

# The Slavery Conventions

The Travaux Préparatoires of  
the 1926 League of Nations Convention and  
the 1956 United Nations Convention

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## Preface

This book brings together the drafting history of the two international instruments devoted to the abolition of slavery and lesser forms of human exploitation. These *travaux préparatoires* can be read on different levels: they provide snap-shots of bygone eras, of diplomacy at the height of the colonial era and at the peak of the decolonisation process. They give insights into the functioning of both the League of Nations and the United Nations in their infancies. The preparatory works however, more than anything else, provide insights into what the drafters were seeking to achieve when they negotiated the slavery conventions of 1926 and 1956.

The legal value of any *travaux préparatoires* is acknowledged in Article 32 of the 1969 Vienna Convention on the Law of Treaties, which notes that recourse “may be had had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion” so as to confirm an interpretation, or where such an interpretation would leave “the meaning ambiguous or obscure” or lead to “a result which is manifestly absurd or unreasonable”. In the case at hand the importance of the *travaux préparatoires* is clear, as the definition of ‘slavery’ – established more than eighty years ago, reconfirmed thirty years later and introduced once more, into the 1998 Rome Statue of the International Criminal Court – remains contested as to its interpretation. Nowhere is this more evident than in the judgements of the European Court of Human Right in its 2005 *Siliadin v. France* case and the Appeals Chamber of International Criminal Tribunal for the former Yugoslavia in the 2002 *Kunarac et als.* case.

*The Slavery Conventions: The Travaux Préparatoires of the 1926 League of Nations Convention and the 1956 United Nations Convention* thus brings together for the first time the negotiation history of the slavery conventions to help shed light on what slavery means, but also on what is to be understood by the terms: ‘a person of servile status’, ‘institutions and practices similar to slavery’, ‘debt bondage’, ‘serfdom’; and concepts such as forced labour, forced marriage, and child exploitation. These *travaux*

*préparatoires* provide a fascinating glimpse into attempts by the United Kingdom to have the slave trade at sea assimilated to piracy. 'Glimpse', because British attempts to make this connection go back as far as the Duke of Wellington and the Congress of Verona of 1822 and persist through the 1890 Brussels Conference as well as through the negotiations of both the 1926 and 1956 conventions, only reaching a conclusion with the 1958 Convention on the High Seas and the 1982 Law of the Sea Convention.

These *travaux préparatoires* are a reproduction of material found in the Archives of the League of Nations and documentation held at the Library of the United Nations, both in Geneva. *The Slavery Conventions* is not a 'guide to the *travaux préparatoires*', that is: it does not seek to abridge the preparatory works or be selective in what is included. Instead, this book faithfully brings together all relevant material which was generated in negotiating the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. By relevant material, what is meant is material that was generated by States, collated by State representatives at the League of Nations and the United Nations and, ultimately, developed through negotiation by those diplomats given Full Power to conclude such international instruments.

A conscious decision has been made to provide minimum commentary. While a section is devoted to considering each article of each instrument, such space is rarely used to analyse the provisions; instead it provides context, but more so it simply highlights the dynamics that were at work and the salient points which manifested themselves during the negotiation process.

Ultimately, *The Slavery Conventions: The Travaux Préparatoires of the 1926 League of Nations Convention and the 1956 United Nations Convention* provides the ground work necessary to understand – in law – what States mean when they sought to address specific types of human exploitation.

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