draft convention. Rumour had it that there had been an exclusive invitation to certain American experts. The experts constituting the American working party were to give advice in the task of bringing the 1937 draft convention up to date. Several NGOs complained, saying that they would have like to comment on the draft as well, one example of such a groups was the Liaison Committee of Women's International Organisation.<sup>155</sup> Additionally, in a letter to the British Foreign Office, the AMS complained that it was only the American group that had been consulted by the SG in revising the draft 1937 convention, and that these Americans' point of view was the cause of divergence regarding the revised draft convention.<sup>156</sup> The British Delegate to the UN confirmed that the American working party had influenced the draft, and that the members of this part primarily was interested in "police and welfare aspects of the problems of prostitution."<sup>157</sup> This meant

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<sup>152</sup> Letter from AMS to IAF 23<sup>rd</sup> August 1948, 3AMS/B/11/13 Box 156.

<sup>153</sup> The IAF International Committee to Theo De Felize, 23 August 1948, 3AMS/B/11/13 Box 156.

<sup>154</sup> The British UN delegate to the FO, Report from the second session of the Social Commission, FO371/72761 UNE1624.

<sup>155</sup> Peel to the UN Secretary-General (enclosed letter sent 18 November 1948), 16 December 1948, FO371/72757 UNE4865.

<sup>156</sup> Hardwick to Matthews, 14 June 1948, FO371/72761 UNE 2346.

<sup>157</sup> The British UN delegate to the FO, report from the second session of the Social Commission, 1 April 1948, FO371/72761.

that the draft convention had been influenced in a regulationist way for the second time. Moreover, it seems that the American working party's influence was even more exclusive and secret than the influence of the International Police Commission and the International Bureau for the Unification of Penal Law within the League of Nations.

The SG admitted that there was an American working party that helped out with the draft, but that it was rather coincidental that this particular American working party was consulted previous to the revised convention. The SG also noted that six NGOs commented on the draft in addition to many member states, and that the working group's influence was hugely exaggerated.<sup>158</sup> It seems as if the SG did this in order to calm the NGOs down. At the end of the short passage regarding the American working party the SG expressed its gratitude towards the group because of ECOSOC's financial situation.<sup>159</sup> It is quite clear that the SG wished to externalise the reasons for consulting the American working party, blaming ECOSOC's economy. Moreover, in document E/574, which embodied the revised draft and was sent out to governments and relevant NGOs, the SG left out the American working party in his otherwise thorough introduction of the revised convention. Irrespective of whether or not the favouring of the American working party was fair or not, the party was given a unique opportunity to influence the revised draft convention, and was probably part of the reason why the revised draft convention was different from the 1937 draft convention.

## **A matter of urgency**

In the last months of 1947 and the first of 1948 the UK seems to have changed its mind regarding what kind of draft convention they should support. Quite suddenly, the UK started to lobby for a quick implementation of the 1937 draft convention. In order to try to explain the UK's change of course, I will now point to two incidents that I have not previously mentioned.

In 1946, in addition to the instructions given to the SG, the Social Commission, a subgroup of the ECOSOC, was given the responsibility of the traffic in women and children. At its first session in February 1947, the Social Commission considered the transfer of the instruments relating to the traffic in women and children, previously exercised by the League of Nations, to the UN. The Social Commission asked the General Assembly (via the ECOSOC) to put to vote a draft resolution and two draft protocols regarding pre-existing

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<sup>158</sup> The SG of the UN to Gwendolyn Peel, 11 December 1948, FO371/72757 UNE 4865.

<sup>159</sup> Report of the Secretary General, "Draft Convention of 1937 for Suppressing the Exploitation of the Prostitution of Others, 10 February 1948, E/CN.5/41, 12.

instrument to suppress the traffic in women and children. In what was merely a formal adoption of instruments, the USSR targeted the UK and the other colonial powers by proposing an amendment to the draft resolution. The proposed amendment suggested the deletion of the colonial application clause in both the 1921 Convention and the 1933 Convention. The USSR representative argued that the colonies should not be excluded from the scope of the conventions. The UK replied that such an amendment would force the UK to interfere with its colonies' domestic legislation, and that this was highly undesirable. However, the amendment was adopted by a vote of 17 to 12 with 18 abstentions.<sup>160</sup>

This was a blow for the UK because it was not only embarrassing but also alarming to be beaten by the USSR in the General Assembly. To the UK this initial failure to secure the colonial application clause proved that there was a new international climate. The UK and the other colonial powers needed to be aware of the resistance within the United Nations. The anti-colonial bloc, as it was described by the UK, was more numerous and more powerful than it had been in the League of Nations, considering that the UK was able to secure the colonial application clause in both the 1921 Convention and the 1933 Convention.

The second incident that might have been decisive in the UK's shift in strategy was initiated by the Norwegian delegate in 1947. The Norwegian draft resolution proposed a unification of the 1937 draft convention together with elements from the pre-existing instruments. In August 1947, the ECOSOC adopted the resolution and requested that the SG presented a draft consolidated convention to the Social Commission.<sup>161</sup> This was also alarming to the UK, considering that it had not been able to ratify the 1933 Convention, and that the new consolidated draft convention might include provisions that would make the UK unable to sign the 1933 Convention. Moreover, the inclusion of more provisions would mean that the conclusion of the debate would be further delayed.

Before the third session of the Social Commission in April 1948, the British delegate wrote a report including the agenda of the British Foreign Office. It was apparent from the report that the UK had decided to press for a quick implementation of the 1937 draft convention. The British delegate reported that he had witnessed strong support from certain NGOs for a quick implementation of the 1937 draft convention, and he believed that more would follow as soon as they understood the level of complication that the revised draft implied. Furthermore, the UK delegate claimed that there had been certain changes in the

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<sup>160</sup> The Yearbook of the United Nations 1947-48, 120-121.

<sup>161</sup> Note by the Secretariat "Chart of Observations by Governments and Non-Governmental Organizations on the Revision of the 1937 Draft Convention Suppressing the Exploitation of the Prostitution of Others", 22 December 1948, E/1072.

domestic legislation within the regulationist countries, so that reservations the regulationist countries may have needed to make in 1937, was now superfluous. The delegate emphasized that there could be no successful convention with clauses of reservation. Lastly, he reported that there was a considerable chance that the USSR delegate might try to delete the Colonial Application Clause, which he did successfully earlier in 1947, when the powers previously exercised by the League of Nations was being transferred to the UN.<sup>162</sup>

It should be borne in mind that this was the first time the UK explicitly favoured the 1937 draft convention instead of the revised draft convention. It seems likely that the UK was intimidated by the USSR successful deletion of the colonial application clause in October 1947, and that it changed tactics after the Soviet amendment. Moreover, the UK wanted to preserve the colonial application clause so that it could exclude its colonies from the scope of the convention, at the same time as it regarded it as crucial that no clauses of reservation were made. Apparently, the UK did not view the colonial application clause as a reservation clause, and therefore it was unable to see the ambivalent nature of retaining the colonial application clause. Lastly, the matter of traffic in persons was not the only matter in which the USSR delegate was out to embarrass the UK for having colonies. The USSR had suggested in the debate regarding standards of living that a study should be done with a particular focus on colonies and dependent territories.<sup>163</sup>

After resolution 83(V), which instructed the SG to present to the Social Commission the idea of a draft consolidated convention, the British Foreign Office wanted to start to lobby for support on their proposal. The British proposal consisted of implementing the 1937 draft convention as it was left off by the League of Nations, the same proposal as that of the IBS and the AMS. At an interdepartmental working party meeting in June 1948, the Home Office could not quite understand why the return to the 1937 draft convention was so important. The Home Office would have had to introduce new legislation in any event. In other words, neither the 1937 draft convention nor the consolidated convention were ready for British approval at the time.<sup>164</sup> Moreover, the Home Office claimed that there was no guarantee that the 1937 draft convention would be adopted any sooner than the revised draft convention or the consolidated draft convention. In order to convince the Home Office, the Foreign Office pointed out that the 1937 draft convention was thoroughly processed even before 1937, and that this draft was more likely to receive support than the revised

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<sup>162</sup> The British UN delegate to the FO, 1 April 1948, FO371/72761 UNE1624.

<sup>163</sup> The Yearbook of the United Nations 1947-48, 618.

<sup>164</sup> Working party meeting with the Home Office, Foreign Office, and the Colonial Office, 12 June 1948, FO371/72761 UNE 2392.

convention. The 1937 draft convention's limited scope was much more acceptable to most states than the "ambitious orbit which the Secretariat intended to cover".<sup>165</sup> After some consideration, however, the Home Office came around to the opinion of the Foreign Office.<sup>166</sup>

The Colonial Office was easier to convince, but the general idea of a new convention was problematic. The UK had not been able to secure the colonial application clause in the 1947 protocol, adopting of the 1921 and 1933 conventions, and the 1937 draft convention implied the same danger. A member of the Foreign Office ensured the Colonial Office, after the Home Office had changed its mind, that the Foreign Office would do all it could in order to secure the colonial application clause if the Colonial Office would agree on pursuing an implementation of the 1937 convention.<sup>167</sup> However, the Colonial Office replied to the Foreign Office 9 July 1948, saying that the 1937 draft convention would most likely not cause any difficulties as to application in the colonies. Moreover, if there was to be a new convention, chances were that a consolidated draft convention would contain articles of a more complicated character.<sup>168</sup> The chance that the USSR would ask for the deletion of the existing colonial application clause in the 1937 draft convention was imminent, but this would still look better than explicitly demanding a colonial application clause in the drafting of a new convention. In any event, the implementation of the 1937 draft convention would be more advantageous for the UK, since the British Colonial Office of both 1937 and 1948 had approved it. A consolidated convention could bring up controversial points from the previous agreements to suppress the traffic in women and children, and make it difficult for the UK to sign the convention. This can be demonstrated by the fact that the UK had not yet ratified the 1933 Convention (because of the phrasing "even with her consent").<sup>169</sup> However, a member of the Colonial Office claimed that if there should be an attempt to delete the colonial application clause, they would try to use the delay of 1947 protocol to their advantage. He thus wanted to use Soviet card against the USSR, blaming the deletion of the colonial application clause, which was the USSR's effort, on the delay of the British signature. He might have underestimated the colonial dismay within the ECOSOC and at the same time overestimated the British prominence.

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<sup>165</sup> Working party meeting with the Home Office, Foreign Office, and the Colonial Office, 12 June 1948, FO371/72761 UNE 2392.

<sup>166</sup> Minutes by Salt, 26 June 1948, FO371/72761 UNE 2392.

<sup>167</sup> Salt to Moreton, 26 June 1948, FO371/72761 UNE 2392.

<sup>168</sup> Galsworthy to Salt, 9 July 1948, FO371/72756 UNE 2893.

<sup>169</sup> Noel Baker (Commonwealth Relations Office) to Kennedy, 19 June 1948, FO371/72756 UNE 2479.

## The UK line

When the Foreign Office's proposal to return to the 1937 draft convention was endorsed by the Colonial Office, they started to lobby their presumed allies. Letters of instruction were sent to France, the Netherlands, Denmark, Australia and Canada before the end of July 1948, to follow the "UK line".<sup>170</sup> Meanwhile, the acceptances of the various colonies on the 1947 protocols kept coming in, e.g. the adherence of Newfoundland to the 1921 convention and the application of the 1933 convention.<sup>171</sup> The IBS and the AMS had lobbied the UK to advocate the quick implementation of the 1937 draft convention, so that when the UK suddenly wanted to implement the 1937 draft convention, the two NGOs and the UK were on the same page. The fact that the UK proved to be willing to take the lead on their common cause at the ECOSOC was a very welcome one.<sup>172</sup> As previously mentioned, the AMS and the IBS were able to create a petition, urging the ECOSOC to implement the 1937 draft convention as soon as possible. The petition contained an impressive list of almost 40 NGOs agreeing to the immediate implementation of the 1937 draft convention.<sup>173</sup> The UK and the NGOs were now fighting for the same cause, despite having slightly different motives.

The reason for the NGOs' rejection of the consolidated draft was not that not they found the new measures proposed superfluous, but they considered the new measures to be less crucial than those in the 1937 draft convention.<sup>174</sup> It seemed as if the NGOs, and the IBS, were more worried about the principles in 1937 draft convention, and to address the regulation of prostitution rather than the general traffic in persons (I highlight the IBS because they allegedly were more concerned about the traffic in women and children rather than the abolition of brothels). In addition to the fear of a delayed process concerning the 1937 draft convention, there was also the fear that a consolidated convention would contain provisions that would make it harder for certain countries to sign the convention. The more signatories to the convention, the larger the effect. The UK agreed on the importance of a generally acceptable convention, and that a consolidated convention would imply more contentious articles than the 1937 draft convention. However, most crucial to the UK was the colonial application clause. The British Government knew that the 1937 draft convention was

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<sup>170</sup> British Foreign Office to embassies of allies within the UN, FO371/72756 UNE2895 (France), UNE2973 (the Netherlands), UNE2981 (Denmark), UNE3065 (Australia and Canada).

<sup>171</sup> Walsh (Newfoundland Office) to Noel Baker (Commonwealth Office), 6 August 1948, FO371/72756 UNE3654.

<sup>172</sup> The UK delegate of the UN to the AMS, 15<sup>th</sup> April 1948, 3AMS/B/11/13 Box 156.

<sup>173</sup> Joint NGO petition, 21 May 1948, 3AMS/B/11/13 Box 156.

<sup>174</sup> Ibid.



beneficial to them, and that they were able to sign as long as they were able to keep the colonial application clause. They most probably feared a convention containing articles with content that made it impossible for them to sign the convention.

In spite of the joint UK-NGO effort, the ECOSOC adopted a resolution 155 (VII) in August 1948 instructing the SG was to prepare a new draft convention, consolidating the previous existing instruments for the suppression of the traffic in women and children and the revised draft convention of 1937.<sup>175</sup> This development represented a temporary blow for the UK and the coalition of NGOs. The ECOSOC had decided to follow up on the idea of a consolidated draft convention, and the hope to secure a quick implementation of the 1937 draft convention seemed to be close to faded. Thus, the British Government needed develop a new tactic, although they did not entirely abandon the idea of a quick implementation of the 1937 draft convention.

At the same session where resolution 155 (VII) was adopted, another important event took place. The representative of the USSR was asked about the situation within its territories regarding the traffic in women and children. In Rundall's words, the Soviet delegate had "announced smugly that, since prostitution had been utterly abolished throughout the USSR, the subject was of no direct interest to his government".<sup>176</sup> It was probably clear to many of the delegates at the ECOSOC that this statement was fals, or at least an exaggeration, given the grave accusations of forced labour that happened at the same time. However, it would have been impossible to prove the Soviet delegate wrong at the time being. Inquiries could not be forced upon member states in the UN, especially not a powerful one like the USSR. However, although traffic in women and children allegedly did not exist within the USSR, the Soviet representative stated that they "were nevertheless prepared to assist in rooting out this cancer of capitalist society".<sup>177</sup> The clash of ideologies within the ECOSOC was explicit. Rundall and the UK needed proof to convince the ECOSOC that the USSR was far from as innocent as they claimed to be.

In October 1948 the Foreign Office received a letter from the Colonial Office, saying that all colonial governments were ready to sign the protocol adopting the 1933 convention to the UN. This meant that, although the UK had been embarrassed by the USSR in 1947, it had

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<sup>175</sup> General Assebmly Resolution 155(VII), 13 August 1948.

<sup>176</sup> Rundall to Murray (Information Research Department), 11 September 1948, FO371/72757 UNE3884.

<sup>177</sup> Ibid.

been able to, by persuasion, force and smooth talk, win all the governments but one, over to the idea of adopting the abovementioned protocol; the Nigerian government.<sup>178</sup>

## **“The last bolt-hole”**

The main argument for the implementation 1937 draft convention was that it would take too much and precious time to write a new draft. Now that a consolidated convention was being formed, the UK adopted a new strategy to prove this point. The new strategy consisted of making its comments for the new draft so comprehensive and detailed so that it would “have a sobering effect on the Secretariat’s enthusiasm”.<sup>179</sup> Moreover, if this attempt to exhaust the Secretariat was not successful and a consolidated convention was inevitable, the UK might as well comment properly and inspire others to “give the whole subject the careful study it requires”.<sup>180</sup> It seems very plausible that this strategy was adopted in the wake of another resolution adopted by the ECOSOC in August 1948, which suggested that if agreement on controversial points could not be reached, the 1937 convention should be brought forward for signature.<sup>181</sup> Either the discussions would develop into comprehensive and detailed discussion without any conclusions and create delay and thus “prove” that consolidated draft was too controversial to proceed with, or they would be in a strong position to influence the consolidated draft so that it would be acceptable for the UK and its colonies. However, when the UK delegation to the UN, in a letter to the British Foreign Office, confirmed that there would be no time to circulate the British comments before the first circulation of the consolidated draft, the Foreign Office decided to postpone the release of the comprehensive comments for a later session when revising the consolidated draft. This way other governments could look at the British comments when making comments of their own. This would also give the British Government time to ascertain which NGOs would endorse the British view, and to be able to enclose these at the submission of the British comments.<sup>182</sup>

The SG submitted this draft embodying the four previous agreements and conventions on traffic in women and children 23 December 1948.<sup>183</sup> This did not stop the efforts of

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<sup>178</sup> Matthews to Heyman, 28 October 1948, FO371/72757 UNE4543.

<sup>179</sup> Matthews to Fearnley (New York), 30 November 1948, FO371/72757 UNE4626.

<sup>180</sup> Ibid.

<sup>181</sup> Gwendolen Peel (LCWIO) to the UN SG (enclosed letter sent 18 November 1948), 16 December 1948, FO371/72757 UNE4865.

<sup>182</sup> Fearnley to Matthews, 7 December 1948, FO371/72757 UNE4793.

<sup>183</sup> Note by the Secretariat “Chart of Observations by Governments and Non-Governmental Organizations on the Revision of the 1937 Draft Convention Suppressing the Exploitation of the Prostitution of Others”, 22 December 1948, E/1072.

neither the British nor the NGOs. The NGOs continued lobbying after the resolution was passed, and in February 1949 the IBS considered publishing a leaflet with the heading “Stop the last bolt-hole now, before thinking about re-decoration”. The drawing below the heading was a critical drawing with the UN, having the tools in their hands, being the only ones who could close the last bolt-hole in the wall, with huge rats, labelled “traffickers”, eager to get in.<sup>184</sup>

As the Social Commission’s fourth session in May 1949 drew closer, the cooperation between the British Foreign Office and the NGOs intensified. The British Foreign Office invited several NGOs to become a part of their ad hoc working party in preparation for the Social Commission’s meeting in May, including both the IBS and the AMS.<sup>185</sup> The IBS, for some reason, did not respond to the invite. The working party’s meeting was held at the British Home Office on 25 March 1949. At this meeting, the proposed consolidated convention was discussed article-by-article, article 1, 6 and 26 being the most important ones.<sup>186</sup> Regarding article 1, they concluded that the insertion of “for the purpose of gain” was necessary, as in: “The State Parties to this convention agree to provide for the punishment of any person who, for the purpose of gain, wilfully, even with the consent of the victim procures, entices (...).<sup>187</sup> The purpose of gain clause was a part of article 1 in the 1937 draft convention, but had been omitted in the consolidated draft convention. The UK proposed the retention of the purpose of gain clause because this might lead to the criminalization of prostitutes, and the NGOs endorsed this. The NGOs had in fact always opposed this article, and would probably have voted for the deletion of this clause regardless of the UK. However, the UK had an additional motive in that the purpose of gain clause was necessary in order to be in conformity with British law. Article 6 regarded the colonial application, and instructed the application of the convention to the state parties’ territories.<sup>188</sup> The meeting concluded that this article needed to be omitted in order to avoid conflict with article 26.<sup>189</sup> Article 26 allowed state parties to extend the convention to the territories of their choice. It was not very surprising that the NGOs agreed with the purpose of gain clause.

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<sup>184</sup> Nurnburnholme to Tomlinson, enclosed draft leaflet, 17<sup>th</sup> February 1949, 4IBS/8/B/1/3.

<sup>185</sup> Rundall(FO) to Crowdy (IBS), 19 March 1949, FO371/78951 UNE329.

<sup>186</sup> Meeting summary of the ad hoc working party led by the British Home Office, 25 March 1949, FO371/78952 UNE1451.

<sup>187</sup> Ibid.

<sup>188</sup> Note by the Secretariat “Chart of Observations by Governments and Non-Governmental Organizations on the Revision of the 1937 Draft Convention Suppressing the Exploitation of the Prostitution of Others”, 22 December 1948, E/1072.

<sup>189</sup> Meeting summary of the ad hoc working party led by the British Home Office, 25 March 1949, FO371/78952 UNE1451.

It was however, quite surprising that the NGOs agreed with the UK on the colonial application. This, in my opinion, must have been due to two things. Either the NGOs had proof that there existed little or no traffic in persons and exploitation of prostitution in the colonies, or they did not have this proof, but regarded the UK's participation as crucial and therefore agreed to promote the clause so that the UK would be able to sign the convention. However, none of these speculations were confirmed in documents from the meeting of the working party.

The detailed comments designed to delay the process of the consolidated convention, was included in a memorandum produced by the British Home Office in the wake of the meeting with the NGOs on 25 March 1949. Either the memorandum would delay the progress within the Social Commission, so that the ECOSOC would have to return to the 1937 draft convention, or it would make sure that the UK got a considerable say in the final negotiations of the convention. The memorandum's main point was that the clause "for the purpose of gain" had to be added to article 1, because it might, in some cases, lead to the criminalisation of prostitutes. The colonial application clause was also one of the clauses that needed to be changed, but it appeared, from the memorandum, to be trivial in comparison with the purpose of gain clause.<sup>190</sup> However, it seems, from interdepartmental letters, minutes and communications preceding the meeting of the Social Commission in May 1949, that it was the colonial application clause that was the focal point of the British Government. There are numerous updates from the Colonial Office to the Foreign Office on the legislative status of the colonies within this period.<sup>191</sup> The British Government knew that the consolidated draft would contain articles from all the previous instruments regarding the suppression of the traffic in women and children. One week before the Social Commission's fourth session the status of these instruments was not cleared. The UK still needed Nigeria to implement legislation so that they would be able to adhere to the principles of the 1921 Convention: they declared 28 April 1949 "We cannot do anything about it at present".<sup>192</sup> The focus on the purpose of gain might have been an attempt to divert attention from the colonial application clause.

## **The Social Commission's fourth session, May 1949**

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<sup>190</sup> Memorandum by the British Home Office, 4 April 1949, FO371/78952 UNE1684.

<sup>191</sup> These were letters both to see if the 1947 protocols could be signed, and to try to be precautionary in order to retain the colonial application clause in the consolidated draft.

<sup>192</sup> FO Minutes, 28 April 1949, FO371/78952 UNE1651.

On its fourth session in May 1949, according to resolution 155, the Social Commission had to decide, finally, whether the new convention should be a unified convention or a revised draft convention. After they heard the views of the secretariat and the NGOs present, of which six of the total ten was approached by the British Government in the formation of the ad hoc working party, the item was taken to a vote. The government representatives voted in favour (12 to 1, with 2 abstentions<sup>193</sup>) of a unified draft convention.<sup>194</sup>

The purpose of gain-phrase was discussed in detail. The IBS and the AMS made statements that were quite similar to each other, endorsing the UK view of inserting the purpose of gain clause. The French representative, however, did not agree with the UK and the NGOs, as the UK had hoped. Nonetheless, the UK proposal on the purpose of gain was adopted by 7 votes to 3, with 2 abstentions.<sup>195</sup> However, the French disagreement with the UK represented a blow because France was one of four countries that the UK lobbied in advance of this meeting.

The NGO American Federation of Labour, who was to play a more significant role in the matter of forced labour, was also at this session. However, it mainly endorsed the rights on the prostitutes and promoted the idea that measures against prostitution could not be viewed as measures of combating a crime.<sup>196</sup> The World Health Organization (WHO) was also present, and the NGOs worried about the impact that this could have. However, it did not make any comments, and at the end of the session the WHO representative was absent. Either the WHO representative did not find the discussion interesting anymore, or the social commission was finished discussing the articles of relevance to the WHO.

Concerning articles 6 and 26 (regarding colonial application) the UK and France were on the same page. This was due to their mutual interests as colonial powers. Article 6 committed the state parties to apply necessary measures “to all territories under their jurisdiction”, whereas article 26 consisted of a more colonial friendly phrasing, allowing state parties to chose what territories the convention should apply to.<sup>197</sup> Thus article 6 and article 26 were contradictory, and one had to be removed for the other to be enforced.

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<sup>193</sup> Neither the E/1359 nor the E/CN.5/SR.69 said anything about who voted against and who abstained.

<sup>194</sup> Report of the Fourth Session of the Social Commission, 31 May 1949, E/1359, 4.

<sup>195</sup> Summary Records of the 70<sup>th</sup> Meeting at the Fourth Session of the Social Commission, 5 May 1949, E/CN.5/SR. 70, 2-5.

<sup>196</sup> *Ibid.*, 3.

<sup>197</sup> Note by the Secretariat “Chart of Observations by Governments and Non-Governmental Organizations on the Revision of the 1937 Draft Convention Suppressing the Exploitation of the Prostitution of Others”, 22 December 1948, 7+14.

The French delegate proposed an amendment in order to still be able to carry out medical measures throughout their territories.<sup>198</sup> The regulation of prostitutes was abolished by law in 1946, but as it were, article 6 was contrary to French legislation. The French delegate concluded that the French government would be unable able to sign the convention if it was not omitted or redrafted.<sup>199</sup> The Peruvian delegate endorsed the view of the French delegate. The Canadian delegate, however, stated that its experience showed the undesirability of any police involvement. The proposed French amendment was lost in the voting that followed, with a tied vote with 3 abstentions.<sup>200</sup> France was thus unable to implement the convention, unless the article was changed in the final negotiations in the ECOSOC.

The article 6 or article 26 debate was, however, the most controversial issue of the session. The French delegate stated that it wanted to include the colonial application clause not because it wanted to exploit the peoples of its territories, but on the contrary, to grant them greater freedom.<sup>201</sup> The UK delegate agreed, arguing that he did not wish to impose on the authorities of the colonies laws that the colonial authorities themselves did not want. The Soviet delegate strongly opposed the statements of the UK and France. He claimed that article 26 was “incompatible with progressive legislation and contrary to the principles of the United Nations; its effect would be to prevent the struggle against prostitution in those very areas where it was most likely to persist and thrive”.<sup>202</sup> The Soviet delegate then went on to claim that this was just an excuse for the colonial powers to continue to exploit the native population. He added “[b]ut surely it was quite obvious that, as far as they existed, those local authorities would never oppose action to suppress prostitution.”<sup>203</sup> The UK and French amendment for the deletion of the phrase “throughout the territories” in article 6 was then put to a vote, and it was adopted by a 10 to 3 vote, with 2 abstentions.<sup>204</sup> As for article 26, the Canadian delegate proposed an amendment that would make the article more precise. The chairman recalled that the colonial application clause had been included in the Conventions on Genocide and Narcotics, and that this colonial application clause represented a great improvement from the colonial application clauses from the 1921 and 1933 conventions.

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<sup>198</sup> Report of the Fourth Session of the Social Commission, 31 May 1949, E/1359, 5.

<sup>199</sup> Summary Records of the 75<sup>th</sup> Meeting at the Fourth Session of the Social Commission, 5 May 1949, E/CN.5/SR.75.

<sup>200</sup> Report of the Fourth Session of the Social Commission, 31 May 1949, E/1359, 6

<sup>201</sup> Summary Records of the 74<sup>th</sup> Meeting at the Fourth Session of the Social Commission, 5 May 1949, E/CN.5/SR.74.

<sup>202</sup> Ibid.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

Throughout the session of the Social Commission, the Soviet delegate wanted almost every article to include or pay special attention to colonies and territories, e.g. article 24, but none of the Soviet amendments were successful. However, the Soviet delegate did make a valid point: the colonies had been known for exacerbating, and sometimes even creating, indigenous prostitution.<sup>205</sup> More precisely, in the 1920s, “in British Malaya and other British colonial holdings, marriage and prostitution coexisted as strategies to meet the presumed sexual need of men.”<sup>206</sup>

Although it seemed that the UK had won an important victory regarding the colonial application clause, it was still up to the ECOSOC and eventually the General Assembly to make a final decision. Lastly, still at the fourth session of the Social Commission, the convention as a whole was put to a vote. The convention was voted in favour of 10 to 0, with 5 abstentions. However, a total of five countries made it clear that voting in favour of the convention was only a way of accepting the convention as a draft for further discussion at the ECOSOC.<sup>207</sup> France, as previously mentioned, and Peru both made statement briefly explaining why they could not vote in favour of the convention. The Turkish delegate pointed to the fact that the convention did not give the signatories a chance to implement the measures required, and that this was a necessity to the Turkish government. It was also borne in mind that the articles 6, 23, 24 and 26 were the most controversial ones.<sup>208</sup>

The programme for future work on the field of the traffic in persons and prevention and suppression of prostitution was suggested by the Secretariat. This document suggested, in addition to several other measures, that a group of experts should be set up to determine the appropriate measures in fighting traffic in persons and the exploitation of the prostitution of other.<sup>209</sup> This was, however, deemed unnecessary, considering the expertise already available in the different governments, the national working parties, and the non-governmental organizations. Moreover, some representatives felt that publications in this field need not appear annually.<sup>210</sup> Accordingly, the word annually was replaced by the word periodically.<sup>211</sup> Both of these developments might have shown a reduced will to follow up on the matter of traffic in persons. Moreover, these developments might suggest that it was the political framework that important, and the not actual well being of the victims. The Social

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<sup>205</sup> Limoncelli, *The Politics of Trafficking*, 21.

<sup>206</sup> Ibid.

<sup>207</sup> Report of the Fourth Session of the Social Commission, 31 May 1949, E/1359, 10.

<sup>208</sup> Ibid., 10-11.

<sup>209</sup> Ibid., 11.

<sup>210</sup> Ibid.

<sup>211</sup> Ibid., 45.

Commission recommended that the international convention used the proposed draft<sup>212</sup> as a basis for the final convention.

The UK had managed to steer clear of the USSR so far, and had managed to keep article 26 (the colonial application clause), and to amend article 6, which contradicted article 26. The negotiations were looking much better after the fourth session of the Social Commission than they did January/February 1949. Moreover, the consensus and decisiveness of the Social Commission exceeded both the British and the NGOs' expectations, and they had begun to believe in the consolidated convention. It was not only the UK and the NGOs who were impressed with the negotiations on the consolidated convention. In the report from the Social Commission it said that "[t]he general trend of discussion indicated that the programme was considered one of the most successful activities of the United Nations in the social field".<sup>213</sup> Seemingly, the last bolt-hole was soon to be closed. However, the final decision lay with the General Assembly.

## The final decision

Before the convention could get its final vote and thus enter into force, it had to be passed through the ECOSOC. At the ECOSOC's ninth session, in July 1949, some of the debates, however, stemming from the Social Commission's fourth session recurred, including the colonial application clause. The discussions closely resembled those in the Social Commission, and, unable to come to any agreement, the ECOSOC decided to submit the draft convention to the General Assembly including the records of the proceedings.<sup>214</sup> The last vote lay with the General Assembly, as the UK was well aware of.

The General Assembly, in its turn, referred the draft to its third committee.<sup>215</sup> The Third Committee considered the articles that were problematic, these included articles 1, 6 24 and 27 (previously 26, i.e. the colonial application clause). The Ukrainian delegate had proposed an amendment to both article 24 and 27; it sought the deletion of article 27, the colonial application clause. The Ukrainian delegate upheld the Soviet view that article 27 would undermine the whole convention. He also reminded the General Assembly that the Assembly had voted for the deletion of the colonial application clause when transferring the powers of the League of Nations conventions of 1921 and 1933 to the UN through resolution

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<sup>212</sup> Report of the Fourth Session of the Social Commission, 31 May 1949, E/1359, Annex 1.

<sup>213</sup> Report of the Fourth Session of the Social Commission, 31 May 1949, E/1359.

<sup>214</sup> The Yearbook of the United Nations 1948/1949, 610.

<sup>215</sup> Report of the Third Committee, "Draft Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others", 30 November 1949, A/1164, 1.



126 (II). Furthermore, the Ukrainian delegate cited the United Nations Charter, and proved how the colonial application clause was in contradiction to the Charter. Several other countries joined in and agreed with the Ukrainian delegate: New Zealand, Poland and India were among these.<sup>216</sup>

The change of political scenery, from the ECOSOC to the General Assembly, was not advantageous to the UK, although it was inevitable. Within the ECOSOC the colonial powers could form a strong alliance, and some of the other countries, e.g. Denmark, could quite easily be lobbied. In the General Assembly, however, there were two major problems. The first problem was that the Slav bloc was more numerous, meaning the USSR could get more votes on their amendments. Additionally, instead of the USSR having to propose every amendment, it could spread out their proposals between different Soviet satellite countries, e.g. the Ukrainian amendment. The second problem was that several of the countries that used to be colonies and gained independence more or less recently, did not necessarily want to adhere to the colonial line in the General Assembly. Moreover, considering that the colonial powers tried to cooperate in colonial matters, it was not only UK's own former colonies that it needed to be afraid of, but also former colonies in general. This fear is visible in the draft brief for the UK delegation to the fourth session of the General Assembly, autumn 1949. The British Home Office said, regarding the registration of prostitutes, that the Latin American countries did not represent a real fear within the Social Commission and the ECOSOC, but in the General Assembly "they only need a modicum of support to command a simple majority".<sup>217</sup>

Another possible stumble block for the UK was related to article 1, which included the phrase "for the purpose of gain". The UK needed to include this clause so that that the convention did not criminalise the prostitutes or contradict its domestic legislation. A Pakistani amendment successfully deleted the purpose of gain clause, by a 22 against 17 vote, which surprised the UK delegate.<sup>218</sup> During the following weeks the issue was discussed back and forth, whether or not, now that the phrasing was removed, they would have to vote against the convention. There was interdepartmental disagreement in British Government as regarding article 1, and whether or not this should keep them from signing the convention. The Home Office thought the clause was crucial in order to sign the convention. The British Attorney General pointed out that since the UK had accepted the principle without the

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<sup>216</sup> Summary Records of the 246<sup>th</sup> Meeting of the Third Committee, 11 October 1949, E/CN.5/SR.246.

<sup>217</sup> Home Office to the UK delegate to the UN, 27 September 1949, FO371/78955 UNE4003.

<sup>218</sup> UK delegate to the UN to the FO, 1 October 1949, FO371/78955 UNE4059.

purpose of gain regarding people under the age of 21, they had to give in on the discussion in general.<sup>219</sup> The Foreign Office endorsed the latter view. To the Foreign Office, securing the colonial application clause was of much greater importance, and that the possible absence of the “for the purpose of gain” clause should at worst make the UK abstain to vote and preferably vote for the convention. The Home Office’s view was that, if the purpose of gain clause was not successfully introduced, the UK should vote against the convention.<sup>220</sup> This interdepartmental disagreement might, or might not, have made the work of the UK delegate to the to the UN harder. There is no proof either that fighting this “two front war” on article 1 and 27 scattered the UK’s fire, but it might have been favourable to the UK to have concentrated on one article, and then posed an ultimatum.

The UK’s fight to keep the colonial application clause lasted for three whole meetings, and it was eventually lost due to the Ukrainian amendment. The Ukrainian amendment both deleted the colonial application clause and specified that the word “State” should be included in article 24 in the following way: “For the purposes of the present convention the word “State” shall include all the colonies and Trust Territories of a State signatory to or accepting the convention on and all other territories for which such State is internationally responsible”. The result of the vote on the Ukrainian amendment could not have been tighter, 23<sup>221</sup> votes to 22<sup>222</sup> with 5 abstentions.<sup>223</sup> The USSR and its satellite countries comprised 4 of the total votes for the Ukrainian amendments. Former colonies comprised a large part of the rest of the votes. Thus the colonial application clause was also lost, due to a colonial dismay in the majority of the countries in the General Assembly.

This defeat was even more surprising than the defeat regarding article 1 of the consolidated convention. Home Office wrote on 27 September that “[r]ecent experience has shown that the Council at any rate, is gradually becoming more sympathetic to the U.K. position on this point”, talking about the colonial application clause.<sup>224</sup> One of these experiences might have been the United Nations’ acceptance of the colonial application clause in several other conventions previous to the consolidated convention. The UK had

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<sup>219</sup> UK delegate to the UN to the FO, 6 October 1949, FO371/78955 UNE4097.

<sup>220</sup> FO to the UK delegate to the UN, 7 October 1949, FO371/78955 UNE4097.

<sup>221</sup> The following countries voted for the Ukrainian amendment: Afghanistan, Argentina, Burma, Byelo-Russia, Cuba, Czechoslovakia, Dom. Republic, Ecuador, Iraq, Israel, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukraine, U.S.S.R., Uruguay, Yemen, and Yugoslavia.

<sup>222</sup> Australia, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, El Salvador, France, Greece, Lebanon, Netherlands, New Zealand, Norway, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, and United States.

<sup>223</sup> The UK delegation NY to the UN, 14 October 1949, FO371/78956 UNE4208.

<sup>224</sup> Home Office to the UK delegation to the UN, 27 September 1949, FO371/78955 UNE4003.

managed to secure the colonial application clause in the International Transmission of News Convention, Protocol to Narcotic Drugs, and the Road Transport convention.<sup>225</sup> It could be argued, of course, that these conventions was not of the same character as was the traffic in persons convention, and thus it was far from strange when it was treated differently.

However, the Protocol to Narcotic Drugs, which amended international agreements and conventions (similar to the 1947 Protocols) from League of Nations and earlier, did have the same transnational nature as the traffic in persons convention.<sup>226</sup> It would have been difficult for the United Nations to explain why the colonial application clause was granted the UK in the abovementioned conventions, but not in the consolidated convention in the matter of traffic in persons.

The defeat regarding the colonial application clause created a larger consensus within the British Government in that it made the convention impossible to sign for all of the offices. To the Home Office, the lack of the purpose of gain clause in article 1 made the convention unacceptable. To the Colonial Office, the lack of a colonial application clause (article 27) made the convention unacceptable. Both offices claimed that the convention was unacceptable because of interference with “their” matters. However, it does seem like the Foreign Office emphasised the importance of the lack of a colonial application clause. In a letter from the Foreign Office to the UK delegate to the UN, there was a firm instruction to pose to the UN an ultimatum saying that the UK would vote against the convention if it did not contain a colonial application clause.<sup>227</sup>

The final vote fell in the General Assembly 2<sup>nd</sup> December 1949. The whole convention was put to a vote, and adopted by 35 to 2 with 15 abstentions. The result was detrimental to the UK. The only two delegates who voted against the convention was he delegate from United Kingdom and France. The 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949 Convention) was finally adopted. UK’s struggle regarding the convention was initially characterised by the question about how to best suppress the exploitation of the prostitution of others, but changed into a fight to be able maintain previous legislative privileges. The colonies, which were once its pride and symbol of world power, ended up being the UK’s Achilles heel at a time when the UK’s power was diminishing.

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<sup>225</sup> FO to the UK delegation to the UN, 22 October 1949, FO371/78956 UNE4208.

<sup>226</sup> The Yearbook of the United Nations 1947-48, 106.

<sup>227</sup> FO to the UK delegation to the UN, 5 November 1949, FO371/78956 UNE4406.

The content of the final convention had been on a long journey. It was partly built on a League of Nations study released in 1927, and the work with drafting the convention had started in 1932. After a considerable amount of drafting and redrafting, the draft 1937 convention was ready to be adopted, but World War II put the progress on hold. The UK's problems did not start in 1948/49 either, in regard to article 1 and 27. Without speculating too much, it could be argued that the UK's problems started in 1938, when the concluding the 1937 draft convention was supposed to take place. The 1937 draft convention contained the colonial application clause, so UK would have been able to vote for it and ratify it. Moreover, the chances are small that the UN would have adopted a convention regarding prostitution or traffic in persons if the 1937 draft convention had been adopted. It could be argued, however, that there was still a chance that a new traffic in persons convention could be adopted. The 1937 draft convention regarded exploitation of prostitution, i.e. pimping, explicitly, and did not contain any explicit elements of the previous traffic in women and children-agreements. Regardless of the

Another way of viewing the origins of the UK's problem relating to the matter of traffic in persons, can be considered by setting the starting point in 1947. The USSR managed to delete the colonial application clause during the transition of powers between the League of Nations to the United Nations through resolution 126 (II). The UK therefore had an ongoing process from 1947 to 1949 of getting the colonies and territories to accept the 1921 and 1933 convention on traffic in women and children, and to make sure legislation was up to date. The UK was not able to do this, though they still received acceptances from colonies and territories relatively close up to the final vote on the 1949 Convention.

Perhaps the 1949 Convention had been better off with a separate prostitution convention, but most likely not the way the UK and the NGOs had imagined it. It seems, from the UN discussions, that the most controversial topics regarding the convention concerned the topic of prostitution, and that these would have been problematic, a separate convention or not. The French proposal of 1937 called for the division of the prostitution convention into one regulationist and one abolitionist to make it easier to sign one of the parts instead of having to abstain to the convention as a whole. However, the French proposal was not an attempt to secure a quick implementation of the prostitution convention because of the matters urgency. Nor was it an attempt to protect the prostitution convention from being more difficult to sign. On the contrary, it was an attempt to enable countries to sign the traffic in persons convention without having to sign the prostitution convention. The NGOs and France (and Greece) thus agreed on separating the matters, but not for the same reasons.

Moreover, what initially could be perceived as a regulationist and an abolitionist bloc, failed to provide one regulationist or one abolitionist way of solving the problem of regulated brothels. The national interests of the respective countries got in the way of finding an agreed upon solution to the problem. This divide was perhaps most visible among the abolitionist countries, an example being that some countries wanted to criminalise the prostitutes while others did not.

As for the perceived danger of delay, the fears of the UK and the NGOs were not rooted in reality. The very last time the UK and the NGOs wanted an implementation of the 1937 draft convention was in spring 1949. In December 1949 Convention was adopted by the General Assembly. Though time was considered a crucial factor by the NGOs, it cannot be said that the negotiations were lengthy, though they claimed the inevitability of a lengthy discussion.

The UK seemed to have been more worried about legislative differences with the consolidated draft. The fact that the NGOs also wanted a quick implementation was merely a coincidence. Article 1, 6 and 26 all affected legislation issues. Most crucial to the UK was the colonial application clause, which meant another round of tiring work, urging its colonies to update their legislation. Considering the general condition of the colonies, and the fact that the colonies was slipping out of UK's hands, legislative pressure like forcing the 1949 convention on its colonies could possibly deteriorate the relationship between UK and its respective colonies. France was also forced to vote against the 1949 Convention, because the French Government was not allowed to carry out compulsory health checks. In the light of the discussion on previously mentioned disagreement the regulation of brothels, the lost French amendment seems to represent that the French Government was still regulationist in practice, and wanted to still be able to control the spread of venereal disease.

The IBS and AMS proved to be important allies for the UK. It does not seem as if the IBS and the AMS had any noteworthy disputes with each other. The two NGOs seemed unified, and did not pose a problem during the negotiations. On the contrary, their comments to the respective draft conventions were quite similar to each other, and the two NGOs cooperated on the joint petition campaign. The joint petition campaign, although unsuccessful, comprised an important part of the collective attempt of countries and NGOs to secure a quick implementation of the 1937 draft convention. Thus, it does not seem as if there were any division between the NGOs. The AMS and the IBS managed to convey an important message about the need to defend the prostitutes and their rights. They successfully retained, together with the UK and others, the word "exploitation" in the convention from the

revised draft convention. However, many of the NGOs' main points were lost when the consolidated convention was adopted. The NGOs had emphasised that the inclusion of previous instruments would lower the total amount of ratifications, and thus they pressed, unsuccessfully, for the adoption of the 1937 draft convention. Moreover, the purpose of gain clause was lost, which could imply the criminalisation of prostitutes. It could be that the NGOs fell victims of being an ally of the UK. Because the NGOs and the UK supported the same causes, the USSR might have considered the NGOs collateral damage in the pursuit attacking the UK and its colonies.

Regardless of the NGOs influence on the actual draft, it seems that the NGOs constituted a healthy and necessary part of the international efforts to address the traffic in persons and the exploitation of the prostitution of others. While governments needed to protect their own national interests, the NGOs spoke for the cause of the prostitutes. They were very cautious that the prostitutes were not criminalised, and they emphasised the importance of the rehabilitation of prostitutes. Lastly, the NGOs seemed to agree on the most important parts of the convention.

The real divide seem to have come been between the regulationist and the abolitionist governments. A few countries, like Chile, wanted to remain regulationist, or at least to maintain some regulationist features. However, most of the regulationist governments agreed with the main principles of the convention, but without being able to sign it, merely because it would take years to implement legislation that would enable them to sign the convention. Moreover, the French proposal to split the convention in two would have enabled the regulationist governments to ratify the convention. The abolitionists governments, however, were uncompromising at the point of state-regulated brothels. The final vote was passed with 33 votes to 2 with 15 abstentions. It will only be speculation since I was unable to get a hold on the details of the vote, but it seems plausible that many of the countries that abstained in the vote, might be regulationist countries agreeing with the principles but being unable to sign the convention. The UK, for one, contemplated the idea of abstaining at the time where the purpose of gain clause was the only problem. The main, and arguably only, reason why the UK voted against the convention, was that the lack of a colonial application clause implied a bigger disagreement than the convention itself. They needed to send a message to the UN they could not accept a convention without the colonial application clause.<sup>228</sup>

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<sup>228</sup> UK delegation NY to the UN to the Foreign Office, 29 November 1949, FO371/78958 UNE4663.



# **4 Slavery and forced labour under the UN and the ILO**

In this chapter I describe the characteristic of the international efforts to combat slavery and forced labour. I look at the how the UN assumed the responsibility for the two matters, and the debates that followed. I describe quite thoroughly the work of the ad hoc Committee of Experts on Slavery in order to display the conditions in the various countries and their respective concerns. When these matters part ways, the chronology of this chapter is heavily disrupted. This is a result of a compromise. A perfect chronology is not desirable, as this would inevitably lead confusion and maybe to the wrongful assumption that these were treated as one matter. However, separating the two processes completely would have caused the loss of some important links between the two processes. Therefore, I have chosen to depict the processes alongside each other as long as forced labour was contemplated as a part of slavery, with the intention of showing the resemblance of the matters, and to make the reasons for the separation clearer. This way of constructing the chapter will also make it easier to spot parallels and differences of the matters' respective processes. The process of slavery culminated with the 1956 Supplementary Slavery Convention. The process of forced labour culminated with the 1957 ILO Forced Labour Convention. What characterised the international efforts to combat the matters of slavery and forced labour? In what way did the Cold War affect the two processes? What were the main divisive points within the respective processes? How did the matters become an international concern within the UN?

## **Transition to the UN**

The League of Nations had been more successful in the humanitarian matters than most believed when the UN was established or even than many believes today. Two conventions were passed and one drafted regarding the matter of traffic in persons (1921, 1933, and 1937), one convention was passed regarding the matter of slavery (1926), and one convention was passed regarding the matter of forced labour by the ILO (1930). Regardless of these conventions' content or the number of ratifications they received, the conventions were adopted and these adoptions showed a willingness to prevent respectively traffic in persons, slavery, and forced labour. Although the League of Nations was considered to be a failure judging by its peacekeeping efforts, it showed persistence in addressing the abovementioned



matters. The United Nations continued the work on all these matters. For the UK, one of the significant differences between the League of Nations and the United Nations was the fact that the political climate and the balance of power had changed since the creation of the League and up until its demise in 1946. When the UN was created, the UK relatively quickly forced to accept that the elbow space it had been admitted within the League of Nations was diminished within the UN.

Slavery and forced labour had received a lot of attention in the wake of the discovery of the labour camps facilitated by Nazi Germany, and those that allegedly existed in the Soviet territories. This kind of forced labour seemed to some of its contemporaries within the UN administration as remarkably different from the previous forced labour.<sup>229</sup> The challenge was how to define these new phenomena.

## **Charles Greenidge and the early definition of slavery**

Suzanne Miers has written that “[i]t was generally believed that the institution [slavery] no longer existed (...)”.<sup>230</sup> However, slavery was explicitly mentioned in article 4 of the Universal Declaration of Human Rights.<sup>231</sup> This discrepancy was possibly due to both the narrow (existing) definition of slavery at that time and the narrow perception of slavery in people’s minds. The fact that the UN was aware of the problem of slavery did not, however, automatically put it on the UN agenda. The Belgian delegate, Fernand DeHousse, was the one to bring the matter to the UN’s attention (in the third committee of the General Assembly’s third session) December 1948.<sup>232</sup> However, according to the British Foreign Office, this was not the result of Belgian idealism, but because of Charles Greenidge. Charles Greenidge was the head of the Anti-Slavery Society (ASS), and it was his lobby that resulted in the Belgian proposal, backed by the British government.<sup>233</sup> The old chattel slavery was believed to be close to extinction, but there had been several developments since the slavery convention of 1926, leading to new, unaddressed forms of slavery. The British government thought that the old definition of slavery was too narrow and wanted it to include “a number of other very objectionable practices in some respects similar to slavery.”<sup>234</sup> Thus the Belgian proposal concurred with British interests. The third committee of the General Assembly

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<sup>229</sup> Maul, *Human Rights, Development, and Colonization*, 202-203.

<sup>230</sup> Miers, *Slavery in the Twentieth century*, 319.

<sup>231</sup> The Universal Declaration of Human Rights, article 4.

<sup>232</sup> The Yearbook of the United Nations 1948-49, 547.

<sup>233</sup> FO Minutes, 7 November, FO 371/72853 UNE4489.

<sup>234</sup> Burnham to Randall, 11th February 1949, FO371/78972, UNE 656.

voted on the proposal, with 30 to none with 3 abstentions. Subsequently, the Belgian delegate was instructed to put forth his case in the ECOSOC. He did so in July-August 1949, and he suggested, among other things, the establishment of a small, permanent committee of experts along the lines either of the League Nations Committee or an ad hoc committee of experts.<sup>235</sup>

The British government had regular correspondence with the ASS and knew about the Belgian proposal before it was submitted. Additionally, it was afraid that the proposal might cast “unfavourable publicity on some of the Arab states (...)”.<sup>236</sup> They worried that the remaining chattel slavery within their territories, in the Aden protectorate in particular, would be highlighted. To avoid this, they had a historical resume of slavery prepared, having the benefit of highlighting what they wanted, and a draft resolution that instructed the SG to appoint an ad hoc committee of experts.<sup>237</sup> In spite of Greenidge and the lobbying efforts by the ASS for the establishment of a permanent slavery committee, which had been going on since 1946, the British resolution was adopted.<sup>238</sup> The UK did not want to establish “yet another UN committee”. The UK worried that a permanent committee would be more difficult to control.<sup>239</sup> Although disagreeing on this point, Greenidge was to be of great value for the British government in shaping the process of slavery as they wished.

The government representatives of the ECOSOC went on to deal with the differences of opinion regarding the definition of slavery. Some thought it best to agree upon one restricted judicial definition, whereas others thought the term slavery also should embody institutions and customs resembling slavery.<sup>240</sup> Also notable was the proposal from the Polish delegate, which said that it should be a focus on the slavery and the slave trade specifically in the colonies and in the Non-Self Governing Territories.<sup>241</sup> The majority of governments, however, rejected this proposal. The Council adopted resolution 238 (IX), instructing the SG to appoint an expert ad hoc committee. The issue of defining slavery was to be of major importance for the outcome of the convention. Moreover, the definitions that the ad hoc committee would eventually come up with could recognize the legal status of new forms of slavery. Other forms of slavery, however, could be left out. Considering the fact that these definitions allegedly regarded millions of people, the work of the expert ad hoc committee slavery was going to be all the more important.

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<sup>235</sup> The Yearbook of the United Nations 1948-49, 548.

<sup>236</sup> FO minutes, 9 November 1948, FO371/72853 UNE4489.

<sup>237</sup> The Yearbook of the United Nations 1948-49, 548.

<sup>238</sup> Greenidge to Heppel, 1 September 1948, FO371/72853 UNE 3622.

<sup>239</sup> Maclean to Grossmith(CO to FO), 10 March 1948, FO371/72853 UNE1333.

<sup>240</sup> The Yearbook of the UN, 1948-49, 548.

<sup>241</sup> FO minutes, 9 November 1948, FO371/72853 UNE4489.

As previously mentioned, the UK wanted to emphasise that the chattel slavery was close to extinction, and that it was the new and mutated forms of slavery that it believed had to be dealt with. This was because they wanted to avoid attention on the colonies and territories. Greenidge of the ASS discussed with the British Foreign Office what should be included in such a proposed new slavery definition and what should be left out. In a letter dated September 1948, Greenidge mentioned peonage as one of the most widespread analogous forms of slavery, which was not included by the, at the time, existing definition of slavery from 1926.<sup>242</sup> According to Greenidge peonage was widespread, particularly in Latin American countries, and more than five million people were victims of it.<sup>243</sup> Thus certain governments would have problems signing a new slavery convention if peonage was included in the definition. If the system of mui tsai was included, several Asian countries, China in particular, would also have difficulties with signing the convention. Such was the case with all the different analogous forms of slavery. No state was the habitat of all the analogous forms of slavery, but one country struggled with peonage, another with mui tsai, and a third with chattel slavery. Therefore, the definitions proved to be of crucial importance to the different member states of the UN.

A lot of countries had signed the previous slavery convention and adopted legislative measures accordingly. The UK was among these, and it had rather often pointed out that the UK had always played a leading role in the fight against slavery.<sup>244</sup> However, the scope of a new convention could include practices that existed within the British territories. Additionally, a new convention could be adopted without a colonial application clause. It would have been a great embarrassment, both domestically and internationally, not being able to sign a new convention (just because a new form of slavery was included). Still, the UK wanted to expand the definition of slavery so that the chattel slavery would not be as obvious as it was before. Therefore, it was of great importance that the definitions were written with the support of the UK. The power of definition lay in the mandate of the ad hoc committee.

To the British government, there was one key form of slavery to address, and that was the slavery in the Russian labour camps.<sup>245</sup> As mentioned in the previous part of this thesis, the USSR was able to deny the existence of traffic in persons within its territories, whereas

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<sup>242</sup> Greenidge to Heppel, 1 September 1948, FO371/72853 UNE3622.

<sup>243</sup> Address by Greenidge to the Les Amis le'Abbe Gregoire (the French counterpart of the ASS), 23 October 1948, FO371/72853 UNE4455.

<sup>244</sup> Warner to Hoare, 25 January 1954, FO 371/112512 US2181/4.

<sup>245</sup> The UK delegate to the UN to the Foreign Office, 10 February 1949, FO371/78972 UNE791.

the UK was forced to vote against the 1949 Convention. I cannot know for certain whether the USSR did have traffic in persons within its borders, although it is doubtful that it was completely absent. However, the kind of forced labour that allegedly existed within the Soviet territories was a state matter, meaning that it actually constituted a considerable part of the USSR's economy. Moreover, the USSR, allegedly, used its forced labour camps for imprisonment of political prisoner, i.e. enemies of the Soviet communist regime. Thus it was much more difficult for the USSR to claim that forced labour did not exist within its territories when there existed such compelling evidence that claimed the contrary. Whether or not forced labour was to fall within the definition of slavery was of huge international importance. In the interwar period it was the ILO that ended up adopting a forced labour convention. The League of Nations did not deal with the subject of forced labour because it claimed that forced labour lay outside their terms of reference, nor did they deal with peonage because they never would decide whether it came under their jurisdiction or not.<sup>246</sup>

Following the Belgian proposal in the General Assembly, the Foreign Office pointed out to the Colonial Office that “[i]t will be most important that we go into any discussion of the problem fully informed of the worst of our own inequities. We have, of course, more to boast about than anyone in what we have done to stamp out slavery”.<sup>247</sup> The citation shows that the British government were confident that, as the matter of slavery was raised, it was going to work out favourably for them because of their previous efforts to abolish slavery. However, at the end of the letter the Foreign Office asked if there was any truth in what the ASS said about the selling of girls in Singapore and mui tsai in Hong Kong. It therefore seems safe to say that the British government did not fully know its own situation when it came to analogous forms of slavery. The letter reveals that the UK was aware that some of its colonies might cause trouble because of the existence of chattel slavery, but it might have been unaware of the different systems of analogous forms of slavery. The UK needed a comprehensive update. Moreover, the failure to ensure the colonial application clause from the process of the traffic in persons was deterring and alarming. If there was to be a new convention, the UK needed to find a way to sign the convention without forcing the colonies and territories to do the same.

## **The enquiry on forced labour**

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<sup>246</sup> Boothby to Greenidge, November 1948, FO 371/72853, UNE 4455.

<sup>247</sup> Rundall to Galsworthy, 6 January 1949, FO371/72853 UNE 4933/342/96.

The matter of forced labour had previously been treated separately from the matter of slavery, and it was within the ILO that convention was adopted in 1930, not the UN. Now that an augmented definition of slavery was discussed, the question was whether or not forced labour should be included in this updated and possibly augmented definition. In February-March 1949 ECOSOC held its 8<sup>th</sup> session. At this point, it was uncertain whether a new separate UN committee would address the matter of forced labour or if the ILO should continue to be in charge of it, as they currently were according to the 1930 Forced Labour Convention. The British government was apparently not afraid of the matter of forced labour. A letter from the colonial office to the foreign office shows that the British had “faithfully fulfilled its obligations to the convention” (meaning the 1930 Forced Labour Convention).<sup>248</sup>

There was definitely a heated atmosphere at the 8<sup>th</sup> session of ECOSOC. The background for this session was a proposal of the American Federation of Labour (AFL) from November 1947. The AFL wanted the ILO to conduct an enquiry regarding new systems of forced labour in all member states of the UN. More specifically, David Maul has written that the AFL’s only target for proposing this enquiry was the Stalinist Gulag system.<sup>249</sup> Moreover, the AFL had released a pamphlet, discussing forced labour within the Soviet territories.<sup>250</sup> Several significant things happened during the initial days of the session. The US delegation submitted a draft resolution, asking the ILO to investigate developments in the field of forced labour, and take into consideration the memorandum by the AFL. The UK viewed this as an opportunity to “attack practices in the Soviet Union and satellite countries”.<sup>251</sup> The American proposal initiated the debate, and things escalated quickly. The representative from the AFL held a speech where she attacked the Russian labour camps. She was particularly angry at the Soviet phrasing that this forced labour was said to happen in “corrective” labour camps. She concluded that a full enquiry into all member states was necessary, so that one could validate or invalidate the information given.<sup>252</sup> The Soviet delegate replied with a claim that the AFL was a subordinate of the United States’ government, that the US discriminated against negroes, and that the pamphlet written by the AFL was edited “by either idiots or gangsters” and thus had no credibility.<sup>253</sup> The American delegate then attacked the USSR delegate. He quoted a former speech given previously by

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<sup>248</sup> Burnham to Matthews, 11 January 1949, FO 371/78972 UNE 0139.

<sup>249</sup> Maul, *The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present*, 484.

<sup>250</sup> *The Yearbook of the United Nations*, 1948-49, 545.

<sup>251</sup> UK delegation New York to FO, 10 February 1949, FO 371/78972 UNE 791.

<sup>252</sup> UK delegation New York to FO, 15 February 1949, FO 371/78972 UNE 754.

<sup>253</sup> *Ibid.*

another USSR delegate in October 1948 where this USSR delegate actually confirmed the existence of “corrective” labour camps in the USSR. However, this delegate claimed that the inmates in these camps “work 8 hours daily, have health and recreational facilities, and are paid up to 60 rubles a month”. The American delegate backed the proposal of the AFL of an impartial enquiry. He ended his speech by Marx’s words point to out the double standard of the Soviet situation (Marx’s quote at the end): “(t)hen the workers of those regions of the world whose society is patterned on the teachings of Karl Marx may indeed discover a new meaning in his century-old exhortation, “you have nothing to lose but your chains”.”<sup>254</sup>

The British delegate followed suit and addressed the labour camps by asking the question many governments wondered: “What do these corrective camps correct? [...] Are they [the inmates] able to mix with friends and relatives outside or are all the members of their families being corrected also?”<sup>255</sup> He continued, accusing the Soviet delegate of not producing any defence against the grave charges produced by the US. Feeling confident that the British conscience was clean regarding forced labour, he claimed that the council could not “ignore the evil of the forced labour camps, which is the greatest crime of all”.<sup>256</sup>

The Polish delegate then responded to these accusations with an attack against the UK. After having revealed unflattering facts about different British territories he concluded with the following statement: “I know I owe an apology to the United Kingdom delegate for touching upon the sancre sanct, namely, the British colonies, but as we were discussing labor conditions, and as the United Kingdom has shown so much interest on that case, I could not help satisfy their interests with some additional information.”<sup>257</sup> Additionally, he begged the question if the capitalist countries were able to talk of slavery when there existed such poor conditions for the workers in their countries.

The abovementioned discussion on forced labour is symptomatic of the discussions that arose at the ECOSOC at this time. The UN picked up the matters of slavery and forced labour at a time where the Cold War coloured most of the political decisions made in the UN. It was important for the world scene protagonist to appear both powerful and sympathetic in order to make allies. The UN thus became a battlefield, which appeared to provide opportunities for the great powers to attack each other rather than being a vehicle to promote the victims of slavery and forced labour. Soon enough a division within the ECOSOC was visible. The United Kingdom and the United States were the protagonists of the colonialists or the West

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<sup>254</sup> <sup>254</sup> Thorp’s speech to the ECOSOC, 17 February 1949, FO 371/78972 UNE 876.

<sup>255</sup> Mayhew’s speech to the ECOSOC, 17 February 1949, FO371/78972 UNE 876.

<sup>256</sup> Ibid.

<sup>257</sup> Katzsuchy’s speech to the ECOSOC, 15 February 1949, FO371/78972 UNE 803.

bloc, and the Soviet Union was the sole protagonist of the anti-colonialists or the Slav bloc. The many tie votes in these matters is symptomatic of the existence of blocs within the UN, e.g. the voting on whether the communist trade union WFTU should get to speak or not on the Forced Labour Agenda Item 3.<sup>258</sup>

Alliances were of crucial importance for both sides. The proposed amendment by the Australian government (which proposed unsubstantial changes) to the US draft resolution is a good example on how alliances within the ECOSOC worked. The British Foreign Office instructed the UK delegate to the UN as follows: “We do not feel that the Australian amendments are likely to achieve much, but agree that you should support them”.<sup>259</sup> These alliances were visible through most of the ECOSOC sessions. As the UK and the US delegate attacked the Soviet delegate, the Polish and the Byelorussian delegate rushed to their comrade’s defence. The Belgian delegate would subsequently defend the UK and the US. Even though there were exemptions to this pattern, the general notion consisted of a colonial bloc and a Slav bloc. As I have previously mentioned, superpowers dominating a human right scene was not an entirely new phenomena. After World War II, however, there was a move from a multipolar to a bipolar balance of power, with the US and the USSR as the protagonists. The British government had been used to getting what it wanted within the League of Nations, but it became quickly aware of that this was not true in the same way within the United Nations.

## **The ad hoc Committee of Experts on Slavery**

In December 1949, at the same time as the 1949 Convention (traffic in persons) was concluded, the SG appointed the following members to the ad hoc Committee of Experts on Slavery: Charles Greenidge (UK), Brun Lasker (US), Moises Poblete Troncoso (Chile), and Madame Jane Vialle (France).<sup>260</sup> The ad hoc Committee of Experts on Slavery (the ad hoc Committee on Slavery) met for its first session in New York February 1950.<sup>261</sup> One of the first items it decided on, was that a questionnaire should be sent out to all member states and non-member states of the UN. The ad hoc Committee on Slavery also decided that it would need to have one or more additional sessions in order to consider the information received

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<sup>258</sup> New York to FO, 18 February 1949, FO 371/78972 UNE 794.

<sup>259</sup> Minutes by La Quesne, 18th February 1949, FO371/78972 UNE 801.

<sup>260</sup> The Yearbook of the United Nations 1948-49, 548.

<sup>261</sup> Interim Report of the ad hoc Committee on Slavery, 21 February 1950, E/1617, 3.

and to prepare a final report.<sup>262</sup> The questionnaire was mainly based on the League of Nations' questionnaire from 1924. However, the second part of the questionnaire, "Institutions and customs analogous to slavery", represented a new dimension of slavery. This part had to be specified in detail both because it differed from the old perception of what slavery was, and because the definitions of the committee would have major implications for different countries. Therefore, the definitions regarding the analogous forms of slavery were of crucial importance. The committee knew about some of the local variants of these analogous forms of slavery, and wanted to include these. The questionnaire was sent out to member and non-member states of the UN in addition to certain NGOs and experts.<sup>263</sup> In particular the ad hoc Committee on Slavery asked the ILO to communicate to the Committee any information on slavery and involuntary servitude. This was partly because the ad hoc Committee on Slavery's list of analogous forms of slavery touched several forms of forced labour. As was the case with the draft convention of the 1937, the ad hoc Committee on Slavery thought that the 1926 convention, which was still in force, needed some modifications<sup>264</sup> It also decided that they needed at least one more session to consider the information received in reply to the questionnaire and to prepare its final report.

The ad hoc Committee on Slavery held its second session in New York in April 1951.<sup>265</sup> Judging by the information received from the governments it concluded that the different countries had major differences as to deal with the matter of slavery. Although the legal abolition of slavery had come a long way, war, famine and tradition of class division did that analogous forms of servitude existed in many areas. However, these conditions and others like them, the ad hoc Committee on Slavery argued, did not justify the continued existence of slavery or forms of servitude.<sup>266</sup> What the information from the governments did show, was that the member states had very different starting points as to ending slavery, especially with the new element of analogous forms of slavery. One should bear in mind that these analogous forms of slavery were previously unaddressed, and that many governments worried that the new definition of slavery would interfere with their domestic legislation.

The committee processed the government replies. More specifically, the governments had answered the following questions: "Does slavery (as defined in the slavery convention of 1926) exist in any territory under your control? Does the slave trade [...] exist in any territory

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<sup>262</sup> Interim Report of the ad hoc Committee on Slavery, 21 February 1950, E/1617, 4.

<sup>263</sup> Report of the First Session of the ad hoc Committee on Slavery, 27 March 1950, E/1660, 9+18.

<sup>264</sup> *Ibid.*, 11.

<sup>265</sup> Report of the ad hoc Committee on Slavery (Second Session), 4 May 1951, E/1988, 2.

<sup>266</sup> *Ibid.*, 5.



under your control? Do any practice exist in any territory subject to the control of your Government which are restrictive of the liberty of the person and which tend to subject that person to a state of servitude, as for instance: [...].” It went on to list all the different types of analogous forms of slavery that the committee could name, even with local examples to make sure no misreading would take place, e.g. “siringalese or cauchales” (local variants of debt bondage).<sup>267</sup> I have mentioned briefly the slight confusion regarding the differences between slavery and traffic in persons. The questionnaire from the ad hoc committee took this confusion one step further. Although the 1949 Traffic in Persons Convention had dealt with prostitution, traffic in persons, and the continuous exploitation of the prostitution of others, one of the forms of slavery in the questionnaire was “forms of prostitution of women and children involving exercise of ownership over them”.<sup>268</sup> It is hard to say whether the inclusion of the prostitution slavery was due to a lack of knowledge of the 1949 Traffic in Persons Convention, but the fact that it was included shows the close resemblance of exploitation of prostitution and certain forms of slavery. Perhaps there were political reasons as to why the exploitation of prostitution was not included in the definition of slavery. Moreover, the fact that several colonial powers had controlled prostitution and regulated brothels in the past made the matter different than other forms of slavery.

The government replies to the ad hoc Committee on Slavery’s questionnaire differed enormously. Four main groups of replies are apparent in hindsight. Small countries like Iceland, Luxembourg, Monaco and Norway claimed that neither slavery nor analogous forms of slavery existed. These countries did neither have a history of slavery, nor did any NGOs or governments accuse them of being affiliated with slavery or analogous forms of slavery. The South American and Middle Eastern countries also claimed that slavery and analogous forms of slavery did not exist within their territory. These countries, such as Venezuela, Columbia, Bolivia, Syria and Jordan, were traditionally known to be countries with a history of slavery. According to a NGO report, three million Amerindians were living in the state of peons in Ecuador, Peru and Bolivia in 1943.<sup>269</sup> Bolivia, however, answered no to question three (whether analogous forms of slavery existed within their territory or not).<sup>270</sup> The minister of foreign affairs in Ecuador replied that “no servitude of any kind in my country”.<sup>271</sup> Thus there

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<sup>267</sup> Report of the First Session of the ad hoc Committee on Slavery, 27 March 1950, E/1660, 6.

<sup>268</sup> Ibid.,

<sup>269</sup> Address by Greenidge to the Les Amis le’Abbe Gregoire (the French counterpart of the ASS), 23 October 1948, FO371/72853 UNE 4455.

<sup>270</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.22.

<sup>271</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.30.

were an apparent discrepancy between the answers of the certain governments and certain NGOs.

The Slav bloc's replies differed in phrasing, but the message was quite clear. Poland's reply merely said that "I have the honour to return to you, without reply, the questionnaire on Slavery and servitude [...]"<sup>272</sup> Bulgaria followed suit and claimed it had no comment to make, since slavery had never existed in any form in Bulgaria.<sup>273</sup> The answers of the other members of the Slav bloc bore a close resemblance of this. The USSR simply wrote one sentence, saying that the problem of slavery "does not arise in the Soviet Union".<sup>274</sup>

Whether or not the Slav bloc was telling the truth about their territories, the colonial bloc, had a lot more to account for. UK's answer, for example, was 17 pages long. The exception was the US, who belonged to the colonial bloc without being a colonial powers like the rest of the bloc's members. The replies of the colonial powers contained various descriptions of local customs. The colonial powers suggested that these customs were exempt from the given analogous forms of slavery under which the different local customs had been places by the ad hoc Committee on Slavery. This could have been due to a genuine confusion regarding the definitions, but it could also have been a conscious attempt to disguise analogous forms of slavery as local customs. The French government noted the SG that serfdom had completely disappeared, but that a "custom derived from serfdom persists". The only difference, however, was that the serfs "are completely at liberty to change their overlord [...]"<sup>275</sup> The French government additionally noted that the inheritance of widows and children "is in fact a welfare institution requiring the husband's to assume responsibility for the maintenance of the widows family", and they claimed that traditional obligations in Equatorial Guinea "should be considered as taxation." The British government did something similar by simply saying "the powers of Native Authorities, to exact compulsory labour in certain circumstances [...] do not fall within this item".<sup>276</sup>

Another example of either confusion or opportunistic interpretation was "dowry marriage" could easily have been confused with "wife purchase", which was regarded an analogous form of slavery. In both the British colony of Swaziland and in South Africa, "lobola" was considered dowry, and not as a price to buy a slave.<sup>277</sup> "Lobola" represented in both the UK and in South Africa a long tradition in terms of marriage. This serves as a good

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<sup>272</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.16.

<sup>273</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.24.

<sup>274</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.51.

<sup>275</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.42.

<sup>276</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.50.

<sup>277</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.45 and 50.

example of how domestic customs complicated matters that were decided on internationally, and that confusion arose because the definitions were made by western scholars predominantly. Moreover, it shows that definitions and nuances were of the utmost importance. In order to address all the different types of slavery, the ad hoc Committee on Slavery had to avoid being too specific and too cursory in its definitions. A definition that was too specific and included too many details might have enabled the governments to exclude certain types of slavery from their questionnaire reply, due to microscopic differences from the definition of the ad hoc Committee on Slavery. A definition that was too wide and cursory faced the same problem, and would leave all the recent types of slavery unaddressed.

The abovementioned replies show, especially those from governments who had something to report, that the concern of the governments revolved around their respective national interests. As the government replies show, the different governments either tried to deny the existence of analogous forms of slavery, to disguise the slavery as local customs, or simply ignore the question. If successful, a government would be able to avoid embarrassment and changing domestic legislation. I am not claiming that all the governments either lied in their reply or tried to consciously misinterpret the definitions of the analogous forms of slavery. However, it seems likely that more of the governments should have reported on slavery, based on what was known at the time from NGO reports, and what we know in hindsight, e.g. about the Gulag system.

Interestingly, most of the governments that responded to the questionnaire, did not answer what was really being asked in the questions. The questionnaire did not ask whether they had laws to prohibit all kinds of slavery or not, which you would think reading most of the replies. The questionnaire asked whether or not slavery existed. As an example, Egypt merely stated that slavery, the slave trade and the analogous form of slavery respectively were prohibited, not permissible and punishable under Egyptian law, without mentioning the actual existence of the different practices.<sup>278</sup> Thailand did the same thing: “Slavery has been completely abolished in Thailand by the Law for the Abolition of Slavery (...)”.<sup>279</sup> This was the case with almost all the replies. A few countries, however had noted what the question really asked, among them Japan: “However, despite these protective measures, some additional practices and individual cases of abuse still exist which tend to subject individuals

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<sup>278</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.18.

<sup>279</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.21.

to exploitation and in some instances to virtual servitude”.<sup>280</sup> E.g., “the Labour Boss System”. The government of Japan also admitted that even though legalised prostitution was banned, there existed houses of prostitution where the personal liberty of women was violated. Thus they admitted the existence of a type of criminal activity in spite of their legislation.

The focus of many countries on the legal situation of slavery rather than the de facto situation of slavery might be a result of the focus on the fight against the classic/traditional slavery. My findings correlate with what Joel Quirk has written: “Prior to the Second World War, both activists and government officials had generally prioritised legal slavery and its immediate aftermath”<sup>281</sup>. Moreover, the questionnaire of the ad hoc committee contained an elaborated interpretation of slavery (question three on analogous forms of slavery), and thus represented a whole new way of “thinking slavery”. The definition of slavery referred for the first time to other forms of slavery than chattel slavery. The legislation that many of the governments pointed to was adopted in the 19<sup>th</sup> century, when the definition of slavery was much more limited. The fact that many of the governments refer to this old legislation, e.g. Venezuela, seems to prove the point that they did not grasp what was new and important about the ad hoc committee’s augmented definition of slavery.<sup>282</sup> A legal interpretation of the questionnaire was much more time efficient than looking into the actual conditions of the inhabitants in the country.

The UN system, as I have talked about before, was quite reliant on the principle of trust of the different member states. Governments’ replies could reflect reality, it could reflect a bent reality, or it could be a blunt lie. However, the risk of being exposed in the General Assembly or in the ECOSOC as a liar was undesirable to the governments, especially those governments who were occupied with building alliances. The Colonial bloc, and perhaps the UK in particular, knew that there was an advantage in coming clean rather than being exposed by a member of the Soviet bloc or by an NGO. An example of what frustration this relative truth could create was visible in the report of the ad hoc Committee on Slavery. The ad hoc Committee on Slavery noted that some of the information it had received by the governments was not in agreement with information received from unofficial sources or the personal knowledge of the group. Frustrated, they also noted that they had no way of

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<sup>280</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.40.

<sup>281</sup> Quirk, *The Anti-Slavery Project*, 151.

<sup>282</sup> Questionnaire on Slavery and Servitude, 2 June 1950, E/AC.33/10/Add.33.

verifying the information given from the unofficial sources, and were thus forced to merely submit the survey to the ECOSOC.<sup>283</sup>

As to the general definition slavery, i.e. the phrasing to describe conditions that qualifies a person to be slave, the ad hoc Committee on Slavery concluded that matter of slavery had become so diverse that a strict definition could hardly comprehend all the relevant matters.<sup>284</sup> Thus, considering that they could not come up with a sufficient contemporary definition, they choose to recommend to the ECOSOC that the definition from 1926 should continue to be accepted as the universal definition of the term. Thus the definition of slavery was still sufficient after 30 years, and the heritage of the League of Nations once again proved important. However, the analogous forms of slavery needed to be addressed, but as a supplement rather than a replacement.

In the same report to the ECOSOC, the ad hoc Committee on Slavery recommended that the ECOSOC should do the following three things: assume responsibility of the powers previously exercised by the League of Nations regarding the matter of slavery, i.e. the 1926 Slavery Convention, appoint a standing body of experts on slavery, and make a draft supplementary international convention, stating explicitly that it should include certain articles of a clarifying nature. Instead of making a whole new convention, they wanted to use the old one as a base, but add certain articles. These articles consisted, almost exclusively, of ways to either explain possible ambiguities in the 1926 Slavery Convention or shed light over more contemporary forms of slavery and servitude, not mentioned in the 1926 convention. As an example, they recommended that the supplementary convention contained a comprehensive definition of debt bondage. If adopted, the ad hoc Committee's suggestion to draft and then adopt a supplementary slavery convention would imply the creation of a new dimension of the word slavery. A supplementary slavery convention would make sure that innovative slaveholders could be punished. Additionally, slaveholders who were actually unaware of the fact that they were committing a crime, such as some cases of forced marriage, could be stopped.<sup>285</sup>

However, the ad hoc committee decided to leave forced or "corrective" (they adopted the term after labour to the ILO, because of the ECOSOC Resolution 350 (XII), which invited the ILO to cooperate with it in the establishment of an ad hoc committee on forced

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<sup>283</sup> Report of the ad hoc Committee on Slavery (Second Session), 4 May 1951, E/1988, 11.

<sup>284</sup> *Ibid.*, 7.

<sup>285</sup> *Ibid.*, 19-20.

labour.<sup>286</sup> Thus, from now on, forced labour was completely out of the ad hoc Committee on Slavery's hands, and also separated from the slavery definition. The reasons for this exemption became increasingly visible as the forced labour debate proceeded.

At ECOSOC's 13<sup>th</sup> session in 1951, several decisions were made which were of great importance to the future of the matter of slavery. On the ad hoc Committee on Slavery's recommendation, the ECOSOC decided to recommend to the General Assembly to transfer from the League of Nations to the United Nations the powers and functions under the Slavery Convention of 1926.<sup>287</sup> Furthermore, the ECOSOC decided to appoint a committee to be responsible for drafting the supplementary convention.<sup>288</sup> Lastly, the ECOSOC decided to establish a standing committee of experts on slavery, appointed by the SG. This committee's task was mainly to monitor the development of slavery; both in terms of laws and measures implemented, and to recommend to the UN what improvements could be made.

## **The enquiry on forced labour, 1949-50**

As previously mentioned, the impartial enquiry on forced labour, as initially proposed by the American Federation of Labour, was formally proposed by the US at the eight session of the ECOSOC, in 1949.<sup>289</sup> The US resolution proposed that a joint UN-ILO commission should conduct the enquiry. In reply, the USSR proposed a commission of enquiry on their own, consisting of representatives appointed by the communist World Federation of Trade Unions.<sup>290</sup> The British trade unions feared the WFTU, claiming it was not long before the "communist barrage" corrupted the whole organisation.<sup>291</sup> The Soviet proposal was lost and the American resolution was adopted. Forced labour was officially a concern of the ECOSOC.<sup>292</sup> Subsequently, after the session, the ILO confirmed both that the issue of forced labour was within their competence and that they wanted to work in close cooperation with the UN.<sup>293</sup> To the UK one of two positive outcomes seemed almost inevitable. The USSR could formally deny the proposed enquiry, embarrass itself, and there would be no enquiry

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<sup>286</sup> Report of the ad hoc Committee on Slavery (Second Session), 4 May 1951, E/1988, 5.

<sup>287</sup> *Ibid.*, 27.

<sup>288</sup> *Ibid.*, 31.

<sup>289</sup> Draft brief for the UK delegation to the Tenth session of the ECOSOC, 31 January 1950, FO 371/88869 US 2182/10.

<sup>290</sup> *Ibid.*

<sup>291</sup> Rapp to FO, 24 January 1949, FO 371/78865.

<sup>292</sup> Report by the Secretary-General, "Survey of Forced Labour and its Abolition", 13 January 1950, E/1588, 2-4.

<sup>293</sup> *Ibid.*, 2.

and thus no focus on the slavery in its colonies. The second option was that the USSR would allow an enquiry, in which case the accusations of the AFL could finally be confirmed.

As the resolution instructed, the SG approached the member states to ascertain if they would cooperate if there were to be an impartial inquiry, although the USSR had made it quite clear that it would not accept such an inquiry.<sup>294</sup> The ECOSOC received mixed answers from the member states, and the ECOSOC felt that the government replies indicated that an effective inquiry would be difficult to accomplish.<sup>295</sup> However, the US pressed strongly for the enquiry, regardless of Soviet participation. Additionally, the ECOSOC expressed willingness to go through with the enquiry without the Soviet countries as well. This did not bode well for the UK. The UK thought it pointless to go through with the enquiry without Soviet participation. They were concerned what the outcome might be of such an inquiry in the colonies, and feared thus that it would “disrupt the Western line-up” because of the colonial difficulties such an enquiry would facilitate. The Western line-up was later in the letter explained with “ourselves, the French and the Belgians”.<sup>296</sup> Moreover, they pointed out, as a warning to the US that forced labour had not yet been concisely defined and that peons in Latin America and negroes working on cotton farms in the US could be embodied in the definition.<sup>297</sup> Thus, the UK tried to warn the US that such an enquiry could backfire, and display the American inequities. However, judging from the letters containing these warning, it seemed more likely to be due to fears of what could come of an enquiry in the colonies rather than a genuine fear of what could happen to the US. Thus, what was initially viewed by the UK as collateral damage, i.e. focus on forced labour in the British colonies and territories, was now in danger of being the sole focus the enquiry. Considering the fact that the Soviet countries were the original reason for creating an enquiry, the British viewed it as meaningless and even damaging to do so now that the Soviet states had refused to cooperate.

The fears of the British government were well rooted in reality. The whole Slav bloc turned the inquiry down. The government of Bulgaria was “not prepared to cooperate”, the Byelorussian government simply restated that it voted against the resolution 195 (VIII), and the Czechoslovakian government claimed that “the proposed action is in flagrant contradiction to the principles of the United Nations Charter.”<sup>298</sup> The document does not specify the proposed enquiry contradicted the United Nations Charter, but it was most likely

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<sup>294</sup> The Yearbook of the United Nations 1950, 540.

<sup>295</sup> Ibid.

<sup>296</sup> Cape to Jebb, 5 September 1949, FO 371/88868 US 2181/2.

<sup>297</sup> Cape to Jebb, enclosed memorandum, 5 September 1949, FO 371/88868 US 2181/2.

<sup>298</sup> Report by the Secretary-General, “Survey of Forced Labour and its Abolition”, 13 January 1950, E/1588.

the 2.7 in the United Nations Charter it referred to, which said that the UN could not use the charter to intervene in domestic jurisdiction.<sup>299</sup> In any event, the Soviet Bloc turned the enquiry down, and thus there could be no impartial enquiry that included all of the UN member states. The main reason for British participation was to expose the USSR, and now that this was out of the question; there could be no gain from such an enquiry. In fact, it might work out to the advantage of the Slav bloc. The Slav bloc consistently tried to expose the colonies, whether it was over forced labour, slavery or standards of living.

A disagreement relating to the question of representation in China caused the USSR and the rest of the Slav bloc to boycott the coming ECOSOC meeting.<sup>300</sup> The fear of the British government was now that the whole item of forced labour would slip because of the Slav bloc's absence, and that this "would suit the Russian hand admirably".<sup>301</sup> The Foreign Office managed to lobby Denmark, Brazil and India to put forth an amendment, and thus postpone action for 18 months.<sup>302</sup> The Foreign Office claimed that it would lose the upper hand if the ECOSOC proceeded with the forced labour debate without the Slav bloc, because the Slav bloc had stated that they would accept anything that was adopted in their absence.<sup>303</sup>

A Foreign Office' Minutes commented in May 1950 that time was not on UK's side anymore, and that it perhaps was forced to consider a new "line", meaning that the UK should support an enquiry regardless of Soviet participation. The Foreign Office's reasons for thinking this way were several. Firstly, they had already been criticised for being involved with the matter strictly for propaganda value and not to put an end to the practice itself.<sup>304</sup> Refusing the enquiry just because the Slav bloc refused it would inflict the same embarrassment on the UK. Secondly, the ILO might decide for itself to go through with an enquiry. In FO's view the ECOSOC was the best alternative when it came to creating a committee of inquiry; the ILO might mean trouble considering the fact that the USSR was not a member of the ILO and that the USSR might discredit its competence. Thirdly, the newly created trade union organization ICFTU would be likely to investigate the question of forced labour, and this would be undesirable because the British would be "unable to guide an ICFTU investigation, and that it would [...] be better that the investigation should be

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<sup>299</sup> The Charter of the United Nations, Article 2.7.

<sup>300</sup> The Yearbook of the United Nations 1950, 421.

<sup>301</sup> FO minutes by Salt, 2 February 1950, FO 371/88869 US 2182/11.

<sup>302</sup> La Quesne Minutes, 4 May 1950, FO371/ US2182/38.

<sup>303</sup> Draft brief for the UK delegation to the Tenth session of the ECOSOC, 31 January 1950, FO 371/88869 US 2182/10.

<sup>304</sup> Minutes by Le Quesne, 31 May 1950, FO 371/88870 US 2182/40.



carried out by a body over which we have rather more control”, meaning the ECOSOC.<sup>305</sup> Lastly, if the UK delegate to the UN was unsuccessful in his lobbying efforts, the UK still would have to think again “since an agreement with the United States in the council is the conclusion which above all others we must avoid”.<sup>306</sup> The danger was still, however, in the Foreign Office’s words, that the proposed ECOSOC committee would be “diverted from the real point of issue and concentrating instead on comparatively harmless practices in those areas such as the British colonies (...)”.<sup>307</sup> Remember that the UK managed to get off easy in the 1930 Forced Labour Convention. Due to the balance of power within the United Nations it probably feared that the practices that once were exempted from the definition not would be exempted this time.

The UK had to be cautious about what to do next. It had already been criticised for being involved with the matter strictly for propaganda value and not to put an end to the practice itself.<sup>308</sup> It would have looked bad in the ECOSOC first to promote an enquiry, but then reject the enquiry if the Slav bloc refused to cooperate. The decision to endorse the American proposal regardless of the participation of the USSR was thus primarily motivated by the wish to control the outcome of the enquiry as much as possible. Moreover, the alliance with the US was crucial to the UK. To the US, however, it seemed to be more important to please the AFL than the UK. The US preferred an ILO commission because it would “do least damage to friendly countries and maximum damage to the Soviet side”.<sup>309</sup> Thus, the US viewed the ILO as the best option for the enquiry for the colonial bloc. The UK viewed ECOSOC as a better forum for the forced labour debate because it was easier to control. This resulted in a compromise, more specifically in a US-UK resolution that invited the ILO and the ECOSOC to cooperate on the issue.

In February-March 1951, ECOSOC held its twelfth session. The joint draft resolution by the UK and the US, instructing the SG to create an ad hoc committee in the spirit of the ad hoc Committee on Slavery, was to be considered. In spite of the resolution proposed by the USSR to pay particular attention the “actual working conditions of men and women workers and their children in colonies and dependent territories”, the US-UK joint draft resolution was adopted.<sup>310</sup> Through resolution 350 (XII), the ECOSOC invited the ILO to cooperate to

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<sup>305</sup> Minutes by La Quesne, 4 May 1950, FO 371/88870 US 2182/38.

<sup>306</sup> Minutes by La Quesne, 21 June 1950, FO 371/88871 US 2182/43.

<sup>307</sup> Minutes by La Quesne, 4 May 1950, FO 371/88870 US 2182/38.

<sup>308</sup> Minutes by Le Quesne, 31 May 1950, FO 371/88870 US 2182/40.

<sup>309</sup> Washington to Foreign Office, 1 July 1950, FO 371/88871 US 2182/45.

<sup>310</sup> Report of the ECOSOC to the GA, 16 August 1950 to 21 September 1951, Section VII *Forced labour*, 110.

establish an ad hoc committee on forced labour that was to study “the existence of in the world of systems of forced or “corrective” labour [...]”.

The phrase “corrective” labour was an expression that the Soviet delegate himself had used in the ECOSOC in the initial response to the allegations on forced labour in Soviet territories. In a letter from the British Colonial Office to the Foreign Office regarding Soviet forced labour, the word “corrective” was underlined as the only word in the letter, thus indicating “corrective” was a key word to address to the UK and to the rest of the Colonial bloc.<sup>311</sup> The fact that ECOSOC used the exact same phrasing as was used by the Soviet delegate, was therefore of major importance in order to address the actual Soviet forced labour. Otherwise, the USSR would have been able to deny the existence of forced labour because the resolution did not address “corrective” labour. Moreover, since it was the US/UK joint resolution that was adopted, the resolution specified that systems of forced or “corrective” labour meant “political coercion or punishment for holding political views [...] which are on a scale as to constitute an important element in the economy of a given country.”<sup>312</sup> The UK was able to have the ECOSOC instruct the ad hoc committee to find proof of the “corrective” labour in a given country, although the resolution might as well have said the USSR explicitly; the resolution had the forced labour in the Soviet territories written all over it. The UK also managed to leave out phrasing that regarded the colonies. Thus the adoption of the US-UK resolution represented a victory to the UK in two ways. First, it was able to lobby that ECOSOC should be a part of the enquiry. Second, the UK was able to, together with the US, to design the resolution to hit the Soviet forced labour camps specifically.

## **The Mudaliar Committee, 1951-1953**

A result of the ECOSOC resolution 350 (XII) the ad hoc committee was appointed as a joint effort by the UN and the ILO. Daniel Maul has called the committee the Mudaliar Committee.<sup>313</sup> The Mudaliar Committee held four sessions; the first in 1951, the second and third in 1952, and the fourth in 1953. I will now briefly summarize the findings of the ad hoc committee during its four sessions, instead of going into detail on every four of the session.

The Mudaliar Committee consisted of three members. During its first session the Committee made a systematic summary of the statements regarding alleged existence of

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<sup>311</sup> Colonial Office to Foreign Office, 4 August 1950, FO 371/88871 US 2182/58.

<sup>312</sup> Report of the ECOSOC to the GA, 16 August 1950 to 21 September 1951, Section VII *Forced labour*, 110.

<sup>313</sup> Maul, *Human Rights, Development and Decolonization*, 205..

forced labour in various countries. In spite of the very precisely phrased resolution of the US and the UK, the committee managed to interpret it a creative way, ensuring that the colonial powers did not get away as easily as initially assumed. That was why the list of allegations that was drawn up against the colonial powers was so extensive, in particular that of the UK. In UK's case, accusations were made by the representatives of the USSR, the Byelorussian SSR, Poland and the WFTU, and the allegations regarded the existence of forced labour in 12 of its territories.<sup>314</sup>

An additional twenty-two countries and/or their territories were included in the list of countries that had been victims of allegations. The list of countries that were accused of forced labour can be divided into three main groups: the Colonial bloc<sup>315</sup>, the Slav bloc<sup>316</sup>, and South American countries<sup>317</sup> (the countries were not listed in groups in the report; I have categorised the list myself). Both NGOs, other organizations and individuals was allowed to submit memorandum not exceeding 1000 words, and the Mudaliar Committee picked out the most serious and well documented ones for questioning. The NGOs added to the list of countries with the alleged existence of forced labour several countries, including two countries<sup>318</sup> from the Slav bloc that had not been previously mentioned.<sup>319</sup>

When all the information on forced labour was collected, the respective governments were given the opportunity to comment on the allegations. Most of the South American countries and the colonial powers commented on their allegations, including the UK. None of the countries from the Slav bloc did.<sup>320</sup> The fourth session in 1953 was devoted to a final study of the allegations and documentary material relating to the total twenty-four governments that had been accused of the existence of forced labour within their borders/territories. The Mudaliar Committee operated with two types of forced labour, respectively political and economic forced labour.

As mentioned above, the Soviet bloc made allegations against the UK. The allegations varied in content, from compulsory labour in wartime in Kenya and Tanganyika and mass recruitment for mines in Bechuanaland. In the concluding part of the report,

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<sup>314</sup> Bechuanaland, Cameroons, Gambia, Gold Coast, Kenya, Malaya, Nigeria, Northern Rhodesia, Sierra Leone, Southern Rhodesia, Tanganyika and Uganda. E/2431, 101.

<sup>315</sup> The following countries/territories belonged to the Colonial Bloc: Belgium, France, Germany (British Occupation Zone of), the UK, and the US.

<sup>316</sup> The following countries/territories belonged to the Slav Bloc; Bulgaria, Czechoslovakia, Germany (Democratic Republic of); Romania, and the USSR.

<sup>317</sup> The following countries/territories were South American countries: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, and Venezuela.

<sup>318</sup> Poland and Hungary.

<sup>319</sup> Report of the ad hoc Committee on Forced Labour, 27 May 1953, E/2431, 12-14.

<sup>320</sup> Ibid., 16-18.

however, the ad hoc committee found that the allegations combined with the documentary material disclosed “no evidence of the existence of a system of forced labour within the meaning of the committee’s terms of reference either in the United Kingdom or in any of the twelve territories under its administration.”<sup>321</sup> This was a great relief to the UK. Regardless, of whether the conclusion of the Mudaliar Committee was due to British lobbying, or the fact no forced labour worthy of mention existed in its colonies, the UK received a reprieve regarding forced labour. Moreover, this was in spite of the Mudaliar Committee’s efforts to extend the scope of its mandate. However, the Mudaliar Committee did make recommendations that the ILO should embody in a possible convention certain practices found in the colonies. As Maul has pointed out, however, the ILO constitution contained the colonial application clause. This meant that even though the Mudaliar Committee made recommendations to the ILO to extend the scope of a possible convention, the colonial powers would be able to exempt their colonies from that legislation. Maul’s point is that the ILO thus becomes guilty of confirming the colonial double standard.<sup>322</sup> Additionally, although the Mudaliar Committee did not blacklist the UK, it blacklisted both Belgium and Portugal.<sup>323</sup>

In the case of the USSR, the main accusations regarded the alleged existence of a system of forced labour “to crush all political opposition”.<sup>324</sup> Surprisingly, several Soviet sources acknowledged that “the work of both political and other prisoners has been used in the Soviet Union for large-scale public works [...]”.<sup>325</sup> The Soviet Corrective Labour Code spoke of certain politically educative influences to be exercised on persons sentenced to corrective labour in any of its forms. These influences aimed to eradicate “the habits and ideas which prisoners have inherited from the past [...], of overcoming the survivals of capitalism [...]”.<sup>326</sup> The committee concluded that the Soviet penal system “constitutes the basis of a system of forced labour employed as a means of political coercion or punishment for holding or expressing political views [...]”.<sup>327</sup> The ad hoc committee had not been able to make a qualified estimate on the numbers of victims of forced labour within the Soviet territories. However, in the reports of the governments and the NGOs, the alleged number of

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<sup>321</sup> Report of the ad hoc Committee on Forced Labour, 27 May 1953, E/2431, 114.

<sup>322</sup> Maul, *Human Rights, Development and Decolonization*, 207.

<sup>323</sup> *Ibid.*, 206.

<sup>324</sup> Report of the ad hoc Committee on Forced Labour, 27 May 1953, E/2431, 82.

<sup>325</sup> *Ibid.*, 91.

<sup>326</sup> *Ibid.*

<sup>327</sup> *Ibid.*, 98.

victims of forced labour varied from 2-3 million to 20 million.<sup>328</sup> The AFL claimed that, since 1938, 75% of the USSR's total gold production and 40% of its total chrome production was done by forced labour victims.<sup>329</sup>

The Mudaliar Committee concluded that the forced labour in the USSR constituted an “important element in the economy of the country”.<sup>330</sup> Thus, the Soviet system of forced labour was not one merely of political reasons or economic reasons, but an intricate blend of the two. The prisoners were held in forced labour camps because of political disobedience, but they were used for the purpose of improving the national economy.

## **From ECOSOC to the ILO, 1954-1956**

The first discussions regarding the findings of the ad hoc committee on forced labour took place at ECOSOC's 17<sup>th</sup> session in 1954. Again, the general debate on the subject was marked by wide differences of opinion and by frequent charges and counter charges relating to forced labour. The Slav bloc challenged the report, claiming that it was not impartial. Allegations like this could be true in some sense. There were no representative from any of the Soviet countries within the Mudaliar Committee, nor was it a Soviet representative in the ad hoc Committee on Slavery.

A US-UK led joint draft resolution was proposed, instructing that the ILO continued the work towards a convention on forced labour based on the findings of the ad hoc committee. This was opposed by the USSR and Czechoslovakia. They questioned the objectivity of the Mudaliar Committee, as the USSR had did previously, and noted that the Mudaliar Committee had ignored “forced labour conditions in colonial territories and capitalist countries, especially the United States”.<sup>331</sup> The representative of the US countered that “ it was significant that the Committee's blackest findings related to the very countries which had refused to cooperate in any way”. The US-UK led draft resolution was adopted. Thus the ILO now had the sole mandate of concluding the forced labour matter.

The USSR became a member of the ILO in 1954. This was a reversal of their previous strategy. Mark Mazower, Professor in history, has argued that the decision to rejoin the ILO was a part of a new plan, following Stalin's death, to exert communist influence to a

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<sup>328</sup> Report of the ad hoc Committee on Forced Labour, 27 May 1953, E/2431, 440.

<sup>329</sup> Ibid., 439.

<sup>330</sup> Ibid., 98.

<sup>331</sup> The Yearbook of the United Nations 1954, 220.

global audience.<sup>332</sup> In other words, it was important to the USSR to stay a member of the ILO. Additionally, the Director-General of the ILO in this period, David Morse, was an American ex-military man who had served under the Truman administration. Morse's view was that the ILO should "play in important role in the global fight against communism [...]".<sup>333</sup> Morse viewed freedom of association and freedom from forced labour as one of the core principles of the ILO.<sup>334</sup> He was thus eager to use the opportunity of the Soviet membership to address the forced labour within their territories.

The governing body of the ILO decided in 1954 to adopt a convention to address the new findings of the Mudaliar Committee. Moreover, this was to cover new forms of forced labour that the 1930 convention did not cover. The ILO ad hoc Committee on Forced Labour was decided on June 1955. This Committee was to draft the new convention. In its first session in March 1956, it was decided that the committee was to work in continuation of the (joint ILO/ECOSOC) Mudaliar Committee.<sup>335</sup> This was a victory for the Colonial bloc, and a blow to the Slav bloc.

In February 1955, the governing body of the ILO unanimously decided (in its 127<sup>th</sup> session) to place forced labour on the agenda of the 1956 session of the International Labour Conference.<sup>336</sup> Furthermore, both worker's group and the employer's group agreed upon certain elements of the convention that made it easier for the ILO to address the forced labour within the Soviet territories. At the ECOSOC, the USSR had been able to turn down the impartial enquiry and to refuse to cooperate, without being expelled or receiving any further sanctions (that I am aware of). It is beyond doubt that the ILO and its member governments understood that the USSR had a purpose for rejoining the ILO. The UK was convinced that "one of the main Soviet aims is to use the ILO as a propaganda forum", and that the UK "ought to do everything possible to prevent this".<sup>337</sup> The main result of such a convention on forced labour would thus be to strengthen ILO's power to enquire into and report on the

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<sup>332</sup> Mark Mazower, *Governing the World: The history of an idea*, 248.

<sup>333</sup> David Roger Maul, "'Help the move the ILO Way': *The International Labor Organization and the Modernization Discourse in the Era of Decolonization and the Cold War*", *Diplomatic History* Vol. 33 No. 3 (June 2009), 390-391

<sup>334</sup> Maul, "Help the move the ILO Way", 392.

<sup>335</sup> Report of the ILO ad hoc Committee, 12-17 March 1956, FO371/123803 UNS2183/74.

<sup>336</sup> Report of the Director-General: Second supplementary report, 10 February 1955, FO371/117576 UNS2181/12.

<sup>337</sup> Minutes Cortazzi, March 11 1955, FO371/117576 UNS2181/13.

subject of forced labour.<sup>338</sup> However, forcing the USSR out of the ILO was undesirable to the UK, and thus the attitude towards the Soviet needed to be carefully considered.

Consequently, there was a discrepancy of considerable size between the aim of the UK and the aim of ILO. The UK wanted to embarrass the USSR, and to the greatest extent possible expose the Soviet atrocities within the ILO. This could not be done efficiently without the presence of the USSR. Moreover, the UK itself had to avoid getting dragged down in the same maelstrom, considering that the UK still had several problems in the colonies that could be included in the definition of forced labour, although the Mudaliar Committee had deemed the allegations against UK as something other than forced labour. The ILO, although pro-Western and anti-Communist, was a much more fragmented group, consisting of workers, employers and governments. The ILO did not depend on Soviet membership in order to be an efficient organization. Moreover, the worker's groups within the ILO actually tried to adopt an amendment to the ILO constitution, which would eventually lead to the expulsion of the USSR.<sup>339</sup> To the UK it was of crucial importance that the amendment of the worker's group was not adopted. However, the level of frustration grew. In a letter to the British Foreign Office preceding the ILO session in May 1955 a representative from the British Ministry of Labour wrote the following: "I don't see my way clear about forced labour, but at least we have a few weeks in which to think about it [...]."<sup>340</sup> Apparently, the UK was not quite sure on what line to take on the whole forced labour issue. The ambivalent attitude of this letter seems to be symptomatic for the UK attitude on forced labour in this period preceding the convention.

The proposal of creating an ad hoc committee on forced labour was supported by the workers, the employers and of the governments of US and China. Although the question was deferred to the next session, the inevitability of an ad hoc committee of some sort dawned upon the UK.<sup>341</sup> The UK did not want any further work being done by a new ad hoc committee that might be more critical to the UK's colonial practices than the Mudaliar Committee. Moreover, although the UK was not "convicted" as practising forced labour by terms it had defined itself, there was certain embarrassing colonial practices that were revealed to the member states of both the UN and the ILO. Moreover, an ILO ad hoc committee, as opposed to a joint committee with the ILO and the ECOSOC, might add

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<sup>338</sup> Report of the Director-General: Second supplementary report, 10 February 1955, FO371/117576 UNS2181/12.

<sup>339</sup> Ministry of Labour to the Foreign Office, March 10 1955, FO371/117576 UNS2181/17.

<sup>340</sup> Ibid.,

<sup>341</sup> Edwards to Brinson, 19 March 1955, FO371/117576 UNS2181/18.

further embarrassment to the UK because of the ILO's ability to create political controversy regarding their findings.<sup>342</sup>

Another thing that could be problematic to the UK was the supposed scope of the new convention. As previously mentioned, the Governing Body of the ILO also decided in 1954 that the new convention was to deal with practices that the 1930 convention did not address. As mentioned in the background chapter (3.4), the UK, among others, was able to dilute the 1930 Forced Labour Convention on certain points. More precisely, the 1930 Forced Labour Convention permitted compulsory labour under certain conditions, such as under military service, under prison sentence and in times of national emergency.<sup>343</sup> In 1956, however, the ILO seemed more persistent in their efforts to address these (colonial) practices. The British Ministry of Labour, who naturally had got a much larger influence in the matter of forced labour than in that of slavery and of traffic in persons, felt that the redefining of what was legit compulsory labour was bound to get the UK into "difficulty in respect to practices in various colonial territories."<sup>344</sup> The UK would rather that the convention should limit its scope to two things: "the total abolition of forced labour (a) as a means of political coercion and (b) for economic purposes."<sup>345</sup> To obtain this goal, the Ministry of Labour lobbied the Commonwealth countries and the Colonial bloc. Further work with the committee and the convention was not due until the 1956 session of the ILO.

As a side point: in this period, i.e the first months of 1956, the documents in the National Archives of the UK regarding slavery and forced labour are placed in a helter-skelter manner alongside each other. I read this as an indication that both of the matters was about to be concluded at the same time, and as a sign that the UK deemed this matters almost as one matter, even though they were separate.

Additionally, the US launched the proposition that a recommendation should be adopted rather than a convention. This would be easier for the US as a recommendation, as opposed to a convention, did not necessarily require any legislative changes.<sup>346</sup> After meeting with the US in Washington, the US urged the UK to adhere to their line. However, the UK decided that it could not withdraw from its previous position, and thus felt bound to support the convention.<sup>347</sup> This attitude differs from the previous attitude adopted by the UK towards the US. Why was the balance of power different now? However, this was the same year as

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<sup>342</sup> Minutes Brinson, 6 May 1955, FO371/117576 UNS/2181/22.

<sup>343</sup> Minutes Brinson, 31 Jan 1956, FO371/123801 UNS2183/20.

<sup>344</sup> Ibid.

<sup>345</sup> Ibid.

<sup>346</sup> Minutes Brinson, 20 February 1956, FO371/123802 UNS2183/42.

<sup>347</sup> Myrddin-Evans to Foreign Office, 14 March, 1956, FO371/123801 UNS2183/49.



that of the Suez Crisis. Perhaps the UK still felt that it was a great power and that it could allow itself disobedience towards the US if it was for a greater cause. Moreover, the colonial conditions might have forced the UK to adhere to a more egocentric international line, in a last effort to cling onto its colonies and its pride.

## **The 1957 convention on forced labour**

At ILO's 39<sup>th</sup> session at the beginning of 1957, there was, as expected, disagreements as to what means were most efficient in addressing the forced labour in the world. However, there was unity regarding what format the instrument addressing forced labour should be: a convention. The governing body agreed that the convention should be short, so that no excuse was provided for any government not wanting to ratify the convention.<sup>348</sup> The draft convention was discussed. Considering the limited content of the convention, I found that the discussion on the forced labour convention significantly shorter and much less controversial than those of slavery and traffic in persons. However, some points are worthy of mention. The Albanian proposal "whether in independent states or in dependent or non-self-governing territories., was controversial to the UK."<sup>349</sup> Moreover, according to the UK, it contradicted the ILO constitution. The USSR had made the same proposal in 1956 and it was rejected, but the ILO suggested that the matter might be reconsidered.

The Canadian proposal regarded prison labour was also an interesting proposal. The proposal itself would not matter much to the UK, but if initiated, alterations regarding the slightly ambiguous line the UK followed on prison labour could be made. In some cases in the UK's colonies imprisonment with hard labour may have been used as a punishment for the expression of political views. In the pursuit of achieving an article that did not interfere with native customs, they had to amend the article in a way that "would not open the door to a situation which could be abused by the communist countries."<sup>350</sup> Moreover, they wished to include the phrase "progressively and as soon as possible" after the words "complete abolition and abandonment".<sup>351</sup>

At ILO's 40<sup>th</sup> session in the summer of 1957, the content of what was to be the final convention was decided. The UK's main concern was regarding the different forms of prison labour, both domestically and in the colonies. The text of the preamble's considerandum 6

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<sup>348</sup> ILO's 39 session, 15 August 1956, FO371/123803 UNS2183/93.

<sup>349</sup> ILO's 40th session: Report IV on Forced Labour, 28 March, 1957, FO371/129984 UNS2185/2.

<sup>350</sup> Ibid.

<sup>351</sup> Ibid.

represented a victory for the UK. The final phrasing removed the previous ambiguity regarding ordinary prison labour. The phrasing in article 1, however, represented a possible blow to the UK. The UK wanted article 1 to read: “Each member [...] undertakes to suppress and not make use of any form of forced or compulsory labour [...]. The UK wanted to remove the phrase “any form”, but was unsuccessful. There was fear that this could be used to charge certain conditions in the British colonies.<sup>352</sup> However, this was considered details as to what possible damage the convention could do to the USSR. The phrase “corrective” labour was not used, but the rest of article 1 described in detail what the Soviet forced labour camps were about, and addressed forced labour both as a means of political coercion and for economic purposes. It even addressed forced labour as a means of education, which the Soviet delegate had explicitly used during the preceding debates.<sup>353</sup>

The convention was adopted by a close to unanimous vote. Now the main goal for the UK was to ratify the convention as soon as possible, preferably before the Slav Bloc did.<sup>354</sup> The UK was successful in doing this, as noted by the UN Yearbook of 1957.<sup>355</sup>

The fight over forced labour had been a ten yearlong process that started with the AFL draft resolution in 1947, and ended with the ILO Abolition of Forced Labour Convention in 1957. What was initially considered as a part of slavery was exempted from the other forms analogous to slavery for political reasons. What was unique about the forced labour discussion was that the USSR could not deny the existence of forced labour within their territories as it had done with traffic in persons and slavery. For that, the forced labour in the USSR was too organized, too visible and too profitable. The USSR understood this, and (actually) admitted the existence of a “corrective” labour system. The character of these camps, however, comprised the basis of further heated discussion throughout the 1950s. It was up to the UK and the Colonial bloc to prove that the “corrective labour” worked as a means of political coercion for economic purposes. Meanwhile, the UK had problems of its own. In order to reveal the alleged atrocities of the USSR, it had to make itself vulnerable. The result had been that the Mudaliar Committee, appointed jointly by the ECOSOC, received several allegations regarding forced labour within UK’s territory. Although many of these allegations were, however, discarded as lacking credibility, it stirred up unwanted international attention to the colonies. The fact that the USSR rejoined the ILO and that the matter of forced labour was passed to the ILO alone in 1954, changed the forced labour

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<sup>352</sup> Robertson to Peterson, 9 July 1957, FO371/129984 UNS2185/37.

<sup>353</sup> Ibid.

<sup>354</sup> Letter from Ministry of Labour to the Home Office, 9 July 1957, FO371/129985 UNS2185/37.

<sup>355</sup> The Yearbook of the United Nations 1957, 421.

dynamic slightly. The content of debate was the same, but to the UK the stakes were raised. To the luck of UK, the ILO ad hoc Committee did not find any old or new skeletons in the UK's closet. Moreover, the convention turned out to comprise many of the points that the UK had fought for and only minimal undesirable phrasings.

To the UK, it was convenient that prominent persons within the ILO were anti-Communists. The fact that the ILO constitution contained a colonial application clause did that the UK worried less about the convention, and more about in what forum it was discussed. Moreover, it was important to the UK that the matter of forced labour was not lost, so that the USSR could be held responsible. It was also convenient that the forced labour within the Soviet territories were so much bigger in size than the colonial misconduct of the UK, and that the conditions in the forced labour camps were horrible. In spite of continuous efforts of the USSR to redirect attention back to the colonies, the Soviet "corrective" labour was exposed in its magnitude. Many governments and NGOs were given a say in the Mudaliar Committee's sessions, and the power and size of these were crushing to the Slav bloc, especially when it did not bother to defend the allegations made. The UK avoided a major disagreement with the US, primarily because their main views coincided: to address Soviet forced labour.

## **Supplementary discussions, 1953-1954**

The break in chronology enables the thesis to return to the initial work on a supplementary international slavery convention. However, I will give a quick summary of what happened in 1951. In 1951, the ad hoc Committee on Slavery had discussed the government replies, agreed upon certain distinctions and definitions, and made certain suggestions to the ECOSOC. It found that the analogous forms of slavery and their respective definitions were an intricate matter. Moreover it was hard to distinguish forms of slavery from local customs. At ECOSOC's 13<sup>th</sup> session in 1951, several decisions was made that were of great importance to the future of matter of slavery. On the ad hoc Committee on Slavery's recommendation, the ECOSOC decided to recommend to the General Assembly to transfer from the League of Nations to the United Nations the powers and functions under the 1926 Slavery Convention.<sup>356</sup> Furthermore, the ECOSOC decided to appoint a committee to be

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<sup>356</sup> Report of the ad hoc Committee on Slavery (Second Session), 4 May 1951, E/1988, 27.

responsible for drafting the supplementary convention.<sup>357</sup> Lastly, the ECOSOC decided to establish a standing committee of experts on slavery.

In April 1953 the ECOSOC adopted resolution 475(XV), requesting the SG to consult the Governments of all member and non-member states concerning the desirability of a supplementary convention and its possible content.<sup>358</sup> This consultation was sent to all states, including non-member of the UN. The comments were collected, and brought back to the ECOSOC February 1954. However, only twenty-one governments answered in time. This was not in line with the Belgian delegate's proposal: He emphasized the urgency of establishing a supplementary convention. In response to the low amount of government replies, the ECOSOC urged governments once more to submit their replies. The total amount of government replies to the questionnaire after the reminder was sixty in addition to twenty-eight replies from non-member states.

The USSR its satellite countries did not reply at all.<sup>359</sup> The US felt that the convention needed further study before anything could be implemented.<sup>360</sup> Sweden said the following: “(t)he various types of bondage referred to appear to have little or no connection with the notion of slavery(..)”.<sup>361</sup> Among those who did not want or did not see the need for a supplementary slavery convention, was the government of Pakistan. The Pakistani government replied that the supplementary convention and the standing 1926 Slavery Convention were so similar in terms of scope that it deemed the supplementary convention undesirable.<sup>362</sup> Others, like Canada objected to certain articles. Canada claimed that there should be a clause in the convention, enabling those countries that had already eradicated slavery or analogous forms from their territory to be exempted from the bureaucracy that followed a ratification of such a convention. If not, the convention would produce a lot of unnecessary work for the government of Canada, as well as cause constitutional difficulties.<sup>363</sup>

The NGOs who responded to the circular letter of the UN also had a significant contribution, namely the ASS, Indian Council of World Affairs, International Council of Women, St. Joan's International Social and Political Alliance and World Union of Catholic

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<sup>357</sup> Report of the ad hoc Committee on Slavery (Second Session), 4 May 1951, E/1988, 31.

<sup>358</sup> Report on Consultations Considering the Desirability of a Supplementary Slavery Convention and its Possible Contents, 11 February 1954, E/2540, 5.

<sup>359</sup> *Ibid.*, 5-6.

<sup>360</sup> *Ibid.*, 8.

<sup>361</sup> *Ibid.*, 10.

<sup>362</sup> *Ibid.*, 10.

<sup>363</sup> *Ibid.*, 16.

Women's Organizations.<sup>364</sup> The information provided by the NGOs proved to be of a valuable character, like in the case of Bolivia. Bolivia claimed in their report to the ECOSOC that both slavery and the forms analogous to slavery did not exist. In this case, the Anti-Slavery Society commented that in spite the law that was passed in Bolivia in 1953, there were probably five and a half million "peons" left in Bolivia.<sup>365</sup> In contrast to this, Saudi Arabia did not reply to the questionnaire at all. The ASS provided a relatively thorough explanation of the situation in Saudi Arabia, and was thus the only source of information regarding slavery in Saudi Arabia. In the case of Mexico, the ASS commented that the ejido-system in Mexico, where previous peons were given an "ejido" (10 hectares of land) should be adopted in "all countries where peonage does exist".<sup>366</sup>

Interestingly, the Anti-Slavery Society only made comments regarding the slavery in the Aden protectorate when giving information on the UK (which was the only kind of slavery that the UK admitted to the ECOSOC in its reply). Moreover, the phrasing of the ASS seems to have been of a friendly nature. The ASS defended the UK in general, claiming that the Aden business was a "matter of some difficulty", and that the slaves enjoyed a certain measure of security.<sup>367</sup> The World Union of Catholic Women's Organization, however, claimed that slavery also existed in other colonies of the UK, like Nigeria.<sup>368</sup> It complained that "when such cases (of slavery) are brought to justice, the cry is 'but this is native law and custom'". Thus it could seem like the ASS, though fully informed about the situation of many countries and territories missed some of the slavery happening in the territories of the UK. Whether this was done deliberately or not, is hard to say. Moreover, the World Union of Catholic Women highlighted a very objectionable characteristic of the colonial powers' attitude to slavery, or perhaps the colonial powers' attempts to disguise slavery as local customs.

On several occasions among the replies on the desirability of a supplementary slavery convention and its content, women/feminist NGOs commented on the status of women, and the word "traffic", "traffickers", and "soutenours" were used frequently. The NGO St. Joan's International Political and Social Alliance claimed that houses of prostitution exploited the prostitutes so that it resembled slavery. Earnings generated by the prostitutes was "turned

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<sup>364</sup> Supplementary Report on Slavery by the Secretary-General, 26 February 1954, E/2548, 10.

<sup>365</sup> Ibid., 14.

<sup>366</sup> Ibid., 63.

<sup>367</sup> Ibid., 72-73.

<sup>368</sup> Ibid., 73-74.

over to the *soutenour* or brothel-keeper [...]”<sup>369</sup>. The World Union of Catholic Women also commented on traffic in persons and on sexual slavery, claiming that some of the women’s homes in India were being used to “enslave victims for the traffic in persons.”<sup>370</sup> Again, terminology of slavery and traffic in persons were fused together. This is another example of the importance of precise definitions. Traffic in persons was already dealt with explicitly in the 1949 Convention, but a considerable amount of NGOs still considered traffic in persons and prostitution as forms of slavery. This seems to point to the fact that the continuous exploitation of the prostitution of other might just as well have been a part of slavery rather than a part of the traffic in persons. In a way, it was the procuring and the traffic in persons that was emphasized in the 1949 convention, and not the continuous sexual slavery. Moreover, the traffic of slaves was not a focal point within the slavery debate. It might have been more appropriate to deal with the traffic and procuring of slaves in one convention, and the exploitation of slaves, whether exploitation of prostitution, bride price, chattel slavery or forced labour.

Logically, the different NGOs commented on the particular aspects of slavery that were important to the aims of their organizations. While the ASS commented almost exclusively on non-sexual aspects of the slavery and the customs analogous thereto, especially peonage, the World Union of Catholic Women commented almost exclusively on prostitution and traffic in persons matters. By consulting NGOs with a variety of backgrounds, the ECOSOC ensured a broad scope of responses, covering all the different aspects of the potential analogous forms of slavery. Notably, these comments were collected after the traffic in persons convention had entered into force.

Canada’s reply seemed to pinpoint what would ultimately be the problem. The Canadian reply acknowledged the difficulty that would arise due to the fact that the supplementary convention dealt with old customs in certain areas in the world, and that without the willingness of these countries to do something about the matters, little or nothing would be achieved.<sup>371</sup> While they were considered as old customs, they were unaddressed as forms of slavery.

## **The benefits of drafting, 1954-56**

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<sup>369</sup> Supplementary Report on Slavery by the Secretary-General, 26 February 1954, E/2548, 33.

<sup>370</sup> *Ibid.*, 57.

<sup>371</sup> Report on Consultations Considering the Desirability of a Supplementary Slavery Convention and its Possible Contents, 11 February 1954, E/2540, 20.

The delegate of the United Kingdom submitted a draft supplementary convention to the ECOSOC in April 1954. The UK also welcomed any government draft other supplementary convention. Additionally, the ILO invited to submit a draft supplementary on the same line as the other governments. However, no other government or organization prepared a draft convention. Subsequently, the UK draft convention was transmitted to member governments and the ILO for comments.<sup>372</sup> The fact that theirs was the only draft convention submitted was very significant for the UK. As a result, the UK was able to steer the scope of the slavery convention in the direction it wanted. As a letter from the Colonial Office shows, the UK's interest in the matter of the draft convention "lies almost entirely in the field of its colonial responsibilities [...]".<sup>373</sup> Considering that the UK wanted to divert attention away from the chattel slavery, and potentially other analogous forms of slavery within its colonies, the draft convention served as a way of addressing avoid addressing these forms of slavery, while including new forms of slavery. Both certain forms of dept bondage as well as child marriage were addressed by the UK draft convention.<sup>374</sup>

The Chinese reply to the UK draft convention was particularly interesting. The Chinese reply, along with the majority of the government replies, concentrated on defending its own position, by referring to all the different laws existing in its country. However, the Chinese government claimed that the various forms of slavery referred to in the UK draft convention, represented "vestiges of past institutions which, even if they still survive today, are confined to a few areas and do not affect any large number of persons."<sup>375</sup> This did certainly not correlate with the previously mentioned findings of certain NGOs, e.g. the alleged millions of peons both in South America and Asia (as identified by Greenidge and the ASS) or various forms of dept bondage and serfdom. Moreover, the Chinese government argued that these institutions became even less considerable when compared to the real issue, forced labour. If the convention did not include forced labour in its scope, it was useless to adopt the convention.<sup>376</sup> Either the Chinese government did not know that forced labour was addressed by the Mudaliar Committee, or the Chinese government had some secret reasons, unrevealed by my source material, that made the inclusion of forced labour within the slavery definition favourable. The ILO, on the other hand, was satisfied that the UK draft excluded

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<sup>372</sup> Report by the Secretary-General "Comments Received on the Draft Convention on the Abolition of Slavery and Servitude Submitted by the Government of the United Kingdom, 3 February 1955, E/2679, 3.

<sup>373</sup> West to Warner, 19 February 1954, FO371/112512 US2181/7.

<sup>374</sup> Ibid.

<sup>375</sup> Report by the Secretary-General "Comments Received on the Draft Convention on the Abolition of Slavery and Servitude Submitted by the Government of the United Kingdom, 3 February 1955, E/2679, 9.

<sup>376</sup> Ibid.

“certain serfdom practices which were more appropriate for treatment as forced labour.”<sup>377</sup> However, the continuous desire from governments to include forced labour in the definition of slavery, proves the two matters’ close resemblance and the slight chaos in the contemporary definitions. Moreover, it seems like the reason why ILO was consulted to was to make sure that the matters of slavery and forced labour overlapped. However, it seems striking that both serfdom and debt bondage could just as well be included in the definition of forced labour rather than slavery. As previously mentioned, this was not done due to political reasons. Forced labour was defined to fit the Soviet “corrective” labour, and to avoid focus in the colonies of the Colonial bloc.

As a whole, the UK draft did not create a lot of controversy. This in spite of the fact that the UK, as did the ad hoc committee of experts in 1950-51, addressed old customs like peonage (the UK included peonage in the definition of debt bondage) and serfdom and included them in an augmented definition of slavery.<sup>378</sup> The paragraphs causing the most controversy were those regarding child adoption and forced marriage. This was due to the native customs resembling forced marriage and child adoption, e. g. the Haitian reply, which spoke of the custom that peasants placed their children with townspeople in order to get education and improved standards of living, but was not adoption.<sup>379</sup>

By the proposal of the delegate of the Netherlands, it was decided, in 1955 (ECOSOC’s nineteenth session), that an ad hoc drafting committee should be appointed and subsequently responsible for drafting the final slavery convention. This time, the appointed delegates constituted a quite diverse ad hoc Drafting Committee quite diverse in its character.<sup>380</sup> At this session, the question of whether the supplementary convention on slavery and servitude should include any provisions on forced labour arose. It was decided, however, that these matters should continue to be treated separately.<sup>381</sup> The ad hoc Drafting Committee met in January 1956. It was decided early that the UK draft with the corresponding comments should be part of the basic work document.<sup>382</sup>

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<sup>377</sup> Report by the Secretary-General “Comments Received on the Draft Convention on the Abolition of Slavery and Servitude Submitted by the Government of the United Kingdom, 3 February 1955, E/2679/Add.2, 4.

<sup>378</sup> Report by the Secretary-General “Comments Received on the Draft Convention on the Abolition of Slavery and Servitude Submitted by the Government of the United Kingdom, 3 February 1955, E/2679/Add.1, 3.

<sup>379</sup> Report by the Secretary-General “Comments Received on the Draft Convention on the Abolition of Slavery and Servitude Submitted by the Government of the United Kingdom, 3 February 1955, E/2679/, 11.

<sup>380</sup> The group consisted of representatives of Australia, Ecuador, Egypt, France, India, the Netherlands, Turkey, the USSR, the UK and Yugoslavia.

<sup>381</sup> Report of the ECOSOC to the GA, 1954-55, Section VIII: *Slavery*, 86.

<sup>382</sup> Report of the Committee Appointed by Resolution 564 (XIX) “Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions Similar to Slavery”, 15 February 1956, E/2824, 8.



The Soviet delegate asked if he could make an initial statement regarding the draft as a whole. In this statement, he observed that various forms of slavery existed in many countries, although it did not exist his own (country). Then he went on to criticize the UK draft. Article 1, which provided that slavery should be abolished, was weakening the convention as long as it contained the phrase “progressively and as soon as possible”. Moreover, due to the fact that UK had drafted the supplementary convention, a colonial application was included. The USSR delegate claimed that “[s]uch a provision would hinder the application of the convention to such territories, where the struggle against slavery is of greatest significance.”<sup>383</sup> The USSR amendment was put to a vote, but was not adopted, ending in a tied vote.<sup>384</sup> Another UK advantage by drafting the convention was then visible. Since the ad hoc drafting committee consisted of ten delegates, a tie vote was possible. Thus, a tie vote would work in favour of the UK.

The USSR had attacked the UK and the colonial application clause once more, this time in a matter where it was impossible for the UK to attack the USSR in any way. However, it did not initially seem as if the colonial application clause was a matter necessity. The UK delegate to the UN thought that the UK should contemplate whether it should drop the colonial clause from the convention. He claimed that there was bound to be strong opposition to the clause in the ECOSOC and the General Assembly, and it would look bad “to press for it in this type of convention, however honourable our motives”. Additionally, he reflected, if the UK voluntarily disposed of the clause now, it would possibly give the UK an advantage in “seeking the inclusion of the colonial clause in conventions in which it is essential [...]”.<sup>385</sup> The Foreign Office replied that the colonial clause, regardless of the legislative implications, was in fact crucial to the UK in the supplementary slavery convention. Colonies could not be forced to adhere to a convention without first being consulted, and “[t]his is a long process”, as the Foreign Office had experienced preceding the traffic in persons convention.<sup>386</sup> The Foreign Office emphasized that this was neither an attempt to exempt the territories from the convention nor was it an attempt to “score propaganda points in the anti-colonial game”. If the clause was left out, the other colonial powers would be unable to sign the convention as well as the UK. Instead of conceding the

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<sup>383</sup> Report of the Committee Appointed by Resolution 564 (XIX) “Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions Similar to Slavery”, 15 February 1956, E/2824, 9-10.

<sup>384</sup> *Ibid.*, 19.

<sup>385</sup> UK delegate NY to the UN to the Foreign Office, 17 January 1956, FO371/117576 UNS2183/6.

<sup>386</sup> Foreign Office to the UK delegate NY to the UN, 19 January 1956, FO371/117576 UNS2183/6.

colonial clause to gain ammunition on other clauses, the UK needed to find a clause that they could sacrifice in order to keep the colonial application clause.<sup>387</sup>

Regarding the “progressively and as soon as possible” clause in article 1, the UK claimed that this clause was important because it gave the convention a time limit, and encouraged countries, which was not able to sign the whole convention right away, to implement partial measures.<sup>388</sup> The Slav bloc, however claimed that the phrase might provide an excuse to postpone an abolition that otherwise could be implemented right away.<sup>389</sup> Article 3 regarded the act of conveying slaves on the high seas, and deemed it as piracy<sup>390</sup>. Moreover, the analogous forms of slavery that the draft supplementary convention sat out to address, created little discussion. Discussions erupted mainly over formalities that had political implications. Thus it seems, from the ad hoc Drafting Committee’s session in 1956, that the colonial application clause, as an example, was much more important to the members of the ad hoc Drafting Committee than that old customs was included in the definition of slavery. This focus on formalities at this point could be due to the initial discussions focus on the analogous forms of slavery, and that member states felt that the discussion regarding this content was finished. However, it could also be due to the fact that conventions like these, although they might be initiated by a sincere wish to address a matter, was used by states as a political instrument to either strengthen their own position or to weaken others’, preferably both.

The attitude of the Soviet delegate of the ad hoc Drafting Committee session might seem ambivalent. On one hand, the USSR was not, at the time, parties of the 1926 convention, and it was doubtful whether it would become parties to the new convention. However, the Soviet delegate participated actively in the debate, and commented on almost all of the articles. The UK delegation suggested that this was due to “a combination of a desire to see us embarrassed and genuine difficulty with rigid instructions.”<sup>391</sup> It might seem illogical that the UK would go through such a tiresome process, risking embarrassment and additional critique regarding the colonies, when little or nothing could be achieved as to embarrass the USSR. However, the gain of getting rid of the attention on the chattel slavery in the Ade protectorate and the Persian Gulf overshadowed this temporary embarrassment and critique of the USSR. Moreover, the UK might have deemed the credibility of the USSR

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<sup>387</sup> Foreign Office to the UK delegate NY to the UN, 19 January 1956, FO371/117576 UNS2183/6.

<sup>388</sup> UK delegate NY to the UN to the Foreign Office, 18 January 1956, FO371/117576 UNS2183/7.

<sup>389</sup> Ibid.

<sup>390</sup> Report of the Committee Appointed by Resolution 564 (XIX) “Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions Similar to Slavery”, 15 February 1956, E/2824, 27.

<sup>391</sup> FO minutes, 14 February 1956, FO371/117576 UNS2183/37.

to be low because of the ongoing forced labour debate, in which the USSR denied, in spite of massive evidence, the grave charges put forth by an almost unison international coalition (except for the Slav bloc).

I have not mentioned the Anti-Slavery Society and Greenidge for a while, the man who initiated the debate on slavery, because up to this point, Greenidge's and the British governments' goals had been relatively concurrent. At this point, however, Greenidge started to act disobediently towards the UK. The Foreign Office asked Greenidge of the ASS to avoid mention of Baluchistan at ECOSOC 21<sup>st</sup> session in 1956, which might lead to upsetting the Pakistani delegate.<sup>392</sup> Greenidge agreed not to mention either Baluchistan or the slavery situation in Saudi Arabia. The UK feared that Saudi Arabia and other states would think that the UK had asked Greenidge to convey its message. However, Greenidge broke his promise and attacked the Saudi Arabian delegate in his speech. The Saudi Arabian delegate made certain admissions regarding clandestine slave trade Greenidge's accusations, but he replied that the Saudi Arabian government did not endorse this slave trade any more than the governments of France or the UK approved of the prostitution happening within their territories.<sup>393</sup> The UK delegation explicitly expressed that "[w]e are pretty fed up with him [...]", talking about Greenidge.<sup>394</sup> Thus the UK government realized, if it had not already, that Greenidge was far from a person that could be trusted to act in UK's favour. Moreover, he caused the UK additional embarrassment in provoking the Saudi Arabian reply, and he assured the UK that it could not rely on favourable voting for the countries affected by Greenidge's speech.

At the end of ECOSOC 21<sup>st</sup> session in May 1956, it was decided that a plenipotentiary conference should be held in Geneva in August the same year.<sup>395</sup> Without going into detail, a plenipotentiary conference in Geneva, might result in the absence of several members of the anti-colonial bloc, and hopefully attract, after lobbying efforts, friendly powers. As the USSR confirmed, when arguing in favour of a settlement in the General Assembly rather than at a plenipotentiary conference, that "[n]ew members of the United Nations could hardly be expected to participate in a conference without having taken part in any of the preparatory work."<sup>396</sup> The successful British lobby resulted in 12 against 5 votes with one abstention in favour of the plenipotentiary conference.

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<sup>392</sup> Brown to Brinson, April 5 1956, FO371/123802 UNS2183/51.

<sup>393</sup> UK delegation NY to the UN to the Foreign Office, 19 April 1956, FO371/123802 UNS2183/67.

<sup>394</sup> UK delegation NY to the UN to the Foreign Office, 26 April 1956, FO371/123802 UNS2183/69.

<sup>395</sup> UK delegation NY to the UN Minutes, 5 May 1956, FO371/123803 UNS/2183/75.

<sup>396</sup> UK delegation NY to the UN to the Foreign Office, 7 May 1956, FO371/123803 UNS2183/75.

Meanwhile, the US contemplated whether or not they should sign the convention. First of all, slavery did not exist within their territories. Second, there were still many countries that had not been able to sign the 1926 slavery convention, and it thus thought the supplementary pointless. In the Minutes reporting from the 21<sup>st</sup> session of the ECOSOC, the UK delegation to the UN confirmed that the UK wanted a supplementary slavery convention to divert attention from the chattel slavery in the Aden Protectorate and the British protected states in the Persian Gulf. The reasons for this, more precisely, was that a committee of experts was set up in the wake of the 1926 slavery convention to monitor the development of the signatories. The committee wrote a concluding report in 1938, and by reading this, “[a] casual reader might therefore have gained the impression that slavery had disappeared almost everywhere in the world except in the British Empire.”<sup>397</sup> Not only was this due to the dishonesty of certain Arab states in their reporting to the committee, it was (also) due to the scope of the 1926 convention and the narrow definition of slavery. That was why the UK drafted a resolution, calling for an ad hoc Committee on Slavery to survey the field of slavery and analogous form of slavery, which eventually led to the suggestion of a supplementary slavery convention. By expanding the definition of slavery, the UK’s failed attempts to suppress the slavery in the Aden protectorate and in the Persian Gulf would be considerably less visible.

The plenipotentiary conference took place in Geneva in August 1956. The heavily debated article 1 was on top of USSR’s list of amendments. As previously mentioned, article 1 set out to abolish slavery “progressively and as soon as possible”. It was important for the colonial powers to have this clause in order to make progressive legislative changes when an outright abolition was impossible. The USSR failed to amend article 1, and the UK got an early victory. However, the colonial application clause remained. On this matter, the Chinese delegation provided an opportunity to gain votes for the voting on the colonial application clause. The UK was to propose a resolution for China, and in return China would vote for the colonial application clause.<sup>398</sup>

To gain goodwill before the discussion on the colonial application clause, the UK delegation purposely gave up the fight on article 3 (regarding piracy and slavery on the high seas). In order to make it appear a great loss to the UK, the UK delegation “had to inflate the value of what we should be giving up under article 3.”<sup>399</sup> Moreover, a member of the UK

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<sup>397</sup> UK delegation NY to the UN Minutes, 5 May 1956, FO371/123803 UNS/2183/75.

<sup>398</sup> Brinson to Swann, 17 August 1956, FO371/123804 UNS2183/119.

<sup>399</sup> Scott Fox to Pink, September 6, 1956, FO371/123805 UNS2183/120.

delegation in Geneva made (a bold) speech, and admitted the slavery within the British territories. He also addressed what he understood as hostility from certain states, the Slav bloc, blaming them for making it hard for the “administering powers” to adhere to the convention, when all the administering powers did was to promote self-government and ultimately independence to their territories. He made a case that the only reason that the UK still had forty-five separate territories was that the territories “all have vastly different problems [...]”, and that the UK was aware of the problems and their according responsibility as an administering power. However, “[a] large proportion of the territories remaining under the United Kingdom administration have a very wide measure of self-government.”<sup>400</sup> It is useful to remember that the UK wanted the supplementary convention so that the slavery within their territories was less visible. In order to get the largest possible amount of governments to sign the convention, concessions like the one regarding article 3 was crucial.

Whether it was due to the British lobbying, the inflated value of the concession on article 3, or the wording in the final drafting of the colonial application clause; the colonial application clause was voted through by a 31 against 11 votes with 0 abstentions. The draft supplementary convention as a whole was voted through with a 40 against 3 votes with 0 abstentions. The UK delegation concluded that the 1956 Supplementary Slavery Convention was a success, and that the tactics of the UK had paid off. Moreover, the UK delegation at the plenipotentiary conference concluded that by retaining such a satisfactory colonial application clause “we have, we think, won – perhaps almost for the first time – a really sympathetic understanding among a majority of the Delegations here of the merits of our case on this article.”<sup>401</sup>

The 156 Supplementary Slavery Convention was a process that started because of Charles Greenidge’s desire to address slavery, but documents have shown that the UK had motives of its own. By the successful endeavour of expanding the definition of slavery it managed to avoid focus on the remaining slavery in the colonies. The issue of forced labour was discussed as a part of slavery, but the ad hoc Committee of Slavery concluded that forced labour should be investigated through a separate process. It was important to the UK to include different types of analogous forms of slavery so that it did not come across as the only country not being able to extinct slavery. On that field, the interests of the UK and

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<sup>400</sup> Swann Minutes, enclosed speech of Mr. Scott Fox on article 10, 23 August 1956, FO371/123804 UNS2183/133.

<sup>401</sup> Scott Fox to Pink, 30 August 1956, FO371/123805 UNS2183/134.

Greenidge coincided. However, when Greenidge felt that the UK acted cowardly regarding the situation in Pakistan and Saudi Arabia, his and the UK's ways parted.

The League of Nations' definition of slavery, although from 1926, was deemed as being sufficient for defining slavery after World War II. However, the UK and certain NGOs claimed that analogous form that had not previously been addressed as slavery, needed to be included in the definition. The inclusion of these matters was problematic, as they dealt with what was considered by many countries as local customs and traditions. The issue of local customs versus analogous forms of slavery was thus a difficult and controversial issue. Some of the local customs in various countries and colonies did constitute evident elements of bondage. The question was then whether or not the transnational organizations like the UN or the ILO should interfere with these matters (like forced marriage, child adoption, and different types of serfdom and debt bondage). This could be problematic. When a government regarded a form of slavery as local custom might be an easy way to avoid addressing the problem, or even worse, to be able to continue to exploit native or indigenous groups. However, to regard a form of slavery as a local customs might as well be a sign of respect to the local culture and tradition. The result seemed to have been that colonial powers often excused the existence of certain forms of slavery as local customs in order to be able to sign the convention/to get away easily, and not having to deal with the problem. On the other hand, in its draft convention in 1954, the UK was not afraid to address other certain practices, like forms of debt bondage and serfdom, which also was argued to be traditions and local customs, as forms of slavery. In this regard, certain NGOs proved important in pointing out this colonial discrepancy.

The UK's main concern was its colonial responsibilities. Colonial application overshadowed the humanitarian concerns. There was little interdepartmental discussion within the British government regarding the conditions of the victims of the questionable practices in its colonies. On the contrary, the fact the conditions constituted a problem as to sign the convention, and finding measures to solve this seems to have been the sole focus of the UK. In drafting what proved to be the only draft supplementary slavery convention, the UK was able to tailor the draft convention to fit to the conditions in the colonies. The fact that the UK draft was used as a basis for creating the final draft supplementary convention was a further victory. Although the UK had to make minor concessions, it made sure to make these concessions appear like major concessions in order to retain what was most important to them to ensure a smooth colonial application. In the view of the USSR, the supplementary slavery convention seemed to have been a failure because it was unable to thwart the plans of

98

the UK. In the view of certain countries in which these analogous forms of slavery existed, the convention seemed to have been a failure in that they would not be able to ratify the convention. In the view of the NGOs involved, the convention seemed to have been a success, considering that it expanded the definition of slavery to include more people trapped in bondage. To the UK, the convention was a success in that the UK appeared eager to abolish slavery due to its initiatives throughout the process. However, these initiatives were taken in order to secure a convention that was acceptable to the UK itself. This was visible in the international efforts in general. National interests seem to have dominated the different governments' willingness to address different forms of slavery. Instead of admitting the existence of various forms of slavery within their territories, governments were busy explaining why their particular form of slavery should be considered an exemption.

Moreover, there was a focus on the legal abolition of slavery as opposed to the de facto abolition of slavery. Although the phrasings in the questionnaires of the different committees usually wanted to know what existed of slavery within the different governments, the governments' replies contained mostly examples of laws created to abolish the different forms of slavery.

## 5 Conclusion

This dissertation has explored international efforts from 1937-1957 to combat the phenomena we today recognize as contemporary slavery. It has first and foremost been an effort to map the various initiatives within problems defined as the matter of traffic in persons, slavery and forced labour. As has been discussed, there was a great degree of continuity between the work done by the League of Nations and the ILO in the interwar years and the work done by the UN and the ILO after the war. To some degree, the answer to the question of why contemporary slavery was dealt with in the post-WWII period is to be found in the preceding international efforts. In the matter of traffic in persons, two conventions were adopted, in 1921 and 1933, and a permanent committee on traffic on women and children was established in 1924. Moreover, the 1937 draft convention was discussed thoroughly in the Advisory Committee 1937-38, achieved a considerable majority in among the governments, and was actually preferred by some to the updated and expanded United Nations convention. The 1937 draft convention was remarkable in that it explicitly addressed the regulation of brothels, and even though it was not adopted in its entirety, its main points survived the transition from the League to the UN. Due to the degree of priority traffic in persons had got within the League of Nations, it was natural for the UN to absorb the matter. Moreover, the 1937 draft convention, which was left unfinished by the outbreak of the War, gave the matter a sense of urgency. However, the fact that the war had exacerbated both prostitution and the traffic in persons was also of the reasons why the UN assumed responsibility for the matter of traffic in persons. Nonetheless, the conventions of 1921, 1933 and the 1937 draft convention of the League of Nations was not only essential to the UN's work to address, but they constituted the utmost majority of the point and provisions in the final 1949 Convention.

The definitions of the League of Nations also proved to be of importance. Both the ad hoc committees of slavery and of forced labour concluded that the respective League of Nations' definition were sufficient about thirty years after they were written. However, recent development in the respective fields had to be addressed and defined. Accordingly, the respective ad hoc committees added certain new provisions, but kept the League of Nations definitions. The 1956 Supplementary Slavery Convention emphasised that it stuck with the League of Nations definition, and supplemented it rather than replacing it. Such was also the scope of the conventions. The analogous forms of slavery and the new "corrective" labour in the Soviet territories ended up being the prime focus of the respective conventions. The



difference between the processes was that the slavery convention addressed forms of slavery that had existed throughout the world for many years, but the convention on forced labour addressed forms of forced labour of a certain size and quality.

The Cold War was latent in all the processes, and all the international efforts to combat the three matters were in some degree characterised by the conflict of the East and the West. The Communist and Capitalist ideologies were facing each other within the transnational frame of the UN and of the ILO, and blocs of alliances were created due to concurring motives or common fears. From the USSR and the rest of the Soviet countries, there was a constant effort to highlight the gruesome conditions in the colonies and dependent territories, in UK's colonies in particular. Moreover, the Soviet bloc seems to have been more consistent than the colonial bloc. The USSR exercised more direct control over its satellite countries, and thus the Slav bloc appeared very unified. The UK and the colonial bloc did not appear as consistent. This was visible in the process leading up to the 1949 traffic in persons convention. The Slav bloc appeared to be unified in the different forums and votes. The colonial powers, on the other hand, were not as united. They had different wants and different preferences, e.g. the French system of regulation and the British system of abolition. Moreover, the US, it seemed, was not interested in this matter, perhaps because there was no way of displaying the Soviet atrocities in this process. However, in the matters of slavery and forced labour, the colonial bloc appeared much more unified, because of a stronger mutual motive: displaying the forced labour camps in the USSR. The matter of forced labour was so organized, at a so large scale, and so deeply imbued in the national economy that the USSR simply could not deny its existence.

Additionally, it seems as if some aspects of the matters were sacrificed at the altar of cold war politics. Although it is impossible to know for certain, it is doubtful that it was a genuine care for the native people living in the colonies and dependent territories that led the USSR to charge the traffic in persons, slavery and forced labour within the colonies. I have not been to the archives of the USSR, so I do not know this for certain, but due to the general quality of freedom or lack thereof within the Soviet territories, which was displayed in the forced labour process, this seems a plausible assumption. When the UK tried to communicate that to enforce legislation on behalf of the colonies would be a step back as for the independence of the colonies, the USSR did not listen. I would thus argue that the constant attempts of the USSR to delete the colonial application clause worked more as a political weapon than as a means of improving the situation in the colonies regarding traffic in persons, slavery and forced labour. Moreover, the USSR found helpful allies in former

colonies, including former colonies of countries other than the UK and even the colonial bloc. The international governmental system of the UN made these alliances possible. It seems as though the term “anti-colonials”, as used internally by the British government, was a quite accurate term when naming this bloc of countries. It was not a common good or idealistic goal that seemed to have united the anti-colonial bloc, but rather a common enemy, as the use of “anti-“ suggested. As for forced labour, which constituted the biggest threat to the USSR among the three matters, the USSR showed little or no understanding of their own trespasses. On the contrary, the focus of the USSR was to downplay its own role in the forced labour debate, charging the colonial bloc rather than admitting any of its own wrongdoings, merely claiming that this labour was ”corrective”, not forced.

The UK was no knight in shining armour either. The UK was evidently finding ways to display the horrible conditions within the Soviet territories, and there was a constant search for evidence to prove USSR’s guilt. However, whereas the USSR could simply deny the existence of these practices within its territories, the UK needed to come clean regarding the conditions in the colonies and dependent territories on all matters. The relatively strong degree of independence exercised by the British colonies, which was also the reason for the constant need to secure a colonial application clause, made the UK much more transparent than the USSR. Thus, in all the three matters, the UK needed to make an estimate as to whether playing an active part in these matters would be worth it or not. As an example, when the US proposal to initiate an impartial enquiry into the existence of forced labour conditions around the world, and the USSR simply refused to participate, the UK contemplated the idea of withdrawing its support for the proposal. Due to political reasons however, this was not done.

There was definitely a political motive as to why the UK participated so actively in these matters. It wanted to appear good-hearted on the international arena, and it constantly reminded the other governments of the role that the UK had and have had in the League of Nations in these matters. In most cases this was true as well: the UK had been playing a lead role in the shaping of the first slavery convention. However, according to the sources I have used, the development and discussions regarding the matter of slavery appears to be an attempt to cover up their own slavery, especially the chattel slavery in the Aden protectorate and the Persian Gulf. By augmenting the definition of slavery, the chattel slavery in the UK colonies and territories would not be as evident as it had been. The matter of forced was the only matter where the UK was able to attack and embarrass the USSR properly. The political motives were evident, and the damage done to the USSR politically, within both the UN and

the ILO, was considerable. The UK was able to avoid to set the premises for what types of forced labour that was to be dealt with, and thus avoiding a focus on the colonies and directing the focus on to the “corrective” labour of the USSR. As to the matter of traffic in persons however, I have not discovered any political motives for the UK to promote this matter. On the contrary, the traffic in persons had started in the colonies, although this was not well known at the time, and might lead to undesirable focus on the colonial practices. Furthermore, by promoting a convention that would set out to punish those who exploited the prostitution of others, though based on the 1927 report of the League of Nations, it would necessarily put France, a valuable ally, in a bad light. The British involvement could have been due to pressure from the NGOs, but from what I have seen in both the National Archives and in the NGOs’ archives, this seems unlikely. Although the matter increasingly became a matter of retaining certain clauses and phrasings to avoid embarrassment, the initial part the UK played in process of the traffic in persons seems to have been a genuine wish to address the regulation of brothels and the exploitation of prostitutes. This finding has led me to believe that the motive of the UK to address the two other forms might have been due to the genuine care for the victims involved. Although there were strong political motives for the promotion of slavery, the fact that the UK created a draft slavery convention when no one else did could also be viewed as a sincere wish to address the analogous forms not previously addressed as slavery. Moreover, the focus of the UK on the USSR’s “corrective” labour could also be due to a sincere interest to address the forced labour that was cruellest and by far most numerous.

It is difficult to conclude with certainty what was UK’s motive for playing an active part in the different matters. It was certainly not just out of solidarity, nor was it just out of political motives. However, based on the material I have used in this thesis, it would also be incorrect to conclude that the two motives played an equal role in the events leading up to the respective conventions of 1949, 1956, and 1957. It seems, especially from the internal documents at the British National Archives, that the UK’s chief reasons for addressing the matters was to divert international attention from its own wrong-doings, and to direct this attention to other parts of the world.

Regardless of the different governments’ motives, important matters were promoted. The exploitation of the prostitution of others was made punishable. Forms of slavery that had not previously been a part of the slavery definition were addressed as slavery. Even though not all member states signed or ratified the supplementary slavery convention, all states were forced to reflect on what slavery actually was and what it was not. Moreover, if allegations

were made regarding slavery within a country's territory, and these allegations were embarrassing and credible enough, it might inspire the government of that country to implement changes. Political and economic forced labour was addressed, and pressure was laid on Soviet and its satellite states.

The NGOs of the respective processes were of considerable importance, but perhaps not in the way that I had imagined. Their influence on the respective conventions varied. They were consulted, asked to speak at sessions, and to comment on drafts, but they were unable to vote in forums of the UN, and their powers were thus quite limited. However, they had the power of being able to lobby different countries to promote their cause, like the Greenidge and the Anti-Slavery Society lobbied Belgium to bring up the matter of slavery in the ECOSOC, or the work of the AMS and the IBS to lobby to the UK (although the interests of the AMS and the IBS and the UK coincided). Moreover, the NGOs preserved the focus on the people and victims involved in the respective matters. Although the NGOs had an agenda on their own and wanted to preserve this, sometimes at the expense of other NGOs, they would usually be a voice for a group of people that did not have a voice themselves, like the victims of traffic in persons, slavery and forced labour. In that way they represented a counterbalance to the governments, which had to preserve their own national interests. Even though the comments and advice of the NGOs could not achieve much at its own, their effect of holding the governments and the UN responsible for its actions is not to be underestimated.

This thesis has to a very limited degree dealt with the matters' effectiveness and the power of the UN, and it has not been the purpose of this thesis to do so either. However, there are some challenges with the transnational framework of the respective processes that I felt the need to comment on. First, there was little that could be done if the accused governments refused to implement measures or even refused to admit the existence of the problem within their territory, e.g. when the USSR refused to participate in the impartial enquiry on forced labour. Moreover, Article 2.7 of the Charter of the United Nations ensured that nothing in the charter could authorize the UN to intervene in matters of domestic jurisdiction. Therefore, to the frustration of the UK, the USSR could refuse to participate in the impartial inquiry on forced labour. However, the UK would not have risked unwanted focus on forced labour conditions in its colonies if there were nothing to gain to gain from it, because, surely, they knew that the USSR would refuse to cooperate. Political exposure and embarrassment was an important and underestimated power that lay with the UN. This type of power was perhaps particularly powerful in the time of cold war. This power of the UN was also visible in the

interdepartmental documents from the British National Archives that I have used for this thesis. The concern of being embarrassed in the ECOSOC or the desire to embarrass the USSR was evident if not striking in a large amount of these letters.

What also characterised the international efforts to combat traffic in persons, slavery and forced labour was that every government spoke for and voted to promote matters and provisions according to their own national interest. The promotion of any matter was done in such a way that it did not interfere with domestic legislation or included a too large manoeuvre to be able to sign and ratify a convention. China wanted to exclude mui tsai from the definition of slavery rather than addressing the problem of mui tsai domestically. Ecuador wanted to exclude peonage from the definition of slavery rather than addressing the problem of peonage domestically. The UK wanted to augment the definition of slavery rather than addressing the chattel slavery in the Aden Protectorate and the Persian Gulf. The US wanted to have a declaration rather than a convention when dealing with slavery because it was unable to sign any of the conventions adopted by the UN. Accordingly, all three conventions regarding traffic in persons, slavery and forced labour (and maybe all international conventions) were characterized by some sort of compromise due to the respective government interests.

On the other hand, if national interests were not taken into consideration when drafting the conventions, the convention would get very few signatures and even less ratification. On the other hand, if every single national interest should be taken into consideration, the convention would end up toothless and without addressing the core of the matter it set out to do. An example of this was when the UK opposed the French proposal of splitting the 1937 draft convention into two in order to get the regulationist countries to sign the convention. If registered brothels would continue to be legal, which the 1927 League of Nations report proved were the main incentive for the traffic in persons, the convention would be pointless. However, the conclusion that the convention should not be split in two made it impossible for the regulationist to ratify the convention. Thus, from the matters I have researched, in the period of time, it seems that the bodies of the United Nations failed to be a transnational dream in function, just as the League failed to be the same. The UN as an organization did not manage to become a unity in a way that many had hoped. All the committees, expert groups, ad hoc committees and councils were all biased in some ways, by the members appointed to the different bodies.

The colonial application clause was a necessity to the UK. If it was not included in any given convention, the UK could not sign the convention. The USSR successfully deleted

the colonial application clause from the 1947 Protocols and the 1949 Convention in the matter of traffic in persons. The USSR was not able to delete the colonial application clause from the 1956 Supplementary Slavery Convention, and during the negotiations preceding the forced labour convention of 1957 the USSR was more than busy fighting off allegations made by the colonial powers. The USSR resented the colonial powers, and their colonies and territories. Soviet's wish to make colonies and dependent territories the focal point of ECOSOC's investigations was evident in matters beside the matters of traffic in persons, slavery and forced labour. Although many of the USSR's proposals were voted down, the anti-colonial strategy efficient in recruiting allies and stirred up bad memories for some of the former colonies.

The UK emphasized that their, at the time, remaining colonies and territories was planned carefully led to independence, but all in good time. Their main argument for the inclusion of a colonial application clause was quite simple. They would either be unable to sign the convention, or they would have to force their colonies to sign the convention, which would mean a major setback regarding the recent development and a breach in their colonial policy. Moreover, the UK was struggling with its colonies at this point. In the days of the League of Nations, the colonial powers had been much more powerful. Within the UN, however, the dominating powers, the US and the USSR, with a strong emphasis on the latter, had no intentions of letting the colonial powers get their way in colonial matters. However, the US supported the colonial powers if it benefited itself. The USSR strongly opposed and resented the colonies, and used every matter, including traffic in persons, slavery, and forced labour to display the colonies as a major injustice to the people living in the colonies.

The UK had a considerable amount of colonies when the first UN conventions and declarations were to be signed. The colonies became the UK's main stumbling stone. When the UK wanted to promote a matter, whether it was due to political or humanitarian reasons, it had to calculate the risks of exposing the colonies. In the matters of traffic in persons, slavery and forced labour, the UK knew that there was a chance that the colonial application clause was not adopted. In the matter of traffic in persons, the UK ended up voting against the whole convention that it had promoted. It seems beyond doubt that the UK would be better off in the negotiations within the UN if it did not have its colonies. The UK knew that the practices within some of the colonies were questionable, and that there were legislative challenges connected to signing conventions regarding the colonies. The numerous letters between the colonial office and the foreign office regarding colonial application confirms that the colonies did create many bad nights of sleep to the state officials concerned and,

moreover, political embarrassment. Regardless of the UK's could claims that it did not wish to force its colonies to implement legislation; the USSR would always claim that the UK did this so that it could continue to suppress the native people of that country.

As far as moral hypocrisy goes, the UK seemed to suffer under judgements passed decades ago. However altruistic its motives were within the UN, UK's role as a colonial ruler and as an exploiter of native people would lead to the absence of sympathy regarding the matter of colonial application. Thus, the heritage from the League of Nations and earlier, proved fatal in securing the colonial application clause in the matter of traffic in persons. The USSR did not have a similar and as far-reaching history as that of the UK. However, its presence in Eastern Europe after World War II was not necessarily a presence as a result of invitation. Moreover, it was relatively well known that the conditions in the USSR and the treatment of people in its satellite countries were reprehensible. Thus, although both the UK and the USSR had expanded to parts of the world where their presences contributed to worsened conditions for the native people, only the UK fell victims of this within the UN.

In the case of traffic in persons, it was more important to the colonial powers, and especially the UK, to hang on to the colonies than for the colonies to able to implement legislation. It is difficult to judge the sincerity of the colonial powers regarding colonial application. The colonial powers claimed that these clauses were for the well-being of the colonies, and that the colonial powers did not want to interfere with the colonies legislation. And, according to my findings in the national archives, the UK did show a wish to get the colonies to adopt legislation regarding traffic in persons. However, to grant the colonies independence, and let them decide for their own was out of the picture. It seems that the colonies of the UK was the last tokens of the empire it once had, and the conventions of 1949, 1956 and 1957 were all a part of the last phase of the UK's reign as a world powers. The Suez crisis in 1956 stands out to many historians as the moment where the UK's days as a world power came to an end. Moreover, the granting of independence to colonies convention in 1960 was a decisive moment for the UK.

As for why slavery and forced labour was separated, there is no one answer. The ad hoc Committee of Experts on Slavery concluded that forced labour should not be a part of the definition of slavery. It was important for the UK and the US to display the Soviet atrocities in the most powerful way, and they eventually concluded that this should be done within the ILO. Moreover, by making forced labour a separate issue, the UK and the US was able to target the Soviet labour camps specifically by drafting a resolution to address the "corrective" labour system.

There can be several reasons as to why the three matters of traffic in persons, slavery and forced labour were treated separately as opposed to collectively. One likely reason is the mere fact that the more diverse content the ECOSOC decided to put into a convention, the lesser the chances of getting governments to ratify the convention. This was one of UK's main arguments for returning to the 1937 draft convention. By including additional elements to the 1937 draft convention, the number of government ratifications would decrease. Another reason for the separation of the matters might have been because of an actual difference in the matters character. At the time of the conventions, traffic in persons only mattered sexual exploitation.

Today, in 2015, traffic in persons<sup>402</sup> as a phenomenon is much more diverse and goes beyond the trafficking for sexual exploitation. Forced labour and slavery is now included in the definition of traffic in persons<sup>403</sup> and constitutes the largest part of trafficking beside sexual exploitation (examples being textile production, au pairs, construction work, etc), but there are other forms as well such as trafficking for organ removal, begging, pornography, baby selling, armed combat, forced marriage etc.<sup>404</sup> Moreover, the political reasons for separating these issues might have become fewer and weaker. In the sphere of the cold war, definitions mattered, and it was therefore important that forced labour was not included in the definition of slavery. The forced labour within the Soviet territories was immense, and was deeply rooted in the national economy. Today, as far as we know, forced labour happens at a smaller scale, and is not a problem of political dimensions, but rather humanitarian dimensions. With today's media coverage, forced labour of the size of the Soviet gulag camps would be very difficult to hide. However, there are certain countries, North Korea in particular, which isolates so rigidly from the rest of the world so that forced labour camps could be possible.

Still, there are millions of slaves in the world today. It is of the utmost importance that one continues to explore how to achieve the efficiency of international governmental organizations; the problems are way too complex for governments to deal with these problems alone. Moreover, contemporary slavery affects different types of countries in different ways. These countries need cooperate in order to combat contemporary slavery, or else this evil will develop continuously into new and more hidden forms of slavery.

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<sup>402</sup> It is much more common these days to speak of human trafficking or trafficking in persons rather than traffic in persons, but I will continue to use the latter term in order to avoid confusion.

<sup>403</sup> Both contemporary slavery, traffic in persons, and forced labour are used as collective term to embody all three matters of traffic in persons, slavery and forced labour. A definitional clean-up is necessary.

<sup>404</sup> The UN Global Report on Trafficking in Persons, 2014, 33-36.



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